HISTORY OF DHARMAŚĀSTRA
(ANCIENT AND MEDIEVAL RELIGIOUS
AND CIVIL LAW IN INDIA)

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Volume 1
REVISED AND ENLARGED
Part 1

Bhandarkar Oriental Research Institute, Poona 4
1968
Vol. I, p. 1
Copies can be had direct from the Bhandarkar Oriental Research Institute, Poona 4 (India)

**Price Rs. 50 per copy, exclusive of postage**

Vol. 1: Second Edition

Part 1

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Pages 1-112 printed by Shri D. V. Ambekar, at the Aryabhusan Press, 915/1 Shivajinagar, Poona 4

and

Pages 113-584 printed at the Bhandarkar Institute Press, Poona 4

and

Published by Dr. R. N. Dandekar, M.A., Ph.D.,
Hon. Secretary, Bhandarkar Oriental Research Institute, Poona 4
PREFACE

On November 17, 1962, the publication of the fifth and last Volume of Professor P. V. Kane's History of Dharmashastra was formally announced by Dr. S. Radhakrishnan, and a significant landmark in the history of Indological research in this country may be said to have been thereby established. The History of Dharmashastra is a literary work which is truly magnificent both in conception and execution. Its five Volumes, which together extend over nearly 6,500 pages, seek to present the most comprehensive treatment of the religions and civil law of ancient and medieval India. And, Professor Kane has accomplished this gigantic task single-handed—incidentally, he has written down every word in the History in his own hand—and that too while he had been occupied with various other literary and public activities. As I have said on another occasion, for Professor Kane, the History of Dharmashastra is the crowning glory of a life of great fulfilment, and, for the Bhandarkar Oriental Research Institute, it is a matter of signal pride and honour to have been closely associated with that work.

The first Volume of the History of Dharmashastra was published in 1930. When the last Volume was published in 1962, the Institute felt that a second edition of the first Volume was manifestly called for. And this, for two reasons. For one thing, that Volume had almost gone out of print. The second reason was academic in character. The first Volume needed to be revised and enlarged. Perhaps it was the only Volume of the History of Dharmashastra which could have needed any revision at all. Though that Volume opened with an exhaustive theoretical discussion of the concept and sources of Dharma, its major part was devoted to a detailed history of the literature relating to Hindu Dharmashastra. Since the time of its publication, more than thirty-five years ago, quite a considerable amount of material had been published in India and abroad about Dharmashastra literature. Some new texts had been brought to light or some new light had been sought to be thrown on the already known texts or some of Kane's own hypotheses had been challenged. It had thus become necessary for the author to examine all this material
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critically and, on the basis of such examination, to modify or ratify or enlarge whatever he had already said on the subject.

However, when the last Volume of the History of Dharmaśāstra was published in 1962, Professor Kane was already eighty-two years old, and the Institute was naturally hesitant to broach to him the subject of a revised edition of Volume I. But just a casual reference to it was more than enough—indeed, Professor Kane himself must have been thinking of such a revision—and he set out to work on a revised and enlarged edition of the first Volume with his usual assiduousness. In course of time, the printing was started in the Institute's own Press, but I must confess that the printer could not keep pace with the author. The revision also had grown far beyond the original estimate. It was, therefore, decided to publish the Volume in two parts, and the first part, containing nearly 600 pages, is now being issued on the occasion of the Golden Jubilee of the Institute. As for the second part, I can only say that Professor Kane has almost completed the revision of the entire Volume and the printing of the remaining portion is making steady progress.


R. N. Dandekar

Please note

The Synopsis of Contents and the General Index for the whole Volume together with the necessary Appendixes will be given in the Second Part of this Volume.
LIST OF ABBREVIATIONS

A. Br. = Aitareya Brāhmaṇa.
AIOC = All-India Oriental Conference.
Ānan. = Ānandāśrama Series, Poona.
Ānan. P = Ānandāśrama Series, Poona.
Āp. = Āpastamba-dharmasūtra.
Āp. Dh. S. = Āpastamba-grhyasūtra.
Āp. Gr. S. = Āpastambagrhyasūtra.
Āp. MP. = Āpastambiya Mantra Pātha.
A. S. B. = Asiatic Society of Bengal.
ASWI = Archaeological Survey of Western India.
Baud. or Bau. Dh. S. or Baud. Dh. S. = Baudhāyana-dharmasūtra (Mysore edition).
Bau. Gr. S. = Baudhāyanagrhyasūtra (Mysore edition by Dr. Shama Śastri).
BBRAS. = Bombay Branch of the Royal Asiatic Society.
BORI = Bhandarkar Oriental Research Institute, Poona 4.
Bom. H. C. R. = Bombay High Court Reports.
B. I. or B. I. S. = Bibliotheca Indica Series, Calcutta.
B. S. or BSS. = Bombay Sanskrit Series.
Cat. = Catalogue.
Caturvarga = Caturvarga-Cintāmaṇi of Hemādri (B. I. Series).
C. O. = Calcutta Oriental Series.
CWN = Calcutta Weekly Notes.
D. C. = Deccan College Collection of Sanskrit mss. now housed at the Bhandarkar Oriental Research Institute, Poona 4.
DCRI = Deccan College Research Institute, Poona 6.
Dh. S. = Dharmasūtra.
E. C. = Epigraphia Carnatica.
E. I. = Epigraphia Indica.
Gau. or Gaut. = Gautama-dharmasūtra (Ānandāśrama edition).
GOS = Government Oriental Series.
Gr. S. = Grhyā-sūtra.
H. A. S. L. = Max Müller’s History of Ancient Sanskrit Literature.
Hir. = Hiraṇyakesī Dharmasūtra.
H. of Dh. S. = History of Dharmaśāstra.
IC = Indian Culture.
I. H. Q. = Indian Historical Quarterly.
Ind. Ant. or I. A. = Indian Antiquary.
JASB = Journal of the Asiatic Society of Bengal.
JBBRAS = Journal of the Bombay Branch, Royal Asiatic Society.
JGJRI = Journal of the Ganganath Jha Research Institute.
JIH = Journal of Indian History.
JRAS = Journal of the Royal Asiatic Society of Great Britain.
List of Abbreviations

Jivananda Sm. = Dharmasāstra-sāṅgraha, published by Jivānanda at Calcutta in 1876 (two parts).


KA = Kauṭiliya Arthaśāstra.

L. R. I. A. = Law Reports, Indian appeals, the number of the Volume being inserted between L. R. and I. A.

Mad. H. C. R. = Madras High Court Reports.

M. Gr. S. or Mānava Gr. S. = Mānava-Grhyasūtra.

Mit. = Mitāksarā on Yājñavalkya.

MOO. I. A. = Moore's Indian Appeals.

N. = Naradasmṛti (ed. by Dr. Jolly).

P. Gr. S. = Pāraskaragṛhyasūtra.

PMS = Purva Mīmāṃsā Sūtras.

P. S. Series = Punjab Sanskrit Series.

Rg = Ṛgveda.

R. u. S. = Recht und Sitte (by Dr. Jolly).

S. B. E. = Sacred Books of the East Series.


Tai. = Taittirīya.

TSS = Trivandrum Sanskrit Series.

ZDMG = Zeitschrift der Deutschen Morgenländischen Gesellschaft.

Tai. S. = Taittirīya-samhitā.


Vāj. S. = Vājasaneyā-Samhitā.

Vas. or Vas. Dh. S. = Vasisthādharmanāṭra (B. S. Series).

Viṣ. = Viṣvarūpa.

Viṣṇu Dh. S. or Vi = Viṣṇudharmanāṭra (ed. by Dr. Jolly).

V. S. = Vedāntasūtra.

W. B. = West and Bühler's Digest of Hindu Law (3rd ed.).

Yāj. = Yājñavalkyasmṛti.
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भा. १०२. सू. or भा. १०३. ग. or भा. १०३. सू. = आपनामस्यायमृतः.
भा. १०२. सू. or भा. १०३. च. सू. = आपनामपञ्चमसूत्रः.
वि. वा. = ऐरियस्यायणः.
काम. = कामनदीकोत्तिसारः.
कौ. = कीर्तिलयः अवधारण ( Dr. Shamasastri’s edition ).
गृः. or गृः. च. सू. = गोतमपञ्चमसूत्रः.
चतुर्वध्यायः = चतुर्वध्यायमित्यामणिः.
वैमुखः = वैमुखीकाव्यः.
तन्मः = तन्महात्राजः.
तै. भा. = तैत्तिरीयार्यवर्णः.
तै. वा. = तैत्तिरीयमित्यामणिः.
तै. सं. = तैत्तिरीयसमिति.
सि. वि. = सिद्धनायस्यः.
परां. मा. = परासाराध्वीयः ( B. S. Series ).
पृ. = पाणिनियोग्यात्मः.
पृ. मा. सू. = पृष्ठमात्रायायम्.
रामालिखः = रामालिखमृतः त्रयोत्तरः.
शः. रू. = श्रीरामगृहसूत्रः.
शः. च. सू. = श्रीरामपञ्चमसूत्रः.
मन्म. पृ. = मन्मतधर्मसिद्धः ( B. I. Series ).
मन्म. = मन्मतधर्मः.
मन्न. = मन्नताः.
मेकः = मेकायायम् भाष्य on मन्नौध्वी.
भा. or याजः = याज्ञवल्क्यसूत्रः.
वि. वि. = विनामशिवांतमित्र याज्ञवल्क्यसमिति.
वि. र. = विकारसमकारः ( B. I. edition ).
विथः = विद्वान् on याजः ( Tri. ed. ).
वीरः = शीर्षस्मिज्जयः ( on भवहार ed. by Jivananda ).
श्य. मा. = श्यवहारसूत्रः त्रयोत्तरः ( P. V. Kane’s edition ).
श्य. मा. = श्यवहारस्यायम् of स्रीमुनि.
शतपथ or शतपथमात्रः = शतपथमात्रः.
सं. कौ. = सस्त्राकर्याया of अनन्तदेवः.
सरस्वती° or सं. वि. = सरस्वतीदेवः.
स्मृतिच. = स्मृतिचित्रः ( ed. by J. R. Gharpure ).
HISTORY OF DHARMAŚĀSTRACTA

1. Meaning of Dharma

Dharma is one of those Sanskrit words that defy all attempts at an exact rendering in English or any other tongue. That word has passed through several vicissitudes. The dictionaries set out various meanings of Dharma such as "ordinance, usage, duty, right, justice, morality, virtue, religion, good works, function or characteristic." Dharma is also personified as a deity, as in the well-known verse 'Ādityacandrāvanilosnaśca... dharmaśca jānatī narasya vrīttam' (Mahābhārata, Ādi., chap. 74.16) or as in Manusmṛti VIII. 16 'vṛṣo hi bhagavān Dharmaḥ' (which also occurs in Śāntiparva 90.75). Vide H. of Dh. Vol. V (part 1) pp. 19–21 for the three words 'vrata', 'dharman' and 'ṛta' and JBBRAS. Vol. 29 (1954) pp. 1–28. In the hymns of the Rgveda the word appears to be used either as an adjective or a noun (in the form dharman, generally neuter) and occurs at least about sixty times by itself (i.e. not preceded by a particle like vi or some words like satya), and about eighteen times in combination with a particle 'vi' and with the words 'sva' and 'satya' fifty-six times therein. It is very difficult to say what the exact meaning of the word dharma was in the most ancient period of the Vedic language. The word is clearly derived from root dhr (to uphold, to support, to nourish). In a few passages, the word appears to be used in the sense of 'upholder or supporter or sustainer' as in Rg. I. 187.1 and X. 92.2. In these two passages and in Rg. X. 21.3 the word dharma is clearly masculine. In all other cases, the word is either obviously in the neuter or presents a form which may be either masculine or neuter. In most cases the meaning of dharman is 'religious ordinances or rites' as in Rg. I. 22. 18, V. 26. 6, VIII. 43. 24, IX. 64. 1 &c. The refrain 'tāni dharmaṁi prathamānas an' occurs in Rg. I. 164. 43 and 50, X. 90. 16. Similarly, we have the words 'prathamā dharmaṁ' (the primeval or first ordinances) in Rg. III. 17. 1. and X. 56. 3 and the words 'sanatā dharmaṁi (ancient

1 दशु व शेख शही धर्माशं तवभिदम्. This occurs in श्रद्धवत्सव श्र. 34.7.
2 इमां श्रवशुभर्व अत्थत्व धर्माद्वर्ति विद्विद्व शास्त्रनम. ।
3 ते धर्माशं आससे जुङकि: स्थिनार्थवे ।
ordinances) occur in Rg. III. 3. 1. In some passages this sense of 'religious rites' would not suit the context, e.g. in IV. 53. 34, V. 63. 75, VI. 70. 16, VII. 89. 57. In these passages the meaning seems to be 'fixed principles or rules of conduct'. In the Vajasaneyasamhita the above senses of the word dharman are found, and in II. 3 and V. 27 we have the words 'dhrusena dharmanā.' In the same Samhita the form 'dharmaḥ' (from dharma) becomes frequent, e.g. X. 29, XX. 9. The word 'Vidharman' is frequently employed in the Rgveda viz. in the instrumental (in X. 46. 6), in the dative (in VIII. 7. 5), in the locative in eight passages (I. 164. 36, III. 2. 3, VI. 71. 1, IX. 4. 9, IX. 64. 9, and IX. 86. 29-30, IX. 100. 7) probably meaning 'Vidhāraṇa' and in the vocative (in V. 17. 2). It is difficult to assign a definite meaning to this word in all these passages. But from several passages where the word 'vidharta' is employed (which is derived from the same root dhr with ii) it follows that vidharman probably means the same thing as vidharta (in Rg. II. 28. 4, VII. 7. 5, VII. 41. 2, VII. 56. 24) applied to different gods. 'Svadharman' as an epithet of Agni occurs in Rg. III. 21. 3 and the word Satyadharman is applied to different gods alone viz. to Savitṛ, Visvedevāḥ, Agni and to Mitra and Varuna in I. 12. 7, V. 51. 2, V. 63. 1, X. 34. 8, X. 121. 9, X. 139. 3. In the case of this word the meaning appears to be 'whose regulations do not fail'. The Atharvaveda contains many of those verses of the Rgveda in which the word dharman occurs, e.g. VI. 51. 3 (acītyā cet tava dharma yuyopīma), VII. 5. 1 (Yajñena yajñamayajanta), VII. 27. 5 (trīṇi padā vicakrame). In XI. 7. 17 the word 'dharmaḥ' seems to be used in the sense of 'merit acquired by the performance of religious rites.' In the Aitareya-brāhmaṇa, the word dharma seems to be used in an abstract sense, viz. 'the whole body of religious duties'. The

4 आपि राज्यसंसारिणी तद्यथा कालशास्त्री ग्रन्थोऽविद्या: कृपया स्वाम्य धर्ममेण।
5 भर्म्रण भुजाकरण विपश्चिता वत्ता रेखयेव अयंस्य मात्ययो।
6 नाधिरुपाधिके दर्श्यस्तु भर्मणा विकृतियते अजरे भूरि रेतताः।
7 अधिकरणी वसुन धर्मी सुधिकृतम या नात्मास्तबोसि देव रीरिषः।
8 कर्ते सर्वं ततो राहु अभ्य भर्मध्य कर्म च। भूत भविष्यदुच्चितरे वैधे रक्षिष्येत्तथे॥
9 भर्मण सरस्ते पनि तत्सारे सुकु मुखायायार्ये विद्येत्तथात्मामा हर्षन्ते। ए. व. VII. 17; vidya also a similar passage at A. Br. VIII. 13. The form dharman occurs in the Upaniṣads and in classical Sanskrit in Bahuvrihi compounds, e.g. अनुविधार्थस्मोऽन्तरे the Śradhakāraṇa and the sūtra

(Continued on next page)
1. Meaning of Dharma

Bṛhadāraṇyaka Up. (I.14.14) treats Dharma and Satya as equivalent. In the Chāndogya- upanisad (2. 23) there is an important passage bearing on the meaning of the word dharma: 'there are three branches of dharma, one is (constituted by) sacrifice, study and charity (i.e. the stage of house-holder), the second (is constituted by) austerities (i.e. the stage of being a hermit); the third is the brahmācārī dwelling in the house of his teacher and making himself stay with the family of his teacher till the last; all these attain to the worlds of meritorious men; one who abides firmly in brahma attains immortality.' It will be seen that in this passage the word 'dharma' stands for the peculiar duties of the āśramas. As the word brahmācārī itself occurs in this passage of the Chāndogya, it is clearly indicated that this brief passage means to refer only to the āśramas and their special duties. Prof. Hazra (in 'Our Heritage' Vol. VII part I pp. 15-36, 'on the early meaning and scope of the word dharma') remarks (on p. 20) that the word Dharma as used in Vedic literature did not mean any act of vyavahāra is shown definitely by this Chāndogya passage (II. 23.1). This is a strange (to put it mildly) argument as one passage from an Upanisad (relating to only one small aspect of dharma) cannot control the meaning of the word 'Dharma' occurring hundreds of times in Samhitās, Brāhmanas and other Upanisads. Vide Br. Up. I. 4. 14, II. 5. 11 for the wide conception of Dharma (to cite only a few Upanisad passages). The foregoing brief discussion establishes how the word dharma passed through several transitions of meaning and how ultimately its most prominent significance came to be 'the privileges, duties and obligations of a man, his standard of conduct as a member of the Aryan community, as a member of one of the casts, as a person in a particular stage of life.' It is in this sense that the word seems to be used in the well-known exhortation to the pupil contained in the Taittiriya-

(Continued from last page)

�र्मादिति केवलां (पा. V. 4. 124). Pāṇini employs the word dharma in some of his sūtras as in धर्मं चरति (II. 4. 4, which derives the word धार्मिक), IV. 4. 92 (derives धम्म from धम्म), चरणो चरस्वतः IV. 2. 46 (derives words like कारक, क्राकोट), 'तत्स्य धर्मस्य' (IV. 4. 47), धम्मश्चरणान्तो (V. 2. 132, which explains धार्मिक; or-शीर्षक or-विशेष).

10 कार्यो चार्मस्कृया क्षणोद्घर्षां द्वाराधिपति प्रभुशस्त्रपादस्वनीति हितायो ध्रुवदायीकारस्य कुष्टायी स्तूतिः रघुमान्यानां रघुकुपेन्द्रियः अयো योग्यतायुक्तार्थो रघुसंप्रेयार्थस्य। vidū वेदान्तपूर्व III. 4.18-20 for a discussion of this passage.
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upanisad (I. 11) ‘speak the truth, practise (your own) dharma &c.’ It is in the same sense that the Bhagavadgītā uses the word dharma in the oft-quoted verse ‘svadharma nīdhanaṁ śreyoḥ.’ The word is employed in this sense in the dharmaśāstra literature. The Manusmṛti (I. 2) tells us that the sages requested Manu to impart instruction in the dharmas of all the varṇas. The Yājñavalkya-smṛti (I. 1) employs it in the same sense. In the Tantra-vartika11 also we are told that all the dharmaśūtras are concerned with imparting instruction in the dharmas of varṇas and āśramas. Medhātithi commenting on Manu says that the exponents of smṛitis dilate upon dharma as five-fold, e. g. varṇadharma, āśrama-dharma, varṇāśrama-dharma, naimittikadharma (such as prāyaścitta) and guṇadharma (the duty of a crowned king, whether Kṣatriya or not, to protect).12 It may be noted that the Mitaksāra on Yāj. I. 1 after mentioning the fivefold dharmas and illustrating them adds a sixth category viz. ‘Sādhāraṇa-dharma’—duties common to all men (including even cāndalas) such as ahīṁsā and quotes a vedic passage in support ‘na hīṁsāt sarvā bhūtānī’. Slightly differing enumerations of virtues to be cultivated by all men are found in Gaut. Dḥ. S. VIII. 23–25, Matsyapurāṇa 52. 8–10 (8 in all), Manu X. 63 (five), Yāj. I. 1. 22 (nine). Vide H. D. Vol. II pp. 10–11 and vol. V pp. 1023–24, 1637 and 1648. It may be noted that the Arthaśāstra of Kautilya (I. 3. 13) prescribes for all men ahīṁsā, satya, śauca, anāsūya, ānṛśaṁśya and ksamā. It is in this sense that the word dharma will be taken in this work. Numerous topics are comprehended under the title dharmaśāstra, but in this work prominence will be given to works on ācāra and vyavahāra (law and administration of justice).

11 ‘सर्वविषयस्त्रर्ग्नायां वर्णोदयतंपन्द्रेकिलवाद्’ p. 237.

12 हरि on गी. ध. सू. 19. 1 and गोविन्दराज on मनु 2.25 give the same five-fold classification. The Bhaviṣyapurāṇa (in Brāhma-parva 181, 10-15) sets out this fivefold dharma (Venk. Press ed.). The Gaut. Dḥ. 19. 1 says ‘Uktō varṇadharmaśāramadharmsa’ and then proceeds to dilate upon prāyaścittas (i.e. naimitta dharma). The Āp. Dḥ. S. begins, ‘āthātaḥ Sāmayīsārikān dharmaṁ vyākhyāyāmah’ (We shall expound the dharmas relating to the practices based on convention and adds immediately that the conventions settled by those who are conversant with dharma and the authorities and not any and every convention whatever,’ The Āp. Gr. S. begins ‘Atha kareṇyācvārdād-yātīn gṛhyante.’ That is actions are Sūtrilakaṇa and Ācāralakaṇa. Samaya has several meanings as Amara says ‘Samayāḥ sapathācārakāla-siddhānta-saṁvidāḥ.’
It would be interesting to recall a few other definitions of dharma. Jaimini\(^\text{13}\) defines dharma as ‘a desirable goal or result that is indicated by injunctive (Vedic) passages.’ The word dharma would mean such rites as are conducive to happiness and are enjoined by Vedic passages. The Vaiśeṣikasūtra\(^\text{14}\) defines dharma as ‘that from which results happiness and final beatitude.’ The Manusmṛti (in II. 1) gives the following general definition of Dharma.\(^\text{14a}\) ‘Know Dharma to be that which is practised by the learned that lead a moral life, that are free from hatred and partiality, and that is accepted by their hearts (i.e. conscience).’ Another similar definition is given by the Nītisāra of Kāmandaṇī VI. 7 ‘that is Dharma which when done is praised by āryas (respectable people) that are conversant with (the Vedic) tradition and adharma is said to be that which such people censure’. This is a versified rendering of Āp. Dh. S. I. 7. 20 ‘yat-tu āryaḥ kriyāmāṇān prāśaṁsantī sa dharmo yanḍ гархante soṣṭaṁmānaḥ.’ There are several other more or less one-sided definitions of dharma such as ‘ahīṁsā paramo dharmaḥ’ (Amśasanaṃparva 115. 1.), ‘ānṛṣaṁyaṃ paro dharmaḥ’ (Vanaparva 373. 76), ‘ācāraḥ paramo dharmaḥ’ (Manu I. 108). Hārīta defined dharma as ‘śrutipramāṇaḥ’\(^\text{15}\) (based on revelation). In the Buddhist sacred books the word dharma has several senses. It often means the whole teaching of Buddha (S. B. E. Vol. X. p. XXXIII). Another meaning of dharma peculiar to the Buddhist system is ‘an element of existence, i.e. of matter, mind and forces’\(^\text{16}\).

\(^\text{13}\) चौदनालक्षणौ धर्म: | पू. मी. सू 1. 1. 2.
\(^\text{14}\) अथती धर्म व्यासायम: | ततोभुद्भूयविषयोऽस्यासिद्धिः स धर्म: | वैशिष्ट्यकृत:.
\(^\text{14a}\) मनु II. 1. विद्विष: शेषित: गयिडः निविदिह� ।
\(^\text{15}\) अथती धर्म व्यासायम: | श्रुतिप्रमाणर्थो धर्म: | शुलिधं द्विविधं वैदिकी तात्त्विनिन्यः
\(^\text{16}\) Vide Dr. Stcherbatsky’s monograph ‘the central conception of Buddhism’ (1923) p. 73. and "dharmas of the Buddhist" in I. H. Q. Vol. X. (1924) pp. 737-760 (at pp. 740 ff) by the same author. Vide ‘Buddhist conception of dharma’ by Prof. P. T. Raja in ABORI Vol. XXI pp. 192-202; “Essentials of Buddhist Philosophy” by Prof. J. Takakusu (1956) particularly pp. 105-111; also Dr. E. Conze’s ‘Buddhist thought in India’ (1962) pp. 92-103 for the different meanings of “Dharma and Dharmas” (elements of existence) in Buddhist works.

This is not the place to discuss what Aśoka’s Dhamma was. From the 4th Rock Edict it appears that 12 years after his coronation the Dhamma he wanted to spread or propagate comprised abstention from injury to living creatures, courtesy for one’s relatives and for Brāhmaṇas. (Continued on next page)
The present work will deal with the sources of dharma, their contents, their chronology and other kindred matters. As the material is vast and the number of works is extremely large, only a few selected works and some important authors will be taken up for detailed treatment. More space will be devoted to comparatively early works.

2. Sources of Dharma

The Gautamadharmasūtra\(^\text{17}\) says ‘the Veda is the source of dharma and the tradition and practice of those that know it (the Veda).’ So Apastamba\(^\text{18}\) says ‘the authority (for the dharma) is the consensus of those that know dharma and the Vedas.’ Vide also the Vasiṣṭhadharma-sūtra\(^\text{19}\) (I. 4–6). The Manusmṛti\(^\text{20}\) lays down five different sources of dharma ‘the whole Veda is (the foremost) source of dharma and (next) the tradition and the practice of those that know it (the Veda); and further the usages of virtuous men and self-satisfaction.’ Yājñavalkya\(^\text{21}\) declares the sources in a similar strain ‘the Veda, traditional lore, the usages of good men, what is agreeable to one’s self and desire born of due deliberation—this is traditionally recognised as the source of dharma.’ These passages make it clear that the principal sources of dharma were conceived to be the Vedas, the Smṛtis, and customs. The Vedas do not contain

\((\text{Continued from last page})\)

and Śramaṇas, obedience to mother, father and old persons’. In the beginning of this ādi-dikta Ásoka mentions that for centuries before him people indulged in injuring or killing living beings. From the Mahābhāṣya on Vārtika 2 on Pāṇini II. 4. 12 it appears that in Patañjali’s time there was permanent or natural opposition or antipathy between Śramaṇas and brāhmaṇas; ‘yeṣāṁ ca virodha ityasyāvākūṣaṁ śramanabrāhmaṇam ’; ‘Yeṣāṁ ca virodhaḥ śāśvatikah ’ is Pāṇini II. 4. 9. Vide Rhys Davids “Buddhist India” (ed. of 1950) pp. 192–194 for Ásoka’s Dharma to be gathered from his Rock Edicts I, III, VII, IX, XII, and Pillar Edicts 2 and 3. There is not a word about God, the soul, about Buddha in these edicts.

\(^\text{17}\) बेदो धर्ममृत्युम् तद्विरः च स्मृतिशिक्षकः। गी. ध. सू. I. 1-2.

\(^\text{18}\) भन्द्वन्तोऽपि: प्रमाणे बेदाधि। आप. ध. सू. I, I. 1.2.

\(^\text{19}\) भ्रूतस्मृतिविभिन्नों चर्मे। तदलों भिषण्डारसुः प्रमाणम। शिष्टु: पुनर्वादिभावम्।

\(^\text{20}\) बेदोंविविधो धर्ममृत्युरस्मृतिशिक्षके च तत्त्रृद्रम्। आचार्येऽव सामान्यात्मकनविदेशे च। मनुस्मृति II. 6.

\(^\text{21}\) भूततः स्मृतिः सदेवः स्थस्य च प्रमाणात्मकः। सम्यक्कुशङ्कुः। कामो धर्ममृत्युमोऽस्मृतम। याज्ञ. I. 7.
positive precepts (*vidhis*) on matters of *dharma* in a connected form; but they contain incidental references to various topics that fall under the domain of dharmaśāstra as conceived in later times. Such information to be gathered from the Vedic Literature is not quite as meagre as is commonly supposed. In another place I have brought together about fifty Vedic passages that shed a flood of light on marriage, the forms of marriage, the different kinds of sons, adoption of a son, partition, inheritance, *śrūḍhā, strīdhanā*. To take only a few examples. That brotherless maidens found it difficult to secure husbands is made clear by several Vedic passages. ‘Like (a woman) growing old in her parents’ house, I pray to thee as Bhaga from the seat common to all’.

Vide also Rgveda I. 134. 7, IV. 5. 5 and Atharvaveda I. 17. 1 and Nirukta III. 4-5. These passages constitute the basis of the rules of the Dharmasūtras and the Yājñavalkya-smṛti against marrying a brotherless maiden. This bar against marrying a brotherless maiden seems to have been due to the fear that such a girl might be an appointed daughter (*putrikā*) and that a son born of such a girl would be affiliated to his mother’s father. This custom of *putrikā* is an ancient one and is alluded to in the Rgveda, according to Yāska.

Rgveda X. 85 is a very interesting hymn as regards marriage; verses from it are used even to this day in the marriage ritual. It shows that in the remote Vedic age the marriage rite resembled in essence the Brahma form as described in the Dharmasūtras and Manu. But the purchase of a bride (i.e. what is called Asura marriage in later literature) was not unknown in the Vedic age. A passage of the Maitrāyaniyasamhita (I. 10. 11) is referred to in the Vasishthadharmasūtra in this connection, viz. ‘she who being purchased by the husband’. The

22 Vide JBBRAS. Vol. XXVI (1922), pp. 57-82.
23 युजिते विजेः सन्ति सति संसारार्थ वद्वस्तवधिष्मे भर्गम्। क्रमेद II. 17. 7.
24 अतीतं वदन्तं तत्त्ववैसामसासंस्कृतत्वम्। वायुः I. 53. Vide also मनु III. 11.
26 e.g. the verse युज्यमाणि ते सैमवचाय ... (क्रमेद X. 85. 36). Vide आप. ध. सू. IV. 4.
27 मी. ध. सू. IV. 4; वी. ध. सू. I. 11. 2; आप. ध. सू. II. 5. 11. 17; मनु III. 27.
28 वसिष्ठधर्मसूत्र I. 36-37: note आप. ध. सू. II. 6. 13. 11 where the word ‘purchase’ is tried to be explained away and also वी. मी. सू. VI. 1. 15 'कवयम सम्बन्धतम्.'
Gândharva form is hinted at in the words\textsuperscript{29} ‘when a bride is fine-looking and well adorned, she seeks by herself her friend among men’. The importance of the \textit{aurasa} son was felt even in the remote Vedic ages. ‘Another (person) born of another’s loins, though very pleasing, should not be taken, should not be even thought of (as to be taken in adoption)\textsuperscript{30}’. The Taittirīya-sāṁhitā (VI. 3.10.5) propounds the well-known theory of the three debts\textsuperscript{31}. The story of Śūnāsēpa in the Aitarāya-brāhmaṇa (VII. 3) suggests that a son could be adopted even when there was an \textit{aurasa} son. The Taittirīya-sāṁhitā (VII. 1. 8. 1) tells the story of Atri who gave an only son in adoption to Auvra. The Kṣetraṇa son of the Dharmasūtras is often referred to in the earliest Vedic literature. ‘What (sacrificer) invites you (Āśvins) in his house to a bed as a widow does a brother-in-law or a young damsel her lover’\textsuperscript{32}. The Taittirīya-sāṁhitā makes it clear that a father could distribute his wealth among his sons during his own life-time, ‘Manu divided his property among his sons’ &c.\textsuperscript{33} Another passage of the same Sāṁhitā seems to suggest that the eldest son took the whole of the father’s wealth ‘therefore people establish their eldest son with wealth’\textsuperscript{34}. Even in the Vedic ages the son excluded the daughter from inheritance ‘a son born of the body does not give the paternal wealth to (his) sister’\textsuperscript{35}. A passage of the Taittirīya-sāṁhitā is relied upon by ancient and modern writers on dharmasūtra for the exclusion of women in general from inheritance: ‘therefore women being destitute of strength take no portion and speak more weakly than even a low person’\textsuperscript{36}. The Rgveda

\textsuperscript{29} भूते मृत्रोपजने यथसुतोः कर्य सा मित्र वेषते जोने जिति। क्रवेद X. 27. 12.

\textsuperscript{30} न हि प्रायोवतः पुनर्योक्ति अथोऽस्मीनुपदेशोऽस्मी। मनसा मनवता। दे। क्रवेद VII. 5. 8.

\textsuperscript{31} जायमानो भै मायाराणिग्नानव जायसे संबन्धेयं क्रविमेयं। श्रेयं देवस्य: प्रज्ञा। विलुप्त्य। ।

\textsuperscript{32} को बै शुनुत्त विचेवै देवरूः सर्वे न सोपाः कृपुणे सर्वः स्वा। क्रवेद X. 40. 2

\textsuperscript{33} मनु: पुरवेभः। दायं व्यभिचारं। तै। सं। III. 1. 9. 4. This passage is relied upon by आप. ध. सू। II. 6. 14. 11 and वै। ध. सू। II. 2. 2.

\textsuperscript{34} तत्सामाज्योऽऽ पुत्रं धनं निन्दुतवनिबन्धत। तै। सं। II. 5. 2. 7. This passage is referred to by आप। ध। सू। II. 6. 14. 12 and वै। ध। सू। II. 2. 5.

\textsuperscript{35} ‘न जाने बनें। नितिर। विशक्तः।’ क्रवेद III. 31. 2; vide नितिक। III. 5 for explanations of this verse.

\textsuperscript{36} तपुमायिवः निरिन्दिता अश्रावतीरविन पापस्तुं उपस्तितां वदित। तै। सं। VI. 5. 8. Here the portion spoken of is really that of the soma beverage. Vide वै। ध। सू। II. 2. 47 for reliance on this passage and also हर्द्वत ( on आप। ध। सू। II. 6. 14. 1) and सस्तिक्रिया ( para. 21 and 336). Vide also यजप्रया। IV. 4. 2. 13 for a similar passage.
eulogises the stage of studenthood and the Śatapathārāmaṇa speaks of the duties of the Brahmācārin such as not partaking of wine and offering every evening a samīdh to fire. The Taittirīya-saṃhitā (VI. 2. 8. 5) relates how Indra consigned Yuitis to wolves (or dogs) and how Prajāpati prescribed a Prāyaścittta for him. The Śatapathārāmaṇa speaks of the king and the learned brāhmaṇa as the upholders of the sacred ordinances. The Taittirīya-saṃhitā says ‘therefore the Sudra is not fit for sacrifice.’ The Altaraya Brāhmaṇa tells us that when a king or other worthy guest comes, people offer a bull or a cow. The Śatapatha-brāhmaṇa speaks of Vedic study as yajña and the Taittirīya-aranyaka enumerates the five yajñas, which are a prominent feature of the Manusmṛti. The Rgveda eulogises the gifts of a cow, horses, gold and clothes. Another passage of the Rgveda (thou art like a propūṣa in a desert) is relied upon by Śabarā on Jaimini (I. 3. 2) and by Viśvarūpa on Yājñavalkya as ordaining the maintenance of propūṣas (places where water is distributed to travellers). The Rgveda condemns the selfish man who only caters for himself.

The foregoing brief discussion will make it clear that the later rules contained in the dharmasūtras and other works on dharmasūstra had their roots deep down in the most ancient Vedic tradition and that the authors of the dharmasūtras were quite justified in looking up to the Vedas as a source of dharma.
But, as said above, the Vedas do not profess to be formal treatises on *dharma*; they contain only disconnected statements on the various aspects of *dharma*; we have to turn to the *smṛtis* for a formal and connected treatment of the topics of the *dharmaśāstra*. Vide Prof. S. C. Bannerjee's 'Dharmasūtras, a Study' pp. 514-533 for Vedic passages cited in major Dharmasūtras and pp. 533-539 for references to them by name or by initial word or words.

Before proceeding further a few preliminary remarks must be made. Ancient Sanskrit writers and modern historians of Sanskrit Literature divide ancient Sanskrit works into three groups, viz. the Vedic *Sāṁhitās* (Rgveda, Yajurveda, Sāmaveda and Atharvaveda), the Brāhmaṇas (including the early Upaniṣads like the Brhadāraṇyaka) and Śūtras. The first two groups together constitute Veda or Śrutī (as Śabara says on P. M. S. I. 1. 33 'Mantrāś-ca Brāhmaṇam ca Vedah'). Śūtras are not Veda, but many of them are connected with the Veda and contain numerous mantras. Kalpa is one of the six auxiliary lores (āṅgas) of the Veda and this group is generally later in time than the Brāhmaṇas, though some śūtra works appear to have been composed even in the times of the Tāt. Ār. II.10 and of the Brhadāraṇyakopaniṣad (II. 4.10 and IV. 5. 11). A distinction is drawn between Kalpa and Kalpasūtra by the Tantravārtika.45a

The word Kalpa (or rather Kalpasūtra) is used in two senses, one comprehensive including the aphoristic works on Vedic ritual, on the domestic ceremonies and also on law, government and administration of justice; the other sense covers only those aphoristic works that deal with Vedic sacrifices and matters related thereto. If the first sense is taken then Kalpasūtras are classified into three classes, viz. Śrautasūtras that deal with solemn Vedic sacrifices, mentioned or discussed in the Vedas and Brāhmaṇas; (2) Grhyasūtras that deal with domestic ceremonies such as Upanayana, marriage and with daily and periodical rites and employ mantras for them mostly from one Sākhā of the Veda; (3) Dharmasūtras (also depending on the Vedas as the highest authority) that treat of some of the topics dealt with in the Grhyasūtras but add provisions on matters concerning economic life, politics, government, civil and criminal law. A complete Kalpa in the first sense should cover all the three divisions. It is highly doubtful whether each Veda

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Sākhā had originally a complete set of the three kinds of works covered under the word Kalpa. This will be briefly dealt with a little below.

Recently (1959) Dr. Ram Gopal has brought out a large work on 'India of Vedic Kalpasūtras' containing over five hundred closely printed pages. The title of the work is rather misleading. It does not deal with the Śrautasūtras beyond very briefly stating what they contain and distinguishing their contents from those of the Grhya and Dharmasūtras. His work is concerned only with the details gathered from the Grhya and Dharmasūtras and he has nothing to say about the development of the several topics dealt with in these two classes during the long period of at least 2000 years after the sūtra period (which he places between 800–500 B. C. on p. 89). His work should have been entitled "Indian Life as depicted in Grhya and Dharmasūtras". As far as it goes it is a tolerable thesis, though rather prolix, dogmatic and over-disputations. Having confined himself to the Grhya and Dharmasūtras, it should have been his business to discuss all points concerning at least the principal Grhya and Dharmasūtras. But he leaves important matters concerning several sūtras untouched. For example, on p. 54 he observes 'many sūtras in the Gaut. Dh. S. appear to be of doubtful authenticity and it is an important task for future researchers to determine precisely the spurious sūtras interpolated in the original Dharmasūtra'. One feels that he should himself have tackled that task at least about some representative Grhya sūtras and the Gautama-dharma-sūtra (which he places on p. 84 among the oldest class of Śrāuta, Grhya and Dharmasūtras and when on p. 82 he holds that Gautama is undoubtedly the oldest writer on Śmārta Dharma) by a thorough examination of chapters and passages in them and should have pointed out the criteria why certain sūtras are held to be spurious and so forth. He need not have included in the thesis the description of the flora and fauna &c. (pp. 103–109) or if he wanted to include these subjects he should have devoted more space. Nor was there any need for him to discuss (as he does on pp. 100–103) the varying limits of Aryāvarta, since that subject had been dealt with at length by me in H. of Dh. Vol. II pp. 11–16. He hardly adds anything substantial to what I stated on that topic twenty–two years ago. He could have referred to Vol. II of H. Dh. pp. 11–16 and added bits of information that did not occur therein.
3. When Dharmaśāstra works were first composed

The important question is to find out when formal treatises on dharma began to be composed. It is not possible to give a definite answer to this question. The Nirukta (III. 4–5) shows that long before Yāska heated controversies had raged on various questions of inheritance, such as the exclusion of daughters by sons and the rights of the appointed daughter (putrikā). It is very likely that these discussions had found their way in formal works and were not merely confined to the meetings of the learned. The manner in which Yāska writes suggests that he is referring to works in which certain Vedic verses had been cited in support of particular doctrines about inheritance. It is further a remarkable thing that in connection with the topic of inheritance Yāska quotes a verse, calls it a Śloka and distinguishes it from a rākṣa. This makes it probable that works dealing with topics of dharma existed either composed in the śloka metre or containing ślokas. Scholars like Bühler would say that the verses were part of the floating mass of mnemonic verses, the existence of which he postulates without very convincing or cogent arguments in his Introduction to the Manusmṛti (S. B. E. vol. 25 Intro.xx). If works dealing with topics of dharma existed before Yāska, a high

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46 अथैतं जान्यम् विलयन्तित्वेत्रािवानि येश्चु वृक्किताया इत्यके | Vide S. B. E. vol. 25, LXI (footnote) for Bühler’s view refuting Roth’s opinion that the whole discussion in the Nirukta is an interpolation.

47 तदेतहस्काराणमयासनस्तु । अवायः अस्मिताः सति ...स जीव बाबः शत्तम ॥ अविद्वेषाति पुण्याणां दशस्या भावति चमत्कारः | सम्बन्धवाच निविद्वेषाति सति न दशस्यात्मवस्तीयः \n
The first half of the verse ‘Aṅgād-āṅgāt’ occurs in Br. Up. VI. 4.9 and in Kauṭitaki Up. 2. 11 (three pādas) and the whole verse in Baudh. Gr. and Āśv Gr. and in mantra-pāṭha II. 11. 33. The Mānavagṛhyasūtra (I. 18. 1) provides that the verse ‘aṅgād-āṅgāt’, quoted in n. 47, was to be muttered over the son’s head after the father returned from a journey. It may be noted that in the extant Manusmṛti ‘Manuḥ Svāyambhuvośbravit’ occurs in IX. 158 and the words ‘Manurāha Prajāpatiḥ’ occur in X. 78 and the words ‘tan-Manorāna, śāsanam’ occur in VIII. 139 and 279 and in IX. 239. This shows that the śloka quoted by the Nirukta might have been contained in some Smṛti work like the extant Manusmṛti. Vide Manu IX. 133 and 139 for the underlying idea that there is no difference between the son’s son and the daughter’s son and therefore between son and daughter.

As stated in Gantama, Manu, Yāj. and others, Śruti and Smṛti are the most authoritative sources of Dharma and Manusmṛti II. 10 states that Smṛti is Dharmaśāstra. This last in a broad sense comprises the Grhya and Dharmaśūtras, metrical smṛtis like those of Manu, Yāj. Bṛhaspati, Parāśara, commentaries on them and digests (nibandhas).
When Dharmaśāstra works were first composed

antiquity will have to be predicated for them. The high antiquity of works on dharmaśāstra follows from other weighty considerations. It will be seen later on that the extant dharmaśātras of Gautama, Bauchāyana and Āpastamba certainly belong to the period between 600 to 300 B. C. Gautama speaks of dharmaśāstras and the word dharmaśāstra occurs in Baudhāyana also (IV. 5.9). Baudhāyana speaks of a dharma-pūthaka (I. i. 9.). Besides, Gautama quotes in numerous places the views of others in the words ‘ityeke’ (e. g. II. 15, II. 58, III. 1, IV. 21, VII. 23.). He refers to Manu in one place and to ‘Ācāryas’ in several places (III. 35, IV. 18.). Baudhāyana mentions by name several writers on dharma, viz. Aupajanghāni, Kātyā, Kāśyapa, Gautama, Maudgalyā and Hārita. Āpastamba also cites the views of numerous sages such as those of Eka, Kanva, Kautsa, Hārita and others. There is a Vārtika which speaks of Dharmaśātra. Jaimini speaks of the duties of a Śūdra as laid down in the dharmaśātra. Patañjali shows that in his days dharmaśūtras existed and that their authority was very high, being next to the commandments of God. He quotes

48 गौ. व. २० 9. 21 । तथ्य न व्यवहारो वेदों धर्मशास्त्राध्यक्षानि अपेक्षा: पुराणम्।

The words पुराणम्: in गौ. व. 28. 47 appear to refer to students of धर्मशास्त्र.

49 त्रीणि प्रथमान्यानविदेश्यानि मन्त्रः। गौ. व. २० 7.


51 धृत्र धर्मशास्त्रवात। पौ. गौ. २० द. VI. 7. 6.

52 नैवेश आध्यायति नापू धर्मेन्युःकारः पतिति अप्प्रस्तरसम्या धायतानातितित।

The words नैवेश आध्यायति may also mean ‘A king (ruler) does not command’ &c. The Gaut. Dh. S. IX. 53 provides that a learned brāhmaṇa may approach a ruler for his own ‘yogakṣema’, Similarly, the Mahābhāṣya itself (Vol. III. p 7) on Vārtika 9 on Pāṇi. VI. 1. 2 has the words ‘स्रोदेश इत्यादि आध्यायति प्रामाणिगमनमत्तूर्या आयान्तयाम्’, where ‘Īsvara’ can only mean ‘king or ruler.’ Pāṇini in I. 4. 97 (adhirāṣṭra) and in II. 3. 39 uses Īsvara in the sense of ruler or owner.

There is not much to choose between the two senses. If ‘Īsvara’ is taken to mean ‘God’ the meaning would be ‘God (i.e. Veda, the word of God) does not order &c. Vide ब्रह्म. उप. II. 4. 10 ‘अत्य महत्त्वा भूतस्य निःशिःतात्त्वकत्वं यज्ञवं सामवेदोध्वातिकिष्ट॥’ on which the Vedāntasūtra (I. 1. 3) शाश्वशास्त्रवात is based.
verses and dogmas that have their counterparts in the dharma-śūtras\textsuperscript{52a}. The foregoing discussion establishes that works on the dharmaśāstra existed prior to Yāska or at least prior to the period 600–300 B.C. and in the 2nd century B.C. they had attained a position of supreme authority in regulating the conduct of men.

In this book the whole of the extant literature on dharma will be dealt with as follows:—First come the dharmaśūtras, some of which like those of Āpastamba, Ḥiṇḍikṣa and Baudhāyana form part of a larger Śūtra collection, while there are others like those of Gautama and Vasistha which do not form part of a larger collection; some dharma-śūtras like that of Viṣṇu are, in their extant form, comparatively later in date than other śūtra works; some śūtra works like those of Śāṅkha-Likhita and Paśṭhināsi are known only from quotations. Then early metrical smṛtis like those of Mānu and Yājñavalkya will be taken up for discussion; then later versified smṛtis like that of Nārada; there are many smṛti works like those of Bṛhaspati and Katyāyana that are known only from quotations. The two epics, the Mahābhārata and the Rāmāyaṇa, and the Purāṇas also have played a great part in the development of the Dharmaśāstra. The commentaries on the smṛtis, such as those of Viśvarūpa, Medhātithi, Viśṇuvaṁśa, Aparākṣa, Haradatta will be next passed in review and then the digests on dharma such as the works of Hemādri, Todaramalla, Nīlakanṭha and others.

It is very difficult to settle the chronology of the works on dharmaśāstra, particularly of the earlier ones. The present writer

\textsuperscript{52a} A few passages from the Mahābhāṣya having a striking identity or similarity to Dharmaśūtra texts may be cited here. (1) द्रुतादस्यादमुन्त्र द्रुतायादिस्तन्त्रम्। द्रुताच्य भक्तेऽद्रुताच्य द्रुताच्य क्रमितादुसर। || महाभाष्य || (vol. I. p. 457) on बार्तिक 2 on प. II. 3. 35; compare भ. भ. म. 9. 39, आप. भ. म. I. 11. 31. 2, मथु IV. 151 (first half), अनुवादनभाग 104. 82: (2) यद भाषां भरतिज वै नितां वेद्य धर्ममाध्य। महाभाष्य। Vol. I. p. 99 on बार्तिक 2 on प. III 2. 8; compare विषयमेधद्रुम 21. 11: (3) लोक्यात्र प्रणाल द्रुतादितिः युनाः स्वभव आयाति। प्रशोधनानाभिधानाय पुनः पत्रणां प्रतिपत्ते || महाभाष्य, vol. III. p. 58 on बार्तिक 5 on प. VI. 1. 84, which is मथु II. 120 and अनुवादस्य 120. 64–65 and दुष्प्रम 38. 1 (37. 1 in some editions); (4) महाभाषे द्राध्या उपस्थित इति सर्दितमणीय कृतः। द्रश्यार्थ इति कृतः पुनः। प्रशोधन भवति तथा विभमानामणिषिद्‌ लक्ष्यमणिषिद्यति सर्दितमणीय कृतः। शास्त्रार्थ इति कृतः पुनः प्रशोधन भवति || महाभाष्य Vol. III. p. 537 on बार्तिक 4 on प. VI. 1. 84; compare विषयमेधद्रुम III. 31.

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does not subscribe to the view of Max Müller (H. A. S. L. p. 68) and others that works in continuous Anuṣṭubh metre followed sūtra works. Our knowledge of the works of that period is so meagre that such a generalisation is most unjustifiable. Some works in the continuous śloka metre like the Manusmṛti are certainly older than the Viṣṇudharmaśātra and probably as old as, if not older than, the Vasiṣṭhadharmaśātra. One of the earliest extant dharmasūtras, that of Baudhāyana, contains long passages in the śloka metre, many of which are quotations and even Apastamba has a considerable number of verses in the śloka metre. This renders it highly probable that works in the śloka metre existed before them. Besides, a large literature on dharma existed in the days of Apastamba and Baudhāyana which has not come down to us. In the absence of that literature it is futile to dogmatise on such a point.

In volumes II to V both Śrautasūtras and Grhyasūtras have been quoted and relied upon very frequently. In pp. 976–1255 of Volume II a comparatively full account was given of the Vedic sacrifices based on the Śrautasūtras. But no account of the Grhyasūtras in general was given in any of the five volumes of the History of Dharmaśāstra. Therefore, a brief statement on the grhyasūtras with references to some printed editions is set out below and no attempt will be made to settle their chronology. The chronology of the Dharmaśāstra given later on may be held applicable to the Grhyasūtras also with some unimportant modifications. The Grhyasūtras often refer to the Śrautasūtras of their schools e.g. the Āṣv. Gr. begins 'uktāni vaitānikāni grhyāni vāksyāmāh' (the Śrauta sacrifices have been already expounded; we shall now expound the grhya rites). Viṃā means, acc. to Amarakośa, 'kratu' (vedic sacrifice) and 'vistāra'. Grhya is derived from 'grha' (which means 'house or a shed' or 'wife' ('grhini grhamucyate' in Śānti-parva 144.6 Ch ed.). The grhya fire was set up by a man at or after marriage or on partition of inheritance. Vide Āṣv. Gr. S. I. 61 (Pāṇīgrahaṇād grhyam parīcaret), H. of Dh. Vol. II p. 678 note 1615 for other texts; Āp. Dh. S. II. 7. 17. 16 'Sarvesu vṛttesu sarvataḥ samavadya. prāṇiyād-yādthoktam' has in view Āp. Gr. S., VIII.2 1 (khaṇḍa). 9. Similarly, Āp. Dh. S. I. 1. 14. 16, II. 2. 3.

53 Vide S. B. E., vol. II, p. IX, but see Goldstücker's 'Pāṇini' (pp. 59, 60, 78) against Max Müller and Prof. D. R. Bhandarkar's Carmichael lectures for 1918, pp. 105-107.
17, II. 2.5.4. refer to provisions in Āp. Gr. S. 53a Similarly, a grhyasūtra has often in view the Dharmasūtra of its carana; e. g. Āp. Gr. 8. 21. 1. (māśiśrāddhasyāparapakṣe yathopadesām kālāḥ) has in view Āp. Dh. S. II. 7. 16. 4-21. It may be noted that Āp. Gr. IV. 11. 16-17 (Pālāsa daṇḍo...upadīśanti) occur as Āp. Dh. S. I. 1. 2. 38. It may plausibly be argued that the extant Śrauta, Grhya and Dharmasūtras of certain caranas like those of Āpastamba and Baudhāyana were composed either by one and the same person or at least by father and son or grandfather and grandson and so on. But this would not be correct in the case of several Dharmasūtras.

The grhyasūtras belong to the various recensions of the four vedas The grhyasūtras translated in volumes XXIX and XXX of the Sacred Books of the East Series are in order Śāṅkhyāyana, Āśvalāyana, Pāraskara, Khādīra, Gobhila, Hīranyakesīn, Āpastamba. The Dharmasūtras translated in Sacred Books of the East Vol. II, VII and XIV are those of Āpastamba, Gautama, Viśu, Vasistha and Baudhāyana. The grhyasūtras belonging to the Rgveda are: (1) Āśvalāyana gr. s., published with Nārāyana’s commentary by Nīr. Press and in B. I. Series and with Anāvīlā of Haradatta in Tri. S. S. (1923). This Gr. S. belongs to the Śākala Śākha and the last verse in the Śākha of the Rg. is ‘Samāniva ākūtīh’; (2) The Śāṅkhyāyana Gr. S. (in six adhyāyas of which the last two appear to be later additions) commented upon by Nārāyana and published in Indische Studien, Vol. XV. pp. 1-166, and by Dr. G. R. Sehgal with a learned Introduction (1960), New Delhi; (3) The Kauśitaka (often written as Kauśitaki) Gr. S. edited by Mr. Ratna Gopal Bhatta (in the Benares S. Series, 1908) and by Dr. T. R. Chintamani, Madras, 1944 with the commentary of Bhavatrāta. These two belong to the Bāskala Śākha of the Rgveda, the last verse of which ‘is tāc-cham-yorāvṛṇimahe.’

The Yajurveda has two recensions Kṛṣṇa and Śukla. The former has come down to us in four schools viz. Taîttrīya, Maitrāyaṇīya, Kāṭhaka and Kapisthala-kātha. The number of Śrauta and Grhya-sūtras belonging to the Kṛṣṇayajurveda is large. The more important of the Gr. Sūtras are (1) Baudhā-
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(1) Hiranyakesigṛhya (also known as Satyāśādha Gr. S.) edited by Dr. Kirste at Vienna, 1889, with extracts from the com. of Māitrīdatta and in the Anan. S. Series. The Mantras are given in full in the Gr. S. itself;

(2) The Mānavā-grhyasūtra (also called Mātrāyaṇiyā-Mānavagṛhya) edited by Dr. Knauer and in the G. O. Series with Astāvakra’s bāṣya; the sūtra is divided into two parts called purusa; the bāṣya calls the work Pūraṇa and ascribes it to Mānavācārya;

(6) Vaiṅkānasamśātra-sūtra in ten praṇas, 7 on gṛhya and 3 on dharma—published at Kumbhaṇakam in 1914, and by Dr. Caland in B. I. Series with English translation (1927 and 1929). The Mantras required are indicated by the opening words only (pratikas).

53b This mantrapāṭha was most probably compiled before the Gṛhyaśūtra as it forms praṇas 25 and 26 of the Aparasthibyā-kaṇḍa and as the Ṭap. Gṛhya forms only the 27th praṇa.

53c The Ait. Br. (adhyāya 3, khaṇḍa 5) states ‘etadvaiva yajñasya sampṛdham yad-rūpasamṛdham yat karma kriyamāṇam ṛg-abhivadatīti,’ The Nirukta (I. 16) quotes this passage but the words ‘yajur-vā’ after ‘ṛg’ are added in mss. and editions. Jaimini affirms that there is no difference in the meanings of words employed in the Veda and ordinary life (P. M. S. I 2.32 ‘āvishṭastu vākyārthah’) and Śabara remarks on this that mantras are recited in sacrifices for the purpose of conveying the meaning of what is being done (arthapratyākṣanārbham-eva yajñie mantroccaṣāram). In this connection, vide Prof. M. V. Apte’s paper ‘The Ṛgveda mantras in their ritual setting in the gṛhyasūtras’ published in the Bulletin of the D. C. R. I. (Poona) Vol. I, pp. 14-44 and 127-152 and also his paper in Prof. Kunhan Raja Presentation Vol. pp. 233-240 where he concludes that the word mantra in the gṛhyasūtras came to have an extended meaning so as to comprise all types of liturgical formulae, metrical or prose &c.; vide H. of Dh. Vol. V, pp. 1220-1223 about Vedic Mantras,

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(7) Kāthakaṅgrhysūtra, also called Carakaṅgrhya, Laugāksi grhya or Cārāyantyagrhya, edited by Dr. Caland in D. A. V. College Series at Lahore in 1925 with extracts from three commentaries, viz. Viṣvārana of Adityadarśa, Paddhati of Brāhmanabala and bhāṣya of Devapāla. Kashmirian tradition ascribes the work to Laugāksi.

(8) Vārāha-grhya-sūtra. It belongs to the Vārāha subdivision of Maitrāyanīyas. Many of its sūtras occur also in Mānava-grhya-sūtra and Kāthakaṅgrhya. It was published in the G. O. Series (1920) and by Dr. Raghuvira (1922, Lahore).

(9) Agniveṣa-grhya-sūtra, published in the Chowkhamba S. S., Vārānasī.

The Gṛhyasūtras belonging to the Śukla Yajurveda (Madhyandina and Kāṇya recensions) are:

(i) Pāraskara-grhya-sūtra (also called Kātiya grh. s.) in three kāndas; edited by Stenzler at Leipzig in 1876, printed with several commentaries both in the Kashi S. Series and by the Gujarati Press in Bombay. This grhya has probably the largest number of commentaries, the earliest being those of Bhartṛyajña)\textsuperscript{33d} and Karka (called Bhāṣya).

I am inclined to hold that Pāraskara is another name of Kātyāyana, ‘Pāraskara-prabhṛtini; ca samijñāyām’ Pān. VI. I. 157, on which the Mahābhāṣya says ‘Pāraskaror āsah’; Kātyāyana came probably from that country and was called Pāraskara also. Nāgojībhāṭṭa and other writers have assigned other meanings to that word by saying ‘pāram karoti Pāraskarabh.’

(ii) Baijāvāpagraḥya:—vide Proceedings and Transactions of the 4th Oriental Conference at Allahabad, Vol. II pp. 59–67 where Pandit Bhagavad-datta gives a good deal of information and puts together on pp. 63–67 passages of Baijāvāpagraḥya from 14 medieval works. Kumārilabhāṭṭa in Tantravārtika on P. M. S. I. 3. 11 appears to refer to the work of Baijāvāp (or-pi) \textsuperscript{33a}.

\textsuperscript{33d} Vide, for an incomplete ms. of Bhartṛyajña, Catalogue of S. Ms. of the Asiatic Society of Bengal, Vol. II. No. 1023 and I. H. Q. Vol. XII pp. 494–503, where it is shown that Karka knew Bhartṛyajña.

\textsuperscript{33a} आधुलाभन्तर सृवृ वैज्ञानिकः तथा। द्राहायणीय-नांत्य-कायययमकुतानि च।

It is possible that the reference here may be to the Śrauta or Gṛhyasūtra of Baijāvāpi or to both, just as we have a śrauta sūtra and a gṛhyasūtra of Āśvalāyana.
The grhya-sūtras belonging to the Śānavaeda are:

(1) Gobhiragṛhya-sūtra, published in the B. I. series; published in the Calcutta Sanskrit series with the com. of Nārāyaṇa, edited by Chintāmaṇi Bhaṭṭācārya (1936). The mantras required in grhya rites are collected in a Mantrabrāhmaṇa and the sūtra mentions only the opening words, but where the mantras are not contained in the Mantrabrāhmaṇa they are quoted in full; this mantrapātha called Mantrabrāhmaṇa was most probably compiled before the Gobhila Gr. S.

(2) The Khādiragṛhya-sūtra, published in the Mysore Govt. Library Series with the com. of Rudraskanda, son of Nārāyaṇa. This is based on the Gobhila Gr. S. and is an abridgement of it;

(3) Jaiminiya-grhya-sūtra, edited by Dr. Caland in the Punjab Oriental Series (1922);


The Atharvaveda has the Kauśika-sūtra as its Grhya, which was edited by Prof. Bloomfield. Vide Prof. Belvalkar Presentation Vol. pp. 28–33 for a paper by Mr. C. G. Kashikar for corrections in it and a paper ‘Kauśika-sūtra and the Atharvaveda’ by Prof. Edgerton in F. W. Thomas Presentation Vol. pp. 78–81. There are several commentaries on it. It devotes a large part of it to utpātas and sāṅitis.

4. The Dharmaśūtras

It seems that originally many, though not all, of the dharmaśūtras formed part of the Kalpasūtras and were studied in distinct sūtracarāyas. Some of the extant dharmaśūtras here and there show in unmistakable terms that they presuppose the Grhya-sūtra of the caraya to which they belong. Compare Āp. Dh. S. I. 1. 4. 16 with Āp. Gr. S. I. 12 and II. 5; and Baudh. Dh. S. II. 8. 20 with Baudh. Gr. S. II. 11. 42 (and other sūtras). The Dharmaśūtras belonging to all sūtracaranaś have not come down

\[54\] अभिनिधुत्ता परिसमर्थ समिभि आद्यान्त सारे प्रत्येकाधोदेराम। आप. पं. म. 1. 1. 4. 16; अभिनिधुत्ता प्रामृतंदेरामि परिसमर्थमि। आप. पं. 1. 12 and इत्यादि धार्मिकाचारणाप्राप्तिः तद्विशेषांविशेषां। आप. पं. 1. 5; श्रेष्ठकुक्ताकां (भृ. ध. सु. II. 8. 20) refers to भृ. पं. II. 11. 42; तत्त्वार्थाभावम् यागिक्य यथेष्ठ दर्षः (भृ. ध. सु. I. 2 16) refers to भृ. पं. II. 5. 66 and other places where प्राप्त is one of the यागिक trees.
to us. There is no dharmasūtra completing the Āśvalāyana Śruta and Gṛhyasūtras; no Mānavadharmaśūtra has yet come to light, though the Mānavā Śruta and Gṛhya sūtras are extant; in the same way we have the Śāṅkhāyana Śruta and Gṛhya sūtras, but no Śāṅkhāyanadharmaśūtra. It is only in the case of the Āpastamba, Hiranyakeśin and Baudhāyana Sūtracarāṇas that we have a complete kalpa tradition with its three components of Śruta, Gṛhya and Dharma sūtras. The Tantravārttika of Kumārila contains very interesting observations on this point. It tells us that Gautama (dharmasūtra) and Gobhila (gṛhyasūtra) were studied by the Chandogas (Sāmavedins), Vasiṣṭha (dharmasūtra) by the Rgvedins, the dharmasūtra of Śāṅkha-Likhita by the followers of Vājasaneyasamhitā and the sūtras of Āpastamba and Baudhāyana by the followers of the Taittirīya Śākhā. The Tantravārttika (p. 179) establishes it as a sūdhaṇa (on Jaimini I. 3. 11) that all the dharma and gṛhya sūtras are authoritative for all Aryan people. From this it appears that, although originally all sūtracarāṇas might not have possessed dharmasūtras composed by the founder of the caraṇa or ascribed to him, yet gradually certain dharmasūtras were specially taken over or appropriated by certain caraṇas. As the dharmasūtras were mostly concerned with rules about the conduct of men as members of the Aryan community and did not deal with ritual of any kind, all dharmasūtras gradually became authoritative in all schools.

The dharmasūtras were closely connected with the gṛhyasūtras in subjects and topics. Most of the Gṛhyasūtras treat of the sacred domestic fire, the divisions of Gṛhya sacrifices, the regular morning and evening oblations, sacrifices on new and full moon, sacrifices of cooked food, annual sacrifices, marriage, puṇāsavāna, jātakarma, upanayana and other śūnḍkāras, rules for students and śāṅkukas and holidays, śrāddha offerings, madhuparka. In most cases the Gṛhyasūtras confine themselves principally to the various events of domestic life; they rarely give rules about the conduct of men, their rights, duties and responsi-

55 तन्त्रवार्ति प्र 179 ‘पुरुषाणानांतिस्माधुतितरिकष्कौत्तमविविधयुक्तिविखलीतात्पर-स्माप्प्राविकाः दिनित्विविधाःशास्त्राणि श्रुतसचानां च अर्थशास्त्रवृत्तकथमत्तिकान्यानि पाठवायवस्यप्रणालियते। तथा गीतात्मानाभिलाहीयं छन्दोगेरष तत्रस्वदे विद्यमानं। कायिति व भूर्जन्यानोद्वस्ति व वाजस्मीर्विदीयें। आपातम्बिकोयनानि तैत्तिरिविवेच्छा प्रतिशुभे। एवं तत्र तत्र शुद्धवक्ष्यस्माप्पादि विनियमिताः विद्याधिकाराणि। कि तानि तेषां मेत्र त्यमानयुनि सर्वात्माः। (मूः मि। भू 1. 3. 11).
bilities. The dharmasūtras also contain rules on some of the above topics such as marriage and the sanskāras, rules for Brahmacarya and snātakas and holidays, on śrāddha and madhuparka. It is therefore not to be wondered at that in the Āpastamba-grhyasūtra the topics of the duties of the Brahmācārin and of the house-holder, of ātīthīs and of śrāddha are meagrely treated as compared with the Āpastamba-dharmasūtra. The dharmasūtras very rarely describe the ritual of domestic life; they merely touch upon it; their scope is wider and more ambitious; their principal purpose is to dilate upon the rules of conduct, law and custom. Some sūtras are common to both the Āpastamba-grhya and the dharmasūtra. Sometimes the grhyasūtra appears to refer to the dharmasūtra. There are certain points which distinguish the dharmasūtras (the more ancient of them at least) from smṛtis: (a) Many dharmasūtras are either parts of the Kalpa belonging to each sūtra-carana or are intimately connected with the grhyasūtras. (b) The dharmasūtras sometimes betray some partiality in their Vedic quotations for the texts of that Veda to which they belong or in the caranas of which they are studied; (c) The authors of the (older) dharmasūtras do not claim to be inspired seers or superhuman beings, while the other smṛtis such as those of Manu and Yājñavalkya are ascribed to Gods like Brahmā. (d) The dharmasūtras are in prose or in mixed prose and verse; the other smṛtis are in verse. (e) The language of the dharmasūtras is generally more archaic than that of the other smṛtis. (f) The dharmasūtras do not proceed upon any orderly arrangement of topics, while the other smṛtis (even the oldest of them, viz. Manusmrti) arrange their contents and treat of the subjects under three principal heads viz. ācāra, iyavahāra and prāyaścitta; (g) Most of the dharmasūtras are older than most of the other smṛtis.

Many of the technical terms used in the Grhyasūtras and Dharmasūtras are derived from the Samhitās, Brāhmanas and Śrautasūtras e.g. the following few technical words which occur in the Grhya and Dharma sūtras are so derived and references

56 e.g. पालशो दूधो ब्राह्मणस्य...तत्तत्वमस्यीयोगीन्नक्य उपदस्यनिति I आप-प्र. IV. 17. 15-16 and आप-प्र. I. 1. 2. 38.

57 e.g. the आप-प्र. says 'सत्स ब्राह्मणपरश्च स्वयंपदेशं वाक्यं' (VIII. 21. 1). This has in view आप-प्र. सू. II. 7. 16. 4-22.

58 Compare गृ. प्र. I. 3-4 and आप-प्र. सू. I. 2. 5. 4. 'तत्साधारणस्य न जातस्ते नियमार्थमानि' and आप-प्र. सू. II. 6. 13. 9 तदन्तिष्ठ्य प्रज्ज्वल: सीदास्यवः spice.
are given in the H. of Dh. Vol. II where they are explained; āgāraṇa (p. 1051 n. 2360), Ājyabhāga (p. 1059 n. 2371), Abhi-ghāraṇa (p. 528 n.), Avadāna (528, 1061 n.), Upastaraṇa (p. 1061 n.), Paṃitra (211 n., 1021 n.), Paryāgnikaraṇa (p. 1120 n.), (Pranitā p. 1022-23), Pratyabhīhārāṇa (p. 1053 n.). The Ap. Dh. S. (I. 4. 12. 10) makes the interesting statement "religious rites were declared in the Brāhmaṇas, the texts of those rites have been lost. (but those texts) can be inferred from the actual performance (of the rites that are in vogue): 'brāhmaṇaṃkāta vidhayastesaṃ utsannoḥ patāḥ prayogād-anumulyante'. This shows that an early writer like Āpastamba (who flourished some centuries before the Christian era) was aware that Brāhmaṇa works had once described many of the grhyā rites, but that in his day such Brāhmaṇa texts had been lost.

5. The Dharmasūtra of Gautama.

This has been printed several times (there is Dr. Stenzler's edition of 1876, the Calcutta edition of 1876, the Ānanadārāma edition with the commentary of Haradatta, and the Mysore Government edition with the bhāṣya of Maskarin; it was translated by Bühler in S. B. E., Vol. II. with an introduction). The Ānanadārāma edition of 1910 which is incorrect in a few places (e. g. 21. 7) has been used in this work. This dharmasūtra is, as we shall see, the oldest of those we have. The Gautamadharmasūtra was specially studied by followers of the Śāmaaveda (see note 55 above). The commentary on the Caranavyūha tells us that Gautama was one of the nine subdivisions of the Rāgveda school of the Śāmaaveda. A teacher Gautama is mentioned frequently in the Lāṭyāyanasrautasūtra (e. g. I. 3. 3 and I. 4. 17) and in the Drāhyāyanasrāuta (e. g. I. 4. 17, IX. 3, 15) of the Śāmaaveda. The Gobhila grhyā (III. 10. 6) which belongs to the Śāmaaveda cites Gautama as an authority. Therefore it is not improbable that a complete Gautamadharmasūtra embodying Śrauta, Grhyā and Dharma doctrines once existed. There are other indications pointing to the close connection of the Gautamadharmasūtra with the Śāmaaveda. Chapter 26 of the dharmasūtra about Kṛcchra penance is the same, almost word for word, as the Śāmaavidhāna59 Brāhmaṇa (I. 2, Burnell's ed.).

59 There are, however, considerable divergences; e. g. M. s. 26.10-12 are 'आपो हि छेति तिरुभिम्: परिव्रतनिर्मित्विभैः विशेषत: अध्ययन: पाकवा 
इस्तवभिमि: अयोद्धकप्रेयम: न मोहिमात्व &c. while the 
सामविधान is 'आपो'.
Among the purificatory texts (21 in number) mentioned in Gau. Dh. S. (19. 12) there are nine that are Sāmans. The mention of the five utterances ('Vyāhrtis') resembles the number in the Vyāhrtisāma\(^{60}\) though the order is different. It is, however, to be noted that Gautama is a generic name. In the Kathopanisad, both Nāciketas (II. 4. 15, II. 5. 6) and his father (I. 1. 10) are styled Gautama. In the Chāndogyopanisad there is a teacher Hāridrumāta Gautama (IV. 4. 3).

Dr. Ram Gopal in his Ph. D. thesis 'India of Vedic Kalpasūtras' (1959) charges me (on p. 53) with being inconsistent as regards the Gautama-dharmasūtra. This book is probably his first serious work on ancient Sanskrit literature and society and I am afraid that he is more dogmatic in several conclusions of his than the facts warrant. About Gautama Dharmasūtra I made (in the first edition of the H. of Dh. Vol. I published so far back as 1930) two points viz. (1) that it was originally an independent work and not attached to any particular Vedic Śākhā; (2) that it was subsequently adopted by Sāmavedins as their Dharmasūtra probably because it contained a few indications of leanings towards the Sāmaveda. I pointed out some of those indications, but also showed that Gautama's name was connected with the Kathas of the Kṛṣṇa Yajurveda also, as in the Kathopanisad both Nāciketas and his father are referred to as Gautama and because the Tantravārtika (about 650-700 A.D.) asserted that Gaut, Dh. S. was accepted or adopted by the Sāmavedins as their Dharmasūtra. I could have added many other matters in support of my theory but thought that it was unnecessary to do so. The duty of all scholars when dealing with ancient works or matters more than a thousand years old is to marshal the necessary or available facts with honesty and, if they do not all point to the same conclusion, to declare, if possible, one's

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(Continued from last page)

हिंदीयाभियोगकर्मम् नोपशमवः गी. ध. सू. 26. 12 contains many additions.

Wherever there is divergence, it is generally Gautama that amplifies the passages found in the सामविकारः.

60 गी. ध. सू. I. 52 अपेक्षा व्याहत्वः यथासत्यान्तः; again in गी. ध. सू. 25. 8 we have प्रतिज्ञवाणमसापत्तच व्याहत्वः यथासत्यान्तः; and in गी. 28. 8 the five व्याहतिः seem to be मृत्युः भूतः स्वः तयः सत्यः. As हर्द्वा remarks the five महायाहिः in व्याहतिः अग्रां मृत्युः भूतः स्वः सत्यः पुल्यः. The महायाहिः are generally declared to be seven (तै. आ. 10. 28. 1), the first three being styled महायाहिः (vide भूतः II. 81.)
opinion in favour of one probability as against another. There is no inconsistency in doing this and it is always possible that different scholars may hold widely divergent views about the age and other matters relating to a writer or work (particularly an ancient one). I need cite only one example. The Arthaśāstra of Kautilya has been available in print for half a century. There are hundreds of papers and books on various aspects of the Arthaśāstra. Yet on the question of the age of the Arthaśāstra depending on the same materials there are at least two divergent views, some scholars assigning it to 300 B. C. (Jacobi, Shastri and Jayaswal), while others like Jolly and Winternitz bring down the work to 300 A. D.

Now that the charge of inconsistency has been made against me, I should like to say something more here. Gotama is a famous rṣi in the Rgveda. The name occurs at least eighteen times in the Rgveda mantras and is employed in almost all cases (from nominative to vocative). Rahūgana Gotama is the rṣi of Rgveda I. 74-93 and the word Rahūganā (plural) occurs in Rg. I. 78. 5. Nodhā Gautama is the rṣi of hymns 58-64 of Rgveda I and of hymn 88 of Rg. VIII. Nodhā (vocative) occurs in Rg. I. 64. 1. Nodhā Gotama occurs in Rg. I. 62.13 and Nodhā (nom sing.) in Rg. I. 61. 14, I. 124. 4. Vāmadeva Gautama is the sage of almost all hymns in Rgveda-mandala IV (viz. hymns 1-41 and 45-48). In Rg. IV. 4. 11 Vāmadeva speaks of Gotama as his father. It is well-known that the verses of the Sāmaveda are taken from the Rgveda (except about 75). In the Index of the words in the Sāmaveda, prepared and published in the Nirnaya-sagara Press by the Swamis Vishveshvarananda and Nityananda in 1908, the words Gotama, Gautama, Nodhas, Vāmadeva and Rahūgana do not occur at all. In the two Vāmśas attached to Br. Up. II. 6. 1 and IV. 6. 2, the name of Gautama occurs thrice among the 60 generations or so from Brahma (n.) to Pautimāṣya. It is rather remarkable that Śvetaketu Aruneya’s father is addressed as Gautama by Pravāhaṇa Jaivali in Br. Up. VI. 2. 4-13. It may further be noted that in the daily tarpāṇa (satiating with water) of gods, sages and pitrs, (as required by Manu II. 176 also), the Āś. Gr III. 1. 5. mentions several 60a

60a The rṣis (in tarpāṇa) are mentioned in Āś. Gr. III by groups; one is that of the reputed sages of the Maṇḍalas of Rgveda and then comes another group in the words—‘Sumantu-Jaimini…Dharmācaryaśātpyantu’. Then there is another group’Jānanti-Bāhavi-Gārgya-Gautama-Saṅkala-Bāhravya-Maṇḍavya-Maṇḍukeya-śātpyantu’. Vide H. of Dh. Vol. II. pp 685-695 for tarpāṇa in detail.
sages among whom Gautama is mentioned. But in the tarpāna for Sāmavedins now followed the sages to whom water is offered are only thirteen viz. Rāṇāyana, Śātyamugra, Vyāsa, Bhāguri, Aulund, Gaulgulavi, Bhānumānaupamanyava, Kārati, Maṣaka Gārgya, Vārsaganyā, Kuthum, Śālihotra, Jaimini; and it ends ‘trayodasāite mo Sāmagācāryāḥ svasti kurvantu tarpitāḥ’; vide Sanskrit Intro. to Shri Satavlekar’s edition of Sāmaveda Saṁhitā p. 6. It would be noticed that, though Jaimini is mentioned in it, Gautama is not.

As compared with the number of Śrautasūtras and Grhyasūtras of the Vedas there is a paucity of Dharmasūtras. It is well-known that at present there are only a few Vaidikas of the Sāmaveda in the whole of India and some large tracts of India have no Vaidikas of Sāmaveda at all. Probably the Sāmavedin Vaidikas must have been much less in numbers even in ancient and medieval times as compared with the Vaidikas of the Rgveda and the Yajurveda. Even supposing that there was some Dharmasūtra of the Sāmaveda composed some centuries before Christ, gradually it might have faded out and the small number of Sāmavedins that still existed in scattered parts of India adopted the Gautama Dharmasūtra which as shown above shows some Sāmaveda connections.

The Gautama Dharmasūtra appears to have been held in high esteem by Kumārila, as in his Tantravārtika he quotes or clearly refers to Gautama Dh. S. at least a dozen times, but quotes Āp. Dh. S. and Baudhāyana Dh. S. only a few times; vide the author’s paper on ‘Tantra-vārtika and Dharmāstra Works’ in JBBLAS, New Series Vol. I. (1925) pp. 95–102. Kumārila remarks that the two Sūtras (P. M. S. I. 3. 15–16) 60b deal with the question whether the (several) Grhyasūtras and Gautama and other (Dharmasūtras) are restricted in application or are all-embracing and then comes the passage set out in note 55 above, where after excluding Purāṇas, Mānava (i.e. the Manusmṛti) and Itihāsa (i.e. Mahābhārata) he starts with Gautama as the first in enumerating the Dharmasūtras and remarks that Gautamiya (Dharmasūtra) and Gobhilīya (i.e. Gobhila-

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60b आचरण सब्दायं शारदिश्रयमायेष्व विनयताम । गौतम-गौतमसन्निधिश्चायस्य-सायसक्षात् ।

H. D.—4
grhyasūtra) are accepted or adopted by the Chandogas (i.e. Sāmavedins). The word ‘parighita’ employed by Kumārila is very suggestive. One is said to adopt or accept what was at one time not one’s own. Adoption of a son is called ‘Putraparigraha’ and marriage is called ‘dāraparigraha.’

Not only Kumārila but an earlier famous writer on Logic and Philosophy viz. Dharmakīrtī in his Nyāyabindu appears to suggest that Gautama was chief among the exponents of Dharmaśāstra.60c

Dr. Ram Gopal relies (on p. 52) mainly on two circumstances, viz (1) that chapter 26 of Gaut. Dh. S. dealing with expiations called Kraçrhas is identical with Sāmavidhāna Br. I. 2 and argues that it is not unreasonable to assume that the Gautama-dharma-sūtra borrowed it from that Brāhmaṇa; (2) that the majority of the purificatory texts prescribed in Gaut, Dh. S. (19. 13) belong to the Sāmaveda. I shall discuss the second point first. The relevant sūtra is set out in the note in transliteration and with explanations in some cases.60d

60 c सन्तमथासाधनप्रयतिको यथा-न नुवीनित्व नास्त्येन प्रामाण्यान प्रामाण्यान कथित्युक्तो सामार्थि-मतवादिति। अत्र वै वैभवदाहरणम्। वे प्रामाण्यान न ते रामार्थिति। ततथा।
गौतमादिः च शास्त्रायाम्यां प्रेमतार इति गौतमादिः च शास्त्रमाध्यमस्य साधारणम्यां
व्यःतिः। न्यायवित्तु (3rd pariccheda p. 127) pub. in the Kashī S. Series, 1924 and also in the Bibliotheca Budhiča. vol. VII No 132 (1918), ed. by Pandit Rāhula Sākṛttyāna, who in his Intro, p. VIII to the Vidyānyāya of Dharmakīrti published in J. B. O. R., S. vol XXI holds that 625 A. D. is the latest date for Dharmakīrti.

60 d (1) Upāṇiṣads, (2) Vedāntā, (3) Sarva-chandṣu Saṁhitāḥ (Saṁhitā texts of all the Vedas), (4) Madhūni (either Tait. Ār. X. 38 'brahma metu mām' or the three verses beginning with 'Madhū vāta' in Rg. I. 90. 6-8 and in Tait. S. IV. 2. 9 and Vāj. S. XIII. 27-29), (5) Aghamārṣaṇa i.e. Rg. X. 90. 1-3; (6) Atharvāśiras (a small Upāṇiṣad of about four printed pages) beginning with 'devāh ha vai svargam lokam-āyān &c); (7) Rudrāḥ, eleven anuvākas of Tait. S. IV. 5. 1-11 beginning with 'namas-te Rudra manyave'); (8) Puruṣasūkta (Rg. 50); (9)-(10) Rājata (v. l. Rājana) and Rañhīṇa Saṁmans which are sung on the rāk 'indram naro' Rg. VII. 21. 1, Sāmaveda Purvārčika 233); (11-12) Bṛhat-sāma and Rathantara, which are respectively sung on 'tvām-iddhi havāmahe' (Rg. VI. 46. 1 Sāma, Purvārčika 234) and on 'Abhi tvā śūra' (Rg. VII. 32. 22, Sāma, Purvā, cika 233); (13) Puruṣagati sung on the rāk 'ahasmāmi prathamājā' (Sāmaveda, Āraṇyakaṇḍa 594); (14) Mahānāmī verses (verses beginning with 'Vidā maghavan vidā' (Alt. Āraṇyaka IV. 1 ff and Sāmaveda, Mahānāmīyārčika, 641-650); (15) Mahāvairāja

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The most important matter about this passage is that the whole of Gaut. Dh. S. chap. 19 (not merely one sūtra or sentence beginning with the word ‘Upānisadah’) is identical with Baud. Dh. S. III. 4 (except a few variations) and also with Vas. Dh. S., Chap. 22 (except a few items). It may be argued that all three borrow from a common source and that such borrowing of a whole chapter cannot alter the character of the three sūtra works. We have to find that source—that is all; but even if we find it, the Baud. Dh. S. still belongs to the Kṛṣṇa Yajurveda and Vas. Dh. S. is the Dh. S. for Rgvedins according to Kumārila. In view of the fact that Baud. Dh. S. (I. 1.25) mentions Gautama’s views as set out a little later it is most likely that Baud. Dh. borrows from Gaut. Dh. S. the passage about expiations.

Dr. Ram Gopal is rather inaccurate when he says (p. 52) that the majority of the purificatory texts are from the Sāma-veda. Restricting oneself only to the number of texts specified (which are 21) there are only ten texts that are Sāma-vedic (essentially nine only as Rathantara and Brhat are two consecutive verses of the Sāma-veda, Pūrvārcaika). But there are other important details of this sūtra that deserve consideration. The first purificatory text is Upānṣads, which are enormous in extent as compared with the Sāman texts and all the Vedic Sāṁhitās are several thousand times more extensive than all the specified Sāmans. Therefore, this argument comes practically to nothing as proof of the assertion that the Gaut. Dh. S. was from the first affiliated to the Sāma-veda. The other argument about one chapter (26) being borrowed from Sāma-vidhāna Br. leads nowhere. If the Baudhāyana Dh. S. even after borrowing a chapter from another source, does not cease to be a sūtra of the Kr. Yajurveda, there is no reason why the same reasoning cannot hold good as to the Gaut. Dh. S. Dr. Ram Gopal refers (on p. 53) to passages from Lātyāyana (I. 3. 3, I. 4. 7) and

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Sāman (sung on * Pībhī Somām * Rg. VII. 22. 1 and Sāma-veda, Pūrvār- cika 398); (16) Mahādivākirtiya (sung on Rg. X. 170 1, Sāma-veda, Āraṇya 628); (17) One of the Jyeṣṭhasāmans (various Rk verses are put forward on which they are to be sung); (18) Bahiṣpavamāna (sung on Rg. IX. 11. 1, Sāma-veda, Uttarārcaika 651); (19) Kūśmāṇḍini (mantras from Tāi. Ār. II. 3–5); (20) Pāvamāṇayā (verses from 9th Maṇḍala of the Rgveda); (21) Sāvitrī (Rg. III. 62. 10). For further details about these 21 texts, vide H. of Dh. Vol. IV pp. 45–46 note 107. Vas. Dh. S. 22 omits Nos. 11–18 and Baud. Dh. S. omits No. 18.
Drāhyāyaṇa (II. 3. 15) Śrutasūtras that speak of Gautama and from Gobhila Gr. (in III. 10. 6 refers to Gautama’s views on Aṣṭaka Śrāddhas) and that certain sūtras of Gobhila Gr. agree closely with Gautama’s (p. 53 and notes p. 56).

From these two circumstances it does not follow at all that Gautama (of the Dharmasūtra) belonged to the Sāmaveda. That would be begging the question. Gobhila’s is comparatively a rare name among ancient sages connected with Vedic Literature, while the name Gautama is a very ancient one, has been closely connected with the Rgveda and the Kṛṣṇa Yajurveda occurs in the tarpanā for Rgvedins, is quoted by Āp. Ś. S. (I. 3. 33) and Baud. Dh. S. Therefore, one may say with good reason that Gobhila, Lātyāyana and others refer to or follow the views of Gautama, one of the most famous and ancient sages.

It should be noted that Gautama’s views are mentioned twice in the Ās. S. S. The first passage refers to the controversial question of śrāddha in honour of three paternal ancestors of a person when one or two of the three are alive. This subject has been dealt with in H. of Dh. Vol. IV pp. 511 ff. The author of Ās. Śr. S. in II. 6. 16–23 states the differing views of Gāṇagārī, Taulvali and Gautama, and states his own conclusions. Similarly, Ās. Śr. S. in V. 6. 22 refers to the view of Gautama that it is the hotṛ priest that first partakes of camasa oblations in the hotṛ’s vasatkāra. Āp. Śr. sūtra (I. 3. 11) refers to the view of Gautama. These passages may lead one to conjecture that Gautama had composed a śrutasūtra also, which is not now available. We have many such instances where out of the three classes of the sūtras of a Vedic carana (viz. Śrauta, Grhya and Dharma) often one or even two are wanting or not available. There is no Lātyāyana Grhya nor Dharma sūtra, though Lātyāyana Śr. S. exists, there is the Gobhila G. S. and the Khādira Grhya sūtra but no Gobhila or Khādira S. S. nor Dharmaśūtra. We have Āsv. S. S. and G. S., Mānava Ś. S. and G. S., Drāhyāyana and Jaiminiya Ś. S. and Gr. S. but no Dharmaśūtra belonging to these caranas. In the case of Gautama, we may make several conjectures viz. that all three classes of sūtras composed by or attributed to Gautama once existed but two of them are now not available, or that Gautama Dharmaśūtra was an independent work or that the Gautama mentioned in some Śrutasūtras is different from the author of the Dharmaśūtra. One thing is clear that Gautama being a gotra name was borne by
many persons from the times of the Rgveda and that some of such persons were Rgvedins. One solid fact is that Gautama's is the earliest of the extant Dharmasūtras (though some sūtras may be of doubtful authenticity) and the view in the present state of our knowledge that his was an independent Dharmasūtra has the greatest probability. This view would explain why the Gaut, Dh. S., though the oldest of Dharmasūtras conforms with Pāṇini's grammar far more than the Āpastamba Dh. S. and Baud. Dh. S. do. The latter two, being a compact part of the Kalpasūtra and transmitted orally from one generation to another, retained many un-Pāṇinian forms while the Gaut, Dh. Ś. being originally unconnected with any definite school could be easily amended according to the requirements of those memorizing or reading it. Besides, there is no direct evidence before Kumārila that Gautama was adopted by the Śāmaavedins and as to how many centuries before him. My view is that the author of Āpastamba Dh. S. was a southerner and wrote either at a time when Pāṇini's work was not composed at all or before it spread throughout India.

Writers of Sūtras sometimes refer to or quote sūtras of other schools. For example, Gautama's view (stated in XI. 20) is mentioned in the Baudhāyana Dh. S. I. 1, 25. Baud. Dh. S. stated five differences in the usages of the peoples of the south and of the north, and states the view of some that a person (of one region) if he followed the practice of another region would incur sin and that the custom in a country (southern or northern) would be authoritative in that country alone and notes that Gautama holds this latter view to be wrong. This establishes that Gautama Dh. S. came before Baud. Dh. S. (and before the earliest part of it.).

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60 e A grant renewed by king Bhāskaravarman of Kāmarūpa originally made by his great-great-grandfather is published in E. I. Vol. 19 pp. 248-250 where the donees are named and their gotras are mentioned, such as Gautama, Kauṭjīya, Maudgalya &c. The original grant must have been made in the 5th or 6th century A. D. In the same E. I. Vol. at p. 75 there is a grant of the Haihaya king Pṛṣṭhivaśeṣa I., which is the oldest dated Haihaya grant (corresponding to 1079 A. D.) a donee of the Bāhūya Śākhā is said to have belonged to the Āṅgirasa-gotra and to have three prāvaras (Ucchāya-Gautama-Vaśiṣṭheśti triprāvara on p. 80). Vide E. I. Vol. 14 pp. 202 ff for a grant of Sāhīvat 1150 (i. e. 1093-94 A. D.) that gives the names of about 500 donees with their gotras, the Gautamagotra being mentioned at least thirty times.

60 f पुंचय विमानविदिषाय चतुर्विंशत् । इतिविदिषायिनः कृष्ण द्वितीयपिंडितस्मिन्।

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According to Haradatta the dharmaśūtra has 28 chapters. The Calcutta edition adds one chapter on Karmavipaṅka after chapter 19. In many places Gautama unmistakably refers to his own previous dicta; e.g. Yathoktam vā (23. 16) refers to 23. 10; 23. 26 refers to 17. 8–26; 17. 18 refers to 15. 18. The following are briefly the contents of the Gautamadharmaśūtra:—I. Sources of dharma, rules about interpretation of texts, time of Upanayana for the varṇas, the appropriate girdle, deer skin, cloth and staff for each Varna, rules about śauca and ācārama, method of approaching the teacher; 2 rules about those not invested with sacred thread, rules for the brahmacārīn, control of pupils, period of study; 3 The four āśramas, the duties of brahmacārīn, bhikṣu, and vaikuṇṭa; 4 rules about the house-holder, marriage, age at time of marriage, eight forms of marriage, sub-castes; 5 rules about sexual intercourse on marriage, the five great daily sacrifices, the rewards of gifts, madhyāpaka, method of honouring guests of the several castes; 6 rules about showing respect to parents, relatives (male and female) and teachers, rules of the road; 7 rules about the avocations of a brāhmaṇa, avocations for him in distress, what articles a brāhmaṇa could not sell or deal in; 8 the forty saṁskāras and the eight spiritual qualities (such as dayā, forbearance &c.); 9 the observances for a śūtapaka and household; 10 the peculiar duties of the four castes, the responsibilities of the king, taxation, sources of ownership, treasure-trove, guardianship of minor’s wealth; 11 Rājadharmā, the qualities of the king’s purohita; 12 punishments for libel, abuse, assault, hurt, adultery and rape, theft in the case of the several varṇas and rules about money-lending and usury and adverse possession, special privileges of brāhmanas as to punishments; payment of debts, deposits; 13 rules about witnesses, falsehoods when excusable; 14 rules of impurity on birth and death; 15 Śrāddha of five kinds, persons not fit to be invited at Śrāddha; 16 Upākarma, period of Vedic study in the year, holidays and occasions for them; 17 rules about food allowed and forbidden to brāhmanas and other castes; 18 the duties of women, niyoga and its conditions, discussion about

(Continued from last page)
the son born of *niyoga*; 19 the causes and occasions, of *prāyaścitta*, five things that remove sin (*japa, tapas, homa, fasting, gifts*), purificatory Vedic prayers, holy food for one who practises *japa*, various kinds of *tapas* and gifts, appropriate times and places for *japa* &c.; 20 abandoning a sinner who does not undergo *prāyaścitta* and the way of doing it; 21 sinners of various grades, *mahāpātas*, *upapātas* &c.; 22 *prāyaścittas* for various sins such as *brahmahatya*, adultery, killing a *Ksatriya*, Vaiśya, Śūdra, cow and other animals &c.; 23 *prāyaścitta* for drinking wine and nasty things, for incest and un-natural offences, and for several transgressions by brahma-cārin; 24 secret *prāyaścittas* for *mahāpātas* and *upapātas*; 26 the penances called *Krecha* and *Atikrecha*: 27 the penance called *Candrāyana*; 28 partition, *stridhana*, re-union, twelve kinds of sons, inheritance.

The Gautama-dharmasūtra is written entirely in prose and it contains no verses either quoted or composed by the author himself, as is the case with the other *dharmasūtras*. Here and there occur *sūtras* that look like portions of Anustubh verses e.g. 23.2761. The language of Gautama agrees far more closely with the standard set up by Pāṇini than the *dharmasūtras* of Baudhāyana and Āpastamba. It is not very easy to account for this difference. It is obvious that commentators and generations of students that were brought up in the tradition of the Pāṇinean grammar tampered with the text and improved it in accordance with their notions of correct Sanskrit. But why this process should not have been carried out to the same extent in the case of Āpastamba it is difficult to say. A conjecture may be hazarded that the Āp. Dh. S. being a well-knit component of the Āp. *Kṛta* and being studied as such was less liable to being tampered with than the Gautama Dh. S., which probably did not in its origin belong to any particular *kalpa*. The same commentator, Haradatta, explained both Gautama and Āpastamba. Haradatta, who, as will be seen later on, was a great grammarian, shows in several places that the current reading was ungrammatical from the Pāṇinean stand-point and that he preferred readings that were in consonance with Pāṇini's rules62. There are still a few un-Pāṇinean words, e.g. in 1.14 (*dvāvīṃśateh* for *dvāvīm-*)

61 आकोषानार्थितेः प्रीतिः प्रस्थ तपः

62 e.g. on नी. ध. सू. 16.21 (*कुम्भजयों * च सामसन्द्री यावत्*) he says 'क्रृष्टि वयुध्व क्रमशः' प्रथमानित्र दिन्यणः। प्रश्नेतपरिश्रितुः (i.e. कुम्भजयों) नासमन्या रोचते; on नी. ध. सू. 25.8 (*प्रतिविद्राकः प्रमाणोपजः*) he says 'वास्मानसार्थिति पातोसम्भूः न रोचते। अनुमीतः सामासन्तिविपिनसः'
sāt') and 9. 52 (kulainkula). The Tantravārtika (p. 99) appears
to discuss the various readings in Gautama (I. 45\textsuperscript{63}). A few
śūtras quoted from Gautama in the Mitakṣarā (e.g. the śūtra
'utpatayāvah arthsvāmitvam labhante), the Śrīmīrticandrīkā
(dvayamśam vā pūrvajah syāt) and other works are not found
in the extant text. This fact along with the fact of an interpolation
of one chapter makes it clear that the present text of
Gautama is of somewhat doubtful authority.

The literature known to the Gautama-dharmasūtra was
extensive. Besides the Vedic samhitās and Brāhmaṇas it
mentions the following works; Upanīsads (19. 13), the Vedāṅgas
(8. 5 and 11. 19), Vākṣyāyaṭa\textsuperscript{64} and Itihāsa (8. 6), Purāṇa (8. 6 and
11. 19), Upaveda (11. 19), dharmasāstra (11. 19). That he borrows
a chapter from the Śāmavīdhāna-brāhmaṇa has been mentioned
above. He borrows the first six śūtras of the 25th chapter from
the Taittirīya Aranyaka (11. 13). The Śrīmanaka (in Gautama
III. 26) is, according to Haradatta, the Vaikūnasāstra (either
composed by Vihāras or treating of the duties of hermits).
Gautama refers to Ānvīksikī (11. 3). The only teacher of dharma
he quotes by name in Manu (in 21. 7), who is cited for the
proposition that there is no expiation for the three sins of
brahmahatyā, drinking wine and violation of the bed of the guru.
Haradatta says that in the extant Manusmṛti the same proposi-
tions are laid down about brahmahatyā and surūpāṇa (in Manu
11. 89 and 146 respectively), but that as to violation of gurutalpa
a passage from the Manusmṛti has to be searched out (i.e.
such a passage is not found there). From this Buhler drew the
conclusion that Gautama refers to the dharmasūtra attributed to
Manu (and not to any versified Manusmṛti). But Buhler is not
right in drawing this inference. In the first place in spite of what
Haradatta says there are verses in the extant Manusmṛti (XI.
104–105) which say that death is the expiation for violation of
the guru's bed. In the second place, there is nothing to show,
even if Haradatta were correct, that Gautama refers only to a
dharmasūtra of Manu and not to a versified work. Besides Manu,
Gautama frequently quotes certain views ascribed to the 'Ācāryas'

\textsuperscript{63} It follows from the discussion in the
\textsuperscript{64} Its day was 'śvāmāyam-purāṇa śācvedānachitarāsya' \textsuperscript{3} while the present text has
\textsuperscript{3} 'śvāmāyam-purāṇa'. Vide \textsuperscript{4} \textsuperscript{3} III. 48 which reads 'śvāmāyam śācveda-
\textsuperscript{4} \textsuperscript{3} etc.

\textsuperscript{a} The word 'Vākṣyāya' occurs several times in the Chāndogya Upaniṣad
(VII. 1. 49. VII. 2. 1. VII. 7. 1).
5. The Dharmasūtra of Gautama

(e.g. III.35, IV.18). What teachers are meant by the word ‘Ācāryāḥ’ (which occurs in the Nirukta, in Kautilya and various other works), it is difficult to say. Probably the word means ‘the general traditional view of most writers in that particular śāstra on a particular point.’ Vide the author’s paper on ‘The meaning of Ācāryāḥ’ in ABORI Vol 23 pp. 206–213. In numerous places Gautama refers to the views of his predecessors in the words ‘eke’ (3.15, 40 and 56, 3.1, 4.17, 7.23 &c.) and ‘ekesām’ (28.17 and 38). This proves that Gautama was preceded by great literary activity in the sphere of dharmaśāstra. Gautama 11.28 seems to be a reminiscence of the Nirukta (II.3).64

The earliest reference to Gautama as an author on dharma occurs in the Baudhāyana-dharmasūtra. Baudhāyana discusses the authoritative use of usages peculiar to the north or the south and quotes Gautama as saying that it is wrong to hold that certain customs must be held authoritative in certain countries (even though opposed to Vedic tradition and smṛti). This refers to G. Dh. S. 11.20. In another place Baudhāyana gives it as his view that a Brāhmaṇa, if he cannot make a living by teaching, officiating as a priest or by gifts, should earn his livelihood as a Kṣatriya and quotes the views of Gautama as opposed to this.65 The extant Gautama on the other hand teaches the same view as that of Baudhāyana.66 Bühler made the plausible suggestion that the sūtra in the extant Gautama is an interpolation. Govindasvāmi, the commentator of Baudhāyana, suggests that another Gautama is referred to by Baudhāyana. It is possible to suggest that in the Mss. of Gautama used by Baudhāyana the sūtra about living as a Kṣatriya did not occur and the next sūtra about living as a Vaiśya alone occurred. Chapter 19 of the Gautamadharmaśūtra which forms an introduction to prāyaścittas in Gautama seems to have been borrowed wholesale by Baudhāyana (III.10) with slight changes. That Baudhāyana borrows follows from the fact that the chapter in Baudhāyana occurs in the middle of the discussion about prāyaścittas and not as an introduction, which is the case in Gautama. Baudhāyana treats of penances in several places (II.1,

64 ‘दशो दस्मादिव्याहृतं नानात्साहास्येत्;’ The नित्य has दशो दस्ते...समन- दिव्यायमययः.’
65 अष्टरायणमनुमतिहृद्यक: क्षत्रियमेण जीवितप्रयत्नस्ततलात्। नेति गीतमोत्तमो हि क्षत्रियो गोविन्दस्य। नै. ग्र. सू. II.2.69-70.
66 श्रीतां समास्त्रादः सार्ववामुः पृ० पृ० पृ०। तद्रथमेकाचरणिः। तदपि वैपाग्निः। नै. ग्र. सू. 7.4-7.

H. D.—5
III. 5. 10 and VI. 1. 4). There are, besides, many sūtras in both Gautama and Baudhāyana that exhibit a close correspondence, e.g. Gautama III. 25-34 and Baudhāyana II. 6. 17 about Vaikhānasa, Gaut. 3. 3 and 35 and Baud. II. 6. 29, Gaut. 15. 29 and Baud. II. 8. 2, Gaut. 23. 8-10 and Baud. II. 12-14, Gaut. 24. 2 and Baud. II. 3. 8. The Ap. Dh. S. II. 6. 15. 25 speaks of Smṛti as laying down that up to upanayana there is no adhikāra for homa. This probably refers to Gautama II. 1-3. The Vasisthādharmanasūtra also quotes the views of Gautama in two places (4. 35 and 37, impurity on death). The first refers to Gautama 14. 41 but the second cannot be traced in the extant Gautama. Chapter 22 of Vasistha is borrowed from the Gautamadharmanasūtra, chapter 19. There are besides many sūtras that are the same or almost the same in Gautama and Vasistha, e.g. Gautama 3. 31-33 and Vas. 9. 1-3, Gaut. 3. 26 and Vas. 9. 10, Gaut. 1. 44 and Vas. 3. 37, Gaut. 1. 40 and Vas. 3. 38, Gaut. 1. 45-46 and Vas. 3. 48, Gaut. 1. 28 and Vas. 3. 49, Gaut. 14. 5-7 and Vas. 4. 24-26. Gautama is referred to in the Manusmṛti (III. 16) as the son of Utathya. Gautama is one of the authors of dharmaśāstras enumerated in Yājñavalkya (1. 5). Aparārka quotes a verse from the Bhaviṣya-purāṇa which speaks of Gautama’s prohibition about drinking.67 Similarly, Kullāka (on Manu XI. 146) quotes a verse from the same Purāṇa which refers to Gautama 23. 2. Kumārila in his Tantravārtika quotes over a dozen sūtras from Gautama which present the same text as we have68. Gautama 11. 29 and 12. 4 are quoted by Śaṅkara in his bhūṣya on Vedāntasūtra III. 1. 8 and 1. 3. 36 respectively. Viśvarūpa in his commentary on Yājñavalkya quotes numerous sūtras from Gautama. In Medhātithi’s bhūṣya on Manu the writer more frequently quoted than any other is Gautama (e.g. on Manu II. 6, VIII. 125 &c.).

The foregoing discussion about the literature known to the Gautama Dh. S. and the authors and works that mention Gautama or quote the dharmaśātra helps us in arriving at the approximate age of the dharmaśātra. He is separated by a long interval from the Śaṅnavidhāna Brahmaṇa. He is later than Yāska and wrote at a time when Pāṇini’s system was either not in existence or had not attained a pre-eminent position. The extant text was known to Baudhāyana and Vasistha and was in the same state long before 700 A. D. The sūtra betrays no knowledge of the onslaught delivered on Brahma-

67 प्रतिपेधः सुरापने मयस्य च नराधिविषः द्वितीयमानवेशकः नन्तन गौतमविभिः।
भूष्यावृत्तमिथुरे भूष्यावृत्तमिथुरे भूष्यावृत्तमिथुरे भूष्यावृत्तमिथुरे
p. 1076.

nism by Buddha and his followers. He uses the term bhikṣu (3.10) instead of the term parivṛṣaṅaka that occurs in Baudhā-
yana, Āpastamba and other sūtra works and lays down that a bhikṣu is to stay in one place in the rains, which reminds one of the Buddhist ‘bhikkhu’ and ‘Vasso’. 68a Gautama cites the opinion of some that Yavana is the offspring of a Kṣatriya male and a Śūdra female (4.17). It is supposed by many scholars that the Yavanas became known to the Indians only at the time of Alexander’s invasion and hence every work in which the word yavana occurs must be later than 320 B. C. Bühler (S. B. E. vol. II. Intro. LVI.) seems to suggest that the sūtra where the word Yavana occurs in Gautama may be an interpolation. This is not a satisfactory explanation.

Dr. Ram Gopal (on p. 54) finds fault with me for my criticism of Dr. Bühler. Unfortunately, he appears to have not correctly grasped the situation. Gaut. Dh. S. 4.17 (tebhya eva ...pārāśava-yavana-karaṇa-śūdrāḥ-śūdreyeke) does not express Gautama’s view but only states the view of some writers that if a śūdra woman has union with a brāhmaṇa, a kṣatriya, vaiśya or a śūdra the child begotten would respectively be a Pārāśava, a Yavana, a Karaṇa, a Śūdra. Bühler tried to show that this was an interpolation. At the time when Bühler first wrote his introduction to Vol. II. of the S. B. E. almost all Western writers regarded the occurrence of the word ‘Yavana’ in a Sanskrit work as enough ground for relegating it to 300 B. C. or to a later date. Bühler’s words on p. LVI of the edition of 1879 (SBE Vol. II.) are “As there is no historical evidence to show that the Indians became acquainted with the Greeks before the invasion of Alexander in the 4th century B.C. it has been held that works containing the word Yavana cannot have been composed before 300 B. C.” Then he refers to Gautama’s text not being trustworthy and then to Rudradāman’s inscription (vide E. I. Vol. VIII at p. 43) in which Tushāspa is described as Yavanarāja and asserts that Tushāspa was not a Greek but a Persian. Supposing Tushāspa had been a Persian there is no reason why he could not or might not have been called or described as Yavanarāja in Kathiawad in the 2nd century A. D. Vide H. of Dh. S. Vol. V. p. 516 note 743 where it is shown that Yavana is an exact reproduction of the word Ionian (from Ionia, which was originally

68a The fact that Gautama quotes by name only one predecessor viz. Manu, while the Āp. Dh. S. quotes many authors by name has a great bearing on the date of Gautama.
a strip of mountainous coast in Asia Minor in which Miletus was in the 6th century B.C. the richest city in the Greek world. Even the M.B. (Śantiparva 207. 43, Ch. ed.) has ‘Yauna-Kâmboja-Gandhārāh Kīrātā Barbaraih saha) and Ašoka in his 5th Rock Edict has ‘Yona-Kâmboja-Gandhārānam.’ If Bühler had even then held the view which he sets forth in his Introduction in the second edition, he could have easily said in the Introduction to his first edition that even if the Sūtra in which the word ‘Yavana’ occurs was not an interpolation, the date of Gautama need not be affected by the mere occurrence of the word ‘Yavana’ in a sūtra that embodies the view of others. Bühler avoided in the Introduction to his first edition being definite about the age of Gautama owing to the word ‘Yavana’ in Gautama, because he had not the courage at that time to differ from the current of western opinion. Dr. Ram Gopal in a research thesis shirks the important task of determining which sūtras of Gautama are spurious and yet devotes nearly one page to this. I had only the first edition in the library I used. It would have been enough if he had simply said that Dr. Bühler later expressed his views about the occurrence of the word ‘Yavana’ definitely in the Introduction to the 2nd edition, though he did not do so in the Introduction to the first edition.

One may ask, if Bühler believes that the Indians borrowed their alphabet centuries before Alexander from the neighbours of the Greeks, why it is improbable that the Indians may not have heard of the word Yavana centuries before Alexander and why Yavanas may not have resided in India long before that date. Taking all these things into consideration the Gautama-dharmasūtra cannot be placed later than the period between 600-400 B.C.

Haradatta wrote a learned commentary on the Gautama-dharmasūtra called Mitāksarā. For an account vide sec. 87 below. In numerous places he quotes the explanations of other commentators of Gautama (e.g. 9, 33; 10, 12, 56, 66; 11, 17; 12, 32; 21, 9 &c.)

The Bhāṣya of Maskarin, son of Vāmana, is a learned one. It has been published in Mysore Govt. Oriental Library Series. The Kṛtyakalpataru of Laksmidhara in its several parts refers to Maskarin e.g. on Gaut. Dh. S. III. 10-24 (anicayo bhikṣuḥ... anārambhī) the Moksakānda of Kalpataru quotes the views of Bhartriyajña, Asahāya, and Maskarin. The Naiyutakāla-kānda
mentions in several pages the views of Maskarin on Gautama’s sūtras (vide pp. 23, 248, 257). In the Grhastraratnakara of Candesvara (p. 330) acārya Maskarin on Gaut. Dh. S. IX. 57 is mentioned. Therefore, it follows that the bhāsya of Maskarin is certainly not later than 1100 A. D. and may be assigned to the period 900-1100 A. D. This bhāsya is far more extensive than Haradatta’s commentary, and it is not unlikely that being much earlier has been made use of by Haradatta. But, as there were other early bhāsyas of Bhartrihṛṣīṇa and Asahāya (which are not yet available in print) it is difficult to say whether Haradatta borrows from the older ones or from Maskarin. For example, on Gaut. I. 6 (tulīya-balavṛddho vikalpaḥ) the bhāsya extends to three printed pages. The same is the case with regard to Gaut. III. 1 (bhāsya of four printed pages), III. 11 (three printed pages on anicayo bhiksuḥ) V. I. (rtāvupiyāt, three pages), IX. 1 (three pages), XI. 29 (varnāśramaḥ svasvadharma etc.), XXIII. 27 and 28 (five pages on each).

Maskarin quotes profusely from at least thirty Sūrīṇas, some of them being both in prose and verse such as Uṣanas, Kanva, Katyāyana, Jātūkarmāṇa, Paithinasi, Prajāpati, Bhārgava, Lokākṣi, Vyāghra

Asahāya seems to have written a bhāsya on Gautama; rule sec. 59 below.

Some special matters presented by Gaut. Dh. S. may be briefly stated here: (1) He attaches the greatest importance to the eight moral qualities (Daya etc.) specified in VIII. 23-24 and declares that he who has undergone the forty samśkāras (mentioned in VIII. 14-22) but is not endowed with the eight ātmagunas’ does not attain Śāyuḥya and Sālokya with brahmaṇ, while he who possesses the eight qualities attains Śāyuḥya and Sālokya even though he may be endowed with only a fraction of the forty samśkāras; (2) He emphasizes (11. 30) that only

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68 b On मुषा: किबली वा (नौ. 3. 21) मोक्षार्द p. 49 comments ‘सक्सुङ्ग: किबली मुषा: वा। जितलिनिन्त्रयाययम्मारम्म इति सत्रथंश्ययम्मकारिणः.
It is clear that the three are mentioned in chronological order. The word should be Maskarin and not Maskari. Pāṇini states that Maskarin means ‘parivrājaka’ (VI. 1. 154) मस्त्रमकारिणी वेश-परिवर्तनकर्त्नोः.’
The Mahābhāṣya explains ‘न ते मस्त्रिमकारिणी मस्त्री परिवर्तनकर्त्नोः। कि तद्रेण
मा कुत शतसीखो शतसीखो शतसीखो शतसीखो शतसीखो शतसीखो परिवर्तनकर्त्नोः।’
On Gaut. 23. 27 the bhāṣyakāra himself adds ‘अत्मसत्त्वातः च विवाहस्यायाम्।’
On n. 26. 18. he quotes 31 verses beginning with यत्तत्त्वोऽत्मसत्त्व चयन् etc. and adds अत्मात्मसत्त्वातः।’
such usages of countries, castes and families are valid and authoritative as are not opposed to the Vedas; (3) Women are not independent as regards the performance of religious duties, that a woman is to be married before the appearances of menses, that a guardian who does not arrange for a girl’s marriage incurs sin and that a girl after waiting for three menstrual periods should herself choose her husband possessing the requisite qualities and when she does so she should return the ornaments given to her by her father’s family; (4) That an offender if a brähmana was not to receive bodily punishment (XII. 43); (5) he allowed niṣṭ yā if the husband died childless (XVIII. 4-8).

The Mitāksāra, the Śrīrṅandrikā, Hemādri, Mādhava and other writers quote a śloka-Gautama. Vide Parāśara-Mādhaviya, vol. I, part I, p. 7. Aparārka, Hemādri and Mādhava quote Vṛddha-Gautama, while the Dattakuṁbārīṣa (p. 72) quotes Vṛddha-Gaut. and Bhṛad-Gaut. side by side on the same point. These are later works. Jivanandā publishes a śrūti of Vṛddha-Gautama in 22 chapters and about 1700 verses (part II, pp. 497-636), where it is said that Yudhisthīra asked Kṛṣṇa about the dharmas of the four castes. This śrūti seems to have been originally taken from the Āsvamedhikaparva of the Mahābhārata, as Mādhava and others cite verses occurring in it as from that parva (vide Parāśaramādhaviya vol. I, part I, pp. 108-110).

6. The Baudhāyana Dharmasūtra

This has been edited several times (text by Dr. Hultsch at Leipzig in 1884, text in the Ānandāśrama collection of śrūtis and in the Mysore Government Oriental Series in 1907 with the commentary of Govindasvāmin; translated in S. B. E., Vol. 14, with an Introduction). The Mysore edition has been used in this work. Baudhāyana is a teacher of the Kṛṣṇayajurveda. A complete set of the Baudhāyanasūtras has not yet been recovered and has not been as carefully preserved as the sūtras of Apastamba and Hiranyakesin. Dr. Burnell arranges Baudhāyana’s sūtras into six sūtras, the Śrāutsūtra in 19 prāṇas (probably); Karmāntasūtra in 20 adhyāyas; Dvaidhasūtra in four prāṇas; Grhyasūtra in four prāṇas; Dharmasūtra in four prāṇas; Śulvasūtra in three adhyāyas. The commentators offer no indication as to the place originally assigned to the grhyasūtra, dharma and śulvā nautras in the whole collection. Dr. Caland in his monograph (A. D. 1903) ‘Uber das Rituelle sūtra des Baudhāyana’ gives on p. 12 the contents of the Baudhāyanasūtra as follows:—

Praṇas I-XXI Śrāuta, XXII-XXV Dvaidha, XXVI-XXVIII
Karmānta; XXIX-XXXI Prāyaścitta; XXXII Śulvasūtra; XXXIII-XXXV Grhyasūtra, XXXVI Grhyaprayāscitita; XXXVII Grhyaparibhāṣā; XXXVIII-XLI Grhyaparīṣita; XLII-XLIV Pitṛmedha; XLV Pravara; XLVI-XLIX Dharma. Dr. Caland edited nine praṇās of the Śrautasūtra for the B. I. Series (A. D. 1904). Dr. R. Shamsastri published for the Mysore University (in 1920) the Baudhāyanagrhyasūtra with parābhāṣā, grhyasūtra, Pitṛmedhasūtra. The Grhyasūtra cites the view of Baudhāyan himself (I. 7). The Baudhāyan-dharma refers to the Grhya and presuppose it in several places (vide note 54). In the Baudhāyanagrhyasūtra (III. 9. 6) we have a reference to padākāra Ātreya, Vṛttikāra Kaundinya, Pravacanakāra Kaṇva Bodhāyana, and Śūtrakāra Āpastamba. A similar passage occurs in the Bhāradvāja Grhyasūtra. In the Baudhāyan-dharma-sūtra (II. 5.27 Rṣitarpana) we have Kaṇva Bodhāyana, Āpastamba śūtrakāra and Satyāsātha Hiranyakṣīn one after another. These references show that Kaṇva Bodhāyana was an ancient sage when the Baudhāyan-dharmasūtra was written and that he could not have been the author of the grhya or the dharmasūtras of Baudhāyan. Baudhāyan may have been a descendant of this Kaṇva Bodhāyana. This surmise is supported by Govindasvāmina who explains Baudhāyan occurring in Baudhāyanadharmasūtra I. 3. 13 as Kāṇvāyana. In the dharmasūtra Baudhāyan is himself cited as an authority several times (e. g. I. 4. 15 and 24, III. 5. 8, III. 6. 20). In all these places the

68 a 68a अय दुर्लक्षित: प्राचीनजीवितिनां वैभव्यनाय फलिि: विद्यवेदि उपायोऽवाचात्रेः आज्ञाय पदार्थाय कौशिक्याय श्रृंखलाय किर्तिनाय रेक्षणार्थाय प्रबन्धकत्वस्य सुन्दरार्थाय सत्यार्थाय हिर्यक्षेत्राय वाजस्योऽवाचात्रेः परमाणुय भवाज्यायमित्वस्यायावर्तमाय विज्ञाते वानरस्मियो वंन्दनश्रमाय एकस्मिस्यः कल्याणार्थिः. The epithets must be understood as arranged above, since elsewhere the epithet सूतकार is specially appropriated to आपस्तम्भ. The हिर्यक्षेत्रिंयुः (II. 20. 1, ed. by Kirste in 1889) makes this clear. It reads 'आवेयाय पदार्थाय कौशिक्याय श्रृंखलाय सुन्दरार्थाय: सत्यार्थाय प्रवचनकृत्यं: आवेयाय: etc. भारतानुष्ठान (quoted by Dr. Caland in 'Uber das Rituelle &c. 3. n. 2) reads 'वैभव्यनाय भवाज्याय सुन्दरार्थायप्रबन्धकत्वाय विज्ञाते: सूतकारिः: &c.' ον κράσιν βιονεν ταπαλίμ, ονδ' ανὰποπλεκτικον σύνολον ταπαλίμ, ον δ' αφάνεν ταπαλίμ, ον δ' αφάνεν ταπαλίμ ' Νο 164-169 in θδ. θ. ηθ. II. 5 (Ānand. ed.). The हिर्यक्षेत्रिंयुः (edited by Kirste) does not mention वैभव्य at all in the τपण (II. 20-21), but mentions आवेय-पदार्थ, कौशिक्यश्रृंखल, सत्यार्थa and सूतकार.
Mysore edition reads Bodhāyana, while the Ānandāśrama reads Baudhāyana. In one or two places he is styled ‘bhagavān’ (III. 6. 20). Several explanations are offered by the commentator Govindaśvāmin (on I. 3. 13). He says that it is the practice of the Ācāryas to refer to themselves in the third person (as Medhātithi says on Manu. 69) or that the author of the dharmasūtra is a pupil of Baudhāyana as the Manusmṛti is promulgated by Bṛhari, the pupil of Manu, or there was some other Baudhāyana whose works have not come down to us.

Confusion results from the lists of sages in tarpāna mentioned in several Grhyasūtras. The passage from Baudhāyana gr is quoted in note 68a. In that passage Kāṇva Bodhāyana is called ‘pravacanakāra’ and Āpastamba is called ‘sūtrakāra’, while Satyāṣādha, Hiranyakakṣa, Vājasaneyya, Yājñavalkya, Bharadvāja and Āgniṣṭōya are merely named without any addition. In the Baud. Dh. S. quoted in the same note Kāṇva Baudhāyana (without the epithet ‘pravacanakāra’), Āpastamba sūtrakāra and Satyāṣādha Hiranyakakṣa are named. Two questions arise about the three names viz. (1) are the sages mentioned in the tarpāna passages the authors of the sūtra works in which they occur; (2) what is the import of the words pravacanakāra and sūtrakāra applied to Kāṇva Bodhāyana and Āpastamba respectively and do those words suggest that Kāṇva Bodhāyana is much earlier than Āpastamba. The present writer thinks that the authors of the Grhyasūtras were different from Kāṇva Bodhāyana and Āpastamba to whom water is directed to be offered in the tarpāna part of those works. They might be descendants of Kāṇva Bodhāyana and Āpastamba who are included in the sages for tarpāna.

If Kāṇva Bodhāyana and Āpastamba mentioned in the tarpāna passage were also the authors of the Bodhāyana and Āpastamba grhyasūtras it is very difficult to believe that they recommended to the generations that would come after them to offer water to them in tarpāna. The word pravacana 69a occurs

69 ‘प्रावेण मथकाराः स्मस्ते परवेदेऽव महते’ (on Manu I. 4).

68a कृते न स्माध्या याचनेच | ...सवयमिति सवयोच्च राधितर। | तप इति तंतोलिङ्ग: | पविवायः | सत्वायायं अवलोकनं एविषय नाको मोहीः। | तद्न्त परमस्वति तपः। | तैं-उ. प. I. 9। | शकुक्षद्वितीयं explains: स्माध्या याचनेचं । पविवायं अवलोकनं एविषय नाको मोहीः। | नायायदास प्रकटमेव अविषय नागमितर्ये ना। | नायायदास प्रकटमेव अविषय नागमितर्ये ना। | कठ 2.23 and मुख्यः III. 2.3. Compare: द्वितीयायासमितय दानम्। ग्रहायास्वयमित्व: पविवायायात्प्रितिभवः।

(Continued on next page)
frequently in the Upanisads viz. Tai. Up. 9, Kaṭha II. 23 and Munḍaka III. 2.4 (nāyam-ātmā pravacanena labhyāḥ). The Tai. Up. (I. 9), after setting out the opinions of two sages, mentions the view of Nāka Maudgalya that svādhyāya (study of the Veda) and pravacana (expounding or exposition i.e. teaching) is tapas (i.e. they should be striven for). The Rgveda I. 162.1 employs the form ‘pravakṣyāmaḥ (we shall loudly proclaim in the sacrifices the valorous deeds of the swift horse born among Gods). The Āp. Gr. while dilating upon the offering of Madhuparka once a year to one’s teacher, father-in-law, king &c. when they pay a visit, provides that one should offer only once and not every year Madhuparka to a famous expounder (of the Veda and its meaning) acc. to Haradatta (on Āp. Gr. V. 13. 20. (sakrīt-pravaktre citrāya). In these words (pravacanakāra and sūtrakāra) there is no suggestion of time or early or late in time. The only difference is that the expounder may compose his work in any way (which may be prolix or otherwise), but a sūtrakāra has to be brief and compose his work in an appropriate style.

The following are the contents of the Baudhāyana-dharmaśūtra:—Praśna I:—Sources of dharma, who are sīistas, pariśad, different practices of northern and southern India, countries where sīistas reside and where mixed castes reside, prāyasūtta for visiting countries of the latter type; 2 Studenthood for 48, 24 or 12 years, time of upanayana and the girdle, skin, staff appropriate to each caste, duties of brahmacārin, eulogy of brahmacārya; 3. The duties of the snātaka who has completed his studies and observances but has not yet married; 4. Directions about carrying the earthen jar (in the case of the snātaka); 5. Bodily and mental saucā, purification of various substances, impurity on birth and death, meaning of sapīṇa and sakulīya, rules of inheritance, purification on touching a corpse or a woman in her menses or on dog-bite, what flesh and food was allowed and forbidden; 6. Purification from the point of view of sacrifice, purification of clothes, ground, grass, fuel, vessels, and articles used in sacrifice; 7. Rules about the importance from the sacrificial point of view of sacrifice, of the sacrificial utensils, priests, the sacrificer and his wife, ghee, cooked offerings, the

(Continued from last page)

ग्र. ध. सू. X. 1-2: हरदताः साय । प्रवचनमथ्यादमत:। It is clear from आप. ध. सू. I. 11. 32. 1 ‘प्रवचनमुक्तेन यथाशर्देन ैवदृढ़ं वषालेत्’ that प्रवचन means अयायानम in that सूट्रा also. The word प्रवचन is derived from ब्रह्म ‘to speak with’ and literally means ‘declare loudly proclaim,’ Nāka Maudgalya sage occurs in Br. Up. VI. 4. 4.

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victim, *soma* and fires; 8. The four *varnas* and the sub-castes; 9. mixed castes; 10. the duties of kings, the five great sins and punishments for them, punishments for killing birds; witnesses; 11. The eight forms of marriage, holidays; *Praśna* II. 1 Prāyaścittas for *brahmahatyā* and other great sins, Prāyaścittas for a *brahmachārī* violating his vow of celibacy, for marrying a *sagotra* girl, for marrying before elder brother, sins lesser than the great ones, description of such penances as Parāka, Kṛcchra, Atikṛchra; 2. Partition of heritage, larger share for the eldest, the several substitutes for an *aurasa* son, exclusion from inheritance, dependence of women, prāyaścitta for adultery by men and women, rules about *niyoga*, means of subsistence in distress, continuous duties of the house-holder such as Agnihotra &c.; 3. The daily duties of the householder such as bathing, ācamaṇa, Vaiśvadeva, giving food; 4. *Sandhyā*; 5. Rules about the manner of bathing, of Ācamaṇa, worship of the sun, and about the method of propitiating (*tarpāya*) gods, sages and *pitṛs*; 6. The five great daily *yajñas*; the four castes and their duties; 7. regulations about dinner; 8. Śrāddha; 9. eulogy of sons and spiritual benefit from sons; 10. rules about *sannyāsa*; *Praśna* III. 1 modes of subsistence for the two kinds of householders, Śālina and Yayāvara; 2. the means of subsistence called ‘Śannivartani’; 3. the duties of the forest hermit and his means of livelihood; 4. prāyaścitta for not observing the vows of *brahmachārī* or householder; 5. method of reciting *Aghamārṣaya*, the holiest of texts; 6. the ritual of *prasātayāvaka*; 7. the purificatory *homa* called Kūmānda; 8. the penance called *cāndrāyāṇa*; 9 the recital of the Vedas without taking food; 10. theories about purification for sin, purifying things; *Praśna* IV. 1. prāyaścittas of various kinds viz. for eating forbidden food or drink &c.; 2. *Prāṇāyāmas* and *Aghamārṣaya* as purifiers in case of several sins; 3. secret prāyaścittas; 4. Various Vedic texts as prāyaścittas; 5. Means of securing *siddhi* by means of *japa*, *homa*, *iṣṭi* and *yantra*: the penances called Kṛcchra, Atī-Kṛcchra, Sāntapana, Parāka, Cāndrāyana; 6. the muttering (*japa*) of holy texts, the *iṣṭis*; 7. praise of *Yantras*, various Vedic texts used in *homa*; 8 censure of those who enter on the means of *siddhi* out of great greed, permission to get these things done through another in certain circumstances.

The extant Dharmasūtra does not appear to have come down intact. The fourth *praśna* is most probably an interpolation. Most of the eight chapters of that *praśna* are full of verses, the portion in prose being very small. The last three chapters (6–8)
are entirely in verse. The style is quite different from that of the first two praśnas. The first five chapters of the fourth praśna dealing with prāyaścittas are more or less superfluous, the same subject having been dealt with in II. 1. and III. 4-10. Some of the sūtras in the earlier praśnas are repeated verbatim in the fourth, e. g. II. 1. 33-34 and IV. 2. 10-11 (avākīṇī-prāyaścitta). The third praśna also is not free from doubt. The tenth chapter of the third praśna is, as said above, taken from Gautama. The sixth chapter of the third praśna agrees very closely in phraseology with the 48th chapter of the Viṣṇudharmaśūtra. But it is rather difficult to say which is the borrower. Dr. Jolly (S. B. E. Vol. VII. p. XIX) is inclined to think that both borrowed from a common source. It seems more probable that Viṣṇu borrows from Baudhāyana, as the Viṣṇudharmaśūtra uses the form ‘punita’ in place of ‘punatha’ (in Baud.) and as the Viṣṇudharmaśūtra omits all reference to Rudra (Baud. III. 6. 12.) and omits the words “gānān paśyati, gānādhīpatīm paśyati ... bhagavān Bodhāyanaḥ” (Baud. III. 6. 20.). In the Mysore edition all the four praśnas of the Dharmaśūtra are divided into adhyāyas, but the Mss used by Bührer appear to have divided the first two praśnas into kāṇḍikas and the last two into adhyāyas. There are many repetitions even in the first two praśnas, which therefore make one rather doubtful about the authenticity of the first two praśnas also in their entirety. For example II. 6. 11 and 31 have identical; parts in II. 7. 22 and II. 10. 53 the same verse (“āṣṭau grāṣa” &c.) is quoted. Such repetitions are frequent in the two last praśnas e. g. III. 2. 16 and III. 3. 23; III. 4. 5 and III. 7. 12. Some of the quotations ascribed to Baudhāyana in the Mitāksāra and other works are not taken from the dharmasūtra, but from the Gṛhyasūtra or its supplements (e. g. the words ‘ekāṃ śākhāmadhitē śrotiyah’ quoted in the Mit. on Yāj. III. 24 which are cited by Hultsch (on p. 125), are taken from the Gṛhya (vide note 78 below).

Though the fourth praśna appears to be interpolated, yet the interpolation must have taken place early enough. Viśvarūpa on Yāj. I. 64 quotes Baud. Dh. S. IV. 1. 15-16 (trīṇī vṛṣṇyutumāti) expressly as Baudhayana’s and on Yāj. I. 72 quotes Baud. Dh. S. IV. 1. 22 (bhurtuḥ pratiniveśena &c.) by name. The Mit. on Yāj. III. 305 quotes (as Baudhāyana’s) a long passage, Baudh. Dh. S. IV. 1. 5-11. Śaṅkaraśārya on Br. Up. IV. 5. 15 quotes Baud. II. 10. 2 “brahmacyavān pravrajati” as smṛti. Yāj. I. 71 is almost the same as Baud. Dh. II. 2. 58 (Somaḥ śaucam &c)
The Dharmasūtra of Baudhāyana is somewhat loose in structure and is not concise. Govindasvāmin remarks (on I. 2. 19) that Baudhāyana does not aim at brevity. Several subjects are treated of in two places and often without any logical connection with what precedes or follows. Rules of inheritance (dāya-bhāga) occur in the midst of rules about prāyaścitta (in II. 2.); rules about holidays (anadhyāya) occur immediately after the eight forms of marriage and the condemnation of the sale of a daughter (I. 11). Rules about snataka occur in two places (I. 3 and II. 3. 10 ff.). Baudhāyana quotes at least 90 verses introduced by the words “athāpyudāharanti,” more than 80 being from the first two praśnas alone. There are over two hundred other verses, about 80 of which occur in the first two praśnas and about ten are Vedic. Some of the verses even in the first two praśnas do not appear to be quotations e. g. I. 1. 16, II. 2. 1, II. 3. 50, II. 3. 52–54 and 56. A verse quoted is in the Vamśastha metre (IV. 3. 14); there are two verses in the Upājāti metre taken as a quotation (II. 3. 18). There are some prose quotations introduced with the words “athāpyudāharanti” (e. g. II. 4. 5 and II. 6. 30 which refers to the asura Kapila son of Prahlāda). The language of the Baud. Dh. S. is archaic and often departs from the Pāṇinean standard. Baudhāyana employs such un-Pāṇinean forms as “grhya” (for gṛhitvā in II. 5. 1), pūjya (II. 9. 5.), “adhiṣṭacchānāh” (in II. 9. 9.), ānayitvā (III. 3. 6), “punatha” (in III. 6. 5, probably a quotation,), “tebhhiḥ” (for taiḥ in III. 2. 16, a quotation). In several places Baudhāyana states opposite views and then gives his own opinion on the point, e. g. Baud. I. 5. 105–109 (about impurity on birth); II. 1. 49–51.

As regards the literature known to Baudhāyana the following points may be noted. All the four Vedas are mentioned by name in II. 5. 27 (tarpāṇa). He quotes very frequently the Taittirīlya Saṁhitā, Tai. Brāhmaṇa and the Tai. Āranya (in the Andhra recension). Well-known hymns of the Rgveda such as the Aghamārṣaṇa, the Purusāsūkta and also simple ‘ṛks’ are frequently referred to. In III. 10 (which is almost the same as Gautama 19) there is a sūtra enumerating the Upaniṣads, the Saṁhitās of all the Vedas and several sūmans as purificatory texts. There are long quotations taken from the Satapatha-brāhmaṇa (XI. 3. 3. 1 ff and XI. 5. 6. 3) in Baud. (1. 2. 52 about

70 नं द्विगज्ञातिः स्वरूपास्तु इति सुप्रतिविवेच्ये किमिति मूलहयामः। सत्यं, भयं भाष्यायं नातीव प्रन्यवच्यार्थायेऽभवति।
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brahmacāri and II. 6. 7–9 about brahmāyajña). It is noteworthy that in the tarpāṇa there is an invocation of the Atharvaveda and immediately afterwards of the Atharvāṅgirasāḥ. The same is found in the Baudhāyanaagrhya also (III. 2. 9 and 22). In the Upanisads (Bṛhadāraṇyaka II. 4. 10, IV. 1. 2) it is the word Atharvāṅgirasāḥ that stands for the Atharvaveda. Baudhāyana quotes a gāthā of the Bhāllavins (I. 1. 29) about the geographical limits of Aryāvarta. Vasistha adduces the same verse (I. 15) and says that it is taken from the Nidānā work of the Bhāllavins. The Nirukta also mentions a school of Vedic interpretation called Naidānā. It is difficult to say what Nidāna works contained. Itihāsa and Purāṇa occur in the tarpāṇa (II. 5. 27). The aṅgas of the Vedas occur in I. 1. 8 and the six aṅgas in II. 8. 2. Whether the word “rahasya” in II. 8. 3 means the Āranyakas (as Govindasvāmin explains) is doubtful. Baudhāyana mentions a Vaikhānasā-sāstra in II. 6. 16, which appears to refer to the work of Viṅkhanas on hermits and speaks of Śrāmanaka (the rites prescribed by Viṅkhanas for initiation as hermit), just as Gautama does. Among the authors on dharma mentioned by name are: Aupajānghani (II. 2. 33 for the view that only aurasa son was to be recognised and not the other kinds of sons71), Kātyā (I. 2. 47), Kaśyapa (or Kaśyapa in other editions, I. 11. 20 on the point that a woman bought cannot be a pālī), Gautama (I. 1. 23 and II. 2. 70), Prajāpati (II. 4. 15 about failure in Sandhyopāsana, and II. 10. 71 about sannyāsa), Manu (IV. 1. 14 and IV. 2. 16), Maudgalya (II. 2. 61, about observances of a widow being restricted only to six months after her husband’s death), Hārīta (II. 1. 50). Baud. I. 2. 7 quotes a verse, which Vasistha ascribes to Hārīta (Vas. II. 6). As to Gautama, vide p. 33 above. Manu is only mentioned in the fourth prāṣṇa, the authenticity of which, as said above, is very doubtful. Baudhāyana II. 2. 16 (about the efficacy of Aghamārṣaṇa) closely agrees with Manu XI. 260. The first reference to Manu’s teaching cannot be traced in the Manusmṛti. Prajāpati (in III. 9. 21) seems to stand for god Brāhma and not for any real or mythical writer on dharma. One remarkable piece of information contained in Baudhāyana (II. 6. 30) is that he quotes from a work (of the Brāhmaṇa class in language) a prose passage wherein the division into four āśramas is ascribed to an asura Kapila, son of Pralhāda. In II. 2. 79 Baudhāyana quotes a gāthā from the dialogue between the

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71 One of the verses (अप्रमता रक्तत तन्तुमेव) is referred to by शब्दस्यामि on पृ. मी. पृ. 1. 2. 13 (अपराधात फळक्ष एवदरम्यम्).
daughter of Uṣanas and the king Vṛṣaparvan, which is nearly the same as Mahābhārata I. 78. 10 and 34. Baud. quotes the view of Ācāryas (II. 6. 29) as Gautama does. In several places he refers to the views of his predecessors on dharma as "others" (eke, aprī) e. g. I. 4. 23, I. 5. 16, I. 6. 105-106, II. 5. 2. In II. 3. 18 two verses in the Upajāti metre are quoted as sung by "annam" (food). From the numerous quotations in verse cited by Baudhāyana on topics of dharma, it follows that the Dharmasūtra was preceded by a considerable number of works on dharma in verse. Bühler (SBE vol. XIV, p. XLIII) says that Vījñāneśvara was the first writer who quoted the Baud. D. S. But there are writers who flourished centuries before Vījñāneśvara that regarded Baudhāyana as a writer on dharma and either quoted his words or pointedly referred to them. Śabara in his bāṣya on Jamini I. 3. 3 says that the rule in the Smrtis about the period of Vedic study being 48 years is opposed to the Vedic injunction "one who has begot sons and whose hair are dark should consecrate the sacrificial fires." This must be regarded as referring to the words of Baudhāyana (I. 2. 1). Śabara uses the same word "Vedabrahmacarya" that Baud. employs. It is true that Gautama and Āpastamba both refer to the rule about 48 years, but they do not employ the word "veda-brahmacarya." The Tantravārtika of Kumārila says that the words of Āpastamba (II. 6. 15. 1) which seem to accept the validity of local and family usages (even though opposed to Smrti tradition) stand refuted by the words of Baudhāyana (I. 1. 19-24) who cites only such censured usages as are opposed to Smṛti. Kumārila appears to think that Baudhāyana attacks the extant work of Āpastamba, i. e. the present Baud, is later than the present Āpastamba. It is not necessary to follow Kumārila implicitly as regards chronological details, where he is speaking of writers that flourished over a thousand years before him. But his opinion deserves weight. The Tantra-

72 नाचतो दृष्टा लं ने शाचः प्रतिष्ठते: । अयाहि स्वामानस्य दशस्य प्रतिष्ठत: ॥

73 शराचाचाचारिवि वेदवर्षये चरण: जातपुरुष: कृष्णकर्मोपरि -

74 तदनस्वाधीनः प. 139 'अपस्तम्भवते दू ब्राह्मणेन स्त्रीलिङ्गदृष्टं सार्वदृष्टं प्रयत्नता निराकृतम्'. The words in the śr. घ. मृत्यु (I. 11. 22) 'तत् तत्त्र वेदात्मानेमेव स्वात' are opposed to the words of Āpastamba 'एतेन देश-

75 यथ्यो व्यास्यात्.

76
vārtika quotes a Smṛti passage which bears a close resemblance to Baudhāyana (II. 3. 28)\textsuperscript{75}. In the commentary of Viśvarūpa (who as we shall see below flourished about 800 A. D.) on Yājñavalkya, Baudhāyana is quoted at least nine times in the chapter on ācāra alone. Vide Viśvarūpa on Yāj. I. 21, 26, 29, 53, 64, 69, 72, 79, 195 (Trivandrum edition), where Baud. I. 5. 14, I. 2. 30, I. 5. 5, I. 1. 17, IV. 1. 15, IV. 1. 18, IV. 1. 22, IV. 1. 20 and I. 5. 47 are respectively quoted. There are very few variations from the present text and the only serious variation is as regards the last (I. 5. 47) which is in prose (while Viśvarūpa quotes a verse). It is remarkable that Viśvarūpa quotes several verses from the fourth prāśna, which shows that even if the fourth prāśna be an interpolation, it is comparatively an ancient one. The Mit. also (on Yāj. III. 306) quotes a long passage from the fourth prāśna (IV. 1. 5–11). The words of the Sākuntalā\textsuperscript{76} that the first precept is that a girl is to be given away to a meritorious person are probably a reminiscence of Baud. IV. 1. 12. Medhatithi on Manu. V. 117 quotes Baudhāyana I. 5. 47 and on IV. 36 quotes Baud. I. 4. 2 (which is mutilated as printed). On Manu. V. 114 he says that all the rules about purification of substances are contained in Baudhāyana-smṛti. On Manu. V. 118 he quotes Baud. I. 5. 50.

About the home of Baudhāyana it is difficult to advance any positive conclusion. In modern times Baudhāyaniyas are mostly confined to the south. We know that Sāyana, the great commentator of the Vedas, was a Baudhāyaniya. A grant of Nandīvarma, a Pallava, of the 9th century mentions Brāhmaṇas of the pravacana-sūtra as recipients\textsuperscript{77}. As Baudhāyana is called pravacanakāra in the Gṛhyasūtra Bühler thinks (S. B. E. vol. 14 p. XLII) that the Brāhmaṇas belonged to the Baudhāyanacarana. Bühler is probably right. In the grant most of the donees are students of the Āpastamba Sūtra. First the Gotra, then the Sūtra and then the name of the donee is introduced in the grant. Therefore as some of the donees are said to be students of "pravacanasūtra," it follows that "pravacana" stands for some sūtra school. It appears that sūtra and pravacana are two different

\textsuperscript{75} तन्त्रवातिकां पृ. 993 "तथा च स्वरूपः । ...धार्मिकवेदध्वम्यो रूपे च हुस्यं --
स्वास्थ्य परिपक्वम् । यो "; Baud. has सृष्टिः द्वारा शुभेच्छमुदानकुमः यो। Compare मघ
IV. 36. It is probable that the तन्त्रवातिकां combines ब्रह्म. and मघु.

\textsuperscript{76} 'मुण्डनः कर्मकार्यम् प्रवेशा इति तयाद्ययमः कल्यः' शाकुकतः 4\textsuperscript{th} Act ; while Baud.
has 'द्वारा प्रवेशं कर्मां निम्नीयां अनुभवार्याः'.

\textsuperscript{77} I. A. vol. 8, pp 273-274.
things, whatever the latter term may mean. Baudhāyana is called pravacanakāra and Āpastamba is styled sūtrakāra. We are told by the Baudhāyana-grhūṣūtra78 that a Brāhmana who studied sūtra and pravacana was styled “bhrūna.” Bühler was inclined to hold that Baudhāyana was a southern teacher for several reasons. Baudhāyana mentions customs of the south and includes see-faring as a custom peculiar to the north (I. 1. 20), while in another place he places sea-faring at the head of sins (pataniyās) lesser than the mortal ones (II. 1. 41). Therefore it is said that he was not a northern teacher. But as against this we have to remember that Baudhāyana (I. 1. 29) quotes with approval a verse in which the countries of Avanti (Ujjain), Ánga, Magadhā, Surāstra (Kathiawar) and Dakṣināpatha are declared to be the home of mixed castes. Dakṣināpatha was generally supposed to be the whole peninsula south of the Narmadā. Baudhāyana, if he was a native of the south, would not have spoken of his country as the home of mixed castes only, unless he put a restricted meaning on the word Dakṣināpatha (which sometimes meant in later days Mahārāstrā). Vide J. B. B. R. A. S. for 1917 p. 620.

Though as stated above, the question of the home of Baudhāyana is a difficult one, yet if a definite inclination has to be shown, then I am disposed to agree with Bühler that the author of Baudh. Dh. S. was a southerner. It is important to note that Baud. wants to expound the dharmas declared in the Veda, in the Smṛtis and those practised by sīśṭas (I. 1. 1–4) and defines sīśṭas (I. 1. 5–6) as those who possess certain moral qualities and who understand the Veda together with other supporting sāstras. He sets out first the five peculiar usages of the southern part, two of which are the usages of marrying one’s maternal uncle’s or paternal aunt’s daughter. These two are even now in vogue in some parts of Mahārāstra and the South among certain sub-divisions of brāhmanas and were not prevalent in the north. Baudhāyana impartially sets forth five practices of the south and five of the north that were opposed to ancient sāstras and his own view appears to have been that in the case of all persons belonging to Áryāvarta (whether they be in the northern or southern parts) both sets of five practices in sūtras (19 and 20) were not to be followed. In that connection he quotes several (three) views about Áryāvarta and two verses more, one of which

78 The whole passage is interesting: ‘उपमीणामासं ब्राह्मणों वेदांतार्थ्यं विश्वस्य ब्राह्मण:। एकत्रां छस्मृतायां लोकस्वयं। अवधार्यात्रावत्सनान:। कल्याणाय विश्वस्यः। तुस्मत्वत्वनाथ्यायी भ्रम:। चतुर्वर्ततिर्हि:। अतः कथये देश:।’ भृ. भृ. स. I. 7. 2–8.
names the countries in which there is mixture of castes and the 2nd mentions some countries like Áraṭṭa (Panjab), Sauvira, Pundra, Vaṅga, Kalinga, sojourn in which made a person liable to undergo an expiation. The countries mentioned in the first verse are all (except Daksināpatha) to the north of the Narmada. It is quite probable that he did not like the usage of marrying one's maternal uncle's or paternal aunt's daughter even for southern people. It should be noted that almost all the countries in the 2nd verse are north of the Narmada. Further, Daksināpatha appears to have meant a country roughly like modern Mahārāstra long before the Christian era; vide ASWI. Vol. V. p. 60 which shows that in an inscription (No. 1) of Nanaghat (Poona District) Vedisiri is mentioned as king of Daksināpatha. Vide ASWI. Vol. IV. p. 110 and Rudradāman's inscription (E. I. Vol. VIII at p. 44, where Sātakarni is said to have been lord of Daksināpatha). The fact that Āpastambiyas, Hiranyakesīns and Baudhāyanīyas have congregated much more in the south than in the north for centuries supports the above statement. The words Uttarāpatha and Daksināpatha were never strictly defined. For example, in the Sanjan plates (supposed to be spurious) of Buddhavarasa (E. I. Vol. 14 p. 144 at p. 149 about 700 A. D.) we meet with the words 'Uttarāpathathādhipati Śrī Harṣadevaparājyopalabdhogra-pratāpah' i.e. king Harṣa is said to have been lord of Uttarāpatha. If we turn to the Harṣacarita of Bāna (first paragraph after two initial verses of the 5th Ucchvāsa) we read 'Athā kadācid-rājā Rājyavardhanam-āhūya Hūmān hantum...oirantanairamātyaiḥ... kṛtvā saḥsīram-uttarāpathām prāhinot'. This shows that Śhāṃśīvara (modern Thanesar) was not included in Uttarāpatha in Bāna's days. Uttarāpatha occurs in the Hathigumpha Inscription of Khāravela (E. I. Vol. XX. p. 71 at p. 79 and p. 88). Pāṇini knows the word as in V. 1. 77 'Uttarāpathānāḥṛtam ca' (Uttarāpathānāḥṛtam auttarāpathikam, Uttarāpathena gacchati auttarāpathikah). About Daksināpatha the Mahābhāṣya says that large lakes are called 'Sarasī' in Daksināpatha (Kielhorn's ed. Vol. I. p. 73). The word 'Daksināpatha occurs in the gana 'dhūmādi' (Pāṇ. IV. 2. 127).

The extant Baudhāyanadharmaśūtra is certainly later than Gautama, as it mentions Gautama twice by name and as one quotation at least is found in the extant Gautama. Besides Baudhāyana quotes by name several teachers on dhārma, while Gautama quotes only one, Manu. Baudhāyana is far removed from the times of the Upaniṣads. Baud. (II. 7. 15) quotes a verse which is itself an
adaptation of a passage from the Chandogya-upanisad. He quotes Harita. It is uncertain whether the Haritadharmanasura, a manuscript of which was discovered by the late Vaman Sastri Islampurkar at Nasik, is the one intended. Bühler thought that the work of Baudhāyana was earlier than that of Āpastamba by a century or two. His first reason was that Kāṇva Baudhāyana receives homage in the tarpāṇa before Āpastamba and Hiranyakäśin and that the same order is observed in the Baudhāyana-grhyasūtra. But this reason is far from convincing. It may be conceded that Baudhāyana was regarded as the oldest (or the most authoritative or respectable) of the three schools of the Black Yajurveda. But from this it does not at all follow that the extant dharma-sūtra of the Baudhāyaniyās is earlier than that of the Āpastambiyas. For aught we know the sūtra compiled for the school of Baudhāyana may be later than the sūtra manual of the Āpastambiyas. We saw above that orthodox opinion, represented by Kumārila, regards Baudhāyana’s work as later than Āpastamba’s. All the three founders of the three schools are mentioned in the Baudhāyana-grhyā and dharmasūtra. One may equally argue with good reason that both these works knew a sūtra work of Āpastamba and that the extant dharmasūtra of Āpastamba is that work. Another reason assigned for the priority of Baudhāyana’s work over Āpastamba’s is that, though both have numerous sūtras that agree almost word for word, a comparison of the views of the two writers shows that Āpastamba lays down stricter and more puritanic (and therefore later) views on certain points than Baudhāyana. Gautama, Baudhāyana and Vasiṣṭha mention several secondary sons, while Āpastamba is silent about them. Gautama, Baudhāyana (II. 2. 17, 62), Vasiṣṭha and even Viṣṇu approve of the practice of nitya, while Āpastamba condemns it (II. 6. 13. 1–9). Gautama and Baudhāyana (I. 11. 1) speak of eight forms of marriage, while Āpastamba speaks of only six and omits Prājāpatya and Paisāca (II. 5. 11, 17–20 and II. 5. 12. 1–2). Baudhāyana (II. 2. 4–6) allowed a larger share to the eldest son on a partition, while Āpastamba condemns such a procedure (II. 6. 14. 10–14). The Baudhāyana-grhyasūtra (II. 4. 6) allows upanayana to rathakāra, while Āpastamba (grhya 4. 10. 1–4) does not do so (dharmasūtra I. 1. 1. 19). These points are hardly conclusive on the question of date. From

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79 Baud. 'अध्याय-पुस्तिक-वाचन तुममहीकमें ग्रहणे प्रदीप-प्रती। तदस्माति पापारी दशनेन हास्यप्रवाहिन्य, II '; compare कृतदेश्योपबिज्जेऽत्र V. 24. 3 'तथा पैसीकार्कमें प्रोत्त प्रद्धतेवर्ष हास्य सर्व पापार: प्रदुस्तने ' &c.
very ancient times there was great divergence of opinion among the doctors of the law on most, if not on all, of these points. There is no hard and fast rule that these doctrines were upheld by early writers and condemned by later ones. Baudhāyana himself quotes the views of an ancient writer, Auṣpajānghāni, who condemned all secondary sons. The verses that Baudhāyana quotes on this point (II. 2. 34-36) are quoted by Āpastamba also but without the author’s name (Āp. II. 6. 13. 6), there being variants only in the first verse. Niyoga was allowed by Manu (9. 56-63) and then condemned (9. 64-68) and Bṛhaspati refers to this attitude of Manu (vide Kullūka on Manu 9. 68). Even so late a writer as Yājñavalkya (II. 131) approves of niyoga. About the rathakāra being allowed to consecrate the sacred fires there is a discussion in the sūtras of Jaimini (VI. 1. 44 ff). Vedic passages supported both methods viz. equal division among sons and the bestowal of a larger share on the eldest. Even Yājñavalkya (II. 118) allows a larger share to the eldest son. Therefore, hardly anyone of the circumstances relied upon by Bühler as indicating a later age for Āpastamba is conclusive or convincing. The third ground for placing Baudhāyana before Āpastamba is that the style of the former is simpler and older as compared with the latter’s. That Baudhāyana is simpler than Āpastamba may be admitted. But this may be due to the fact that Baudhāyana has been tampered with more than Āpastamba. On the other hand Āpastamba contains more un-Pāṇinean forms, more uncouth constructions, more words in an archaic sense than is the case with Baudhāyana. All that is almost certain about the age of the Baudhāyana-dharmasūtra is that it is later than the work of Gautama, that its style, its doctrines and its general out-lock on different subjects do not compel us to assign it a later date than that of the other dharmasūtras. We have adduced evidence to show that long before the days of Sabara (whose latest date cannot be later than 500 A. D.) the Baudhāyana-dharmasūtra was an authoritative smṛti; it follows that the dharmasūtra must be placed somewhere between 500-200 B. C. Numerous sūtras are identical in Baudhāyana and Āpastamba e. g. Ap. I. 1. 2. 30 = Baud. I. 2. 40-41, Ap. I. 2. 6. 8-9 = Baud. I. 2. 39, Ap. I. 5. 15. 8 = Baud. I. 2. 31, Ap. I. 11. 31. 11 and 16 = Baud. II. 3. 39 and 32. There are several verses that occur in both e. g. Baud. II. 1. 42 = Ap. I. 9. 27. 11, Baud. II. 2. 34-36 = Ap. II. 6. 13. 6 (three verses condemning secondary sons), Baud. II. 10. 63 = Ap. II. 11. 9. 21. 10, Baud. II. 7. 22-23 = Ap. II. 4. 9. 13. (two verses),
Baud. II. 6. 36 = Ṛp. II. 9. 24. 8. Besides these there are numerous Vedic quotations that are common to both. All this, however, does not establish anything about their relative position. The Vasistha-dharmaśūtra also has numerous quotations in common with Baud. Vide Vas. I. 15 = Baud. I. 1. 28; Vas. III. 5, 6, 11, 20, 56 = Baud. I. 1. 10, 12, 11, 8 and I. 5. 58. (respectively); Vas. 6. 20–21 = Baud. II. 7. 22–23; Vas. VII. 17 = Baud. II. 2. 1; Vas. XI. 27–28 = Baud. II. 8. 21–22; Vas. XVI. 34 = Baud. I. 10. 35, Vas. XVII. 73 = Baud. IV. 1. 17, Vas. XVII. 86 = Baud. I. 5. 102; Vas. XXII. 10 = Baud. I. 1. 33. It is to be noted that some of these quotations (Baud. II. 8. 21–22, I. 10. 35) occur in the extant Manusmṛti (III. 125–126 and VIII. 98). There are a few prose sūtras in Vas, that are transformed into verse in Baud. and vice versa e.g. Vas. III. 41 (prose) = Baud. I. 5. 20 (quoted as a verse), Vas. III. 57 (quoted as a verse) = Baud. I. 6. 19–20. It is not likely that one borrows from the other. There are two other possible explanations, viz. that both Baud. and Vas. (and Manu also) quote from or adapt a common source or that the three works have been tampered with and interpolations introduced at every step. The latter alternative is too sweeping as the number of verses is very large and makes all the old sūtras except that of Gautama valueless for all chronological purposes. One cannot subscribe to the view that such extensive interpolations took place as the latter theory demands. The first alternative appears more reasonable. What that common source was, whether it was a regular work in verse or whether there was a floating mass of such popular verses as Bühler holds, are questions that present very great difficulties. It is not easy to believe that there were hundreds of floating verses on dharma no body knew by whom composed, on which writers of the centuries preceding the Christian era drew for supporting their opinions. That does not sound as a very likely procedure. It is more probable that such verses were contained in a work or works now lost.

I tried on pp. 29–31 of the first edition to bring forward arguments on both sides of the question whether Baudhāyana Dh. S. is earlier or later than Āpastamba and on p. 30 stated that the Baud. Dh. S. may be placed between 500 B. C. and 200 B. C. Dr. Ram Gopal (p. 76 of his work) trots out the plea that I am inconsistent. I have given above an answer to this charge in the case of my remarks about Gautama. So I do not want to rebut here the charge of inconsistency. I am prepared to place Baudhāyana Dh. S. between 600 B. C. to 300 B. C. All these
dates are more or less tentative and there is no finality about them at least at present.

In the *tarpana*, Baud. (II. 5. 21) mentions several appellations of Gaṇeśa, viz. Vighna, Vināyaka, Sthūla, Varada, Hastimukha, Vakratunda, Ekaḍanta, Lambodara. But this affords no certain clue as to date. The worship of Vināyaka is found in the *Mānavagrhya* also. In the *tarpana* (II. 5. 23) we have the seven planets mentioned in the order of the days of the week and also Rāhu and Ketu; besides the twelve names of Viṣṇu occur in II. 5. 24. In II. 1. 44 Baud. speaks of the profession of an actor or of a teacher of dramaturgy (*Nātyācārya*) as an upapātaka. Several śūtras attributed to Baudhāyana on the subject of adoption in the Dattakamīmāṁsā and other later works are taken from the Baudhāyanagrhyaśesāśūtra (II. 6), the śūtras agreeing very closely with Vasiṣṭha (15. 1–9).

According to Burnell the oldest commentator on the Baudhāyanaśrauta-sūtra was Bhavavāmin, whom he placed in the 8th century. The commentary of Govindavāmin on the Dharmasūtra is a learned one and is generally to the point. He appears to be a very late writer.

### 7. Dharmasūtra of Āpastamba.

This has been edited several times (viz. by Bühler in the Bombay Sanskrit Series with large extracts from Haradatta’s commentary called Ujjvalā and also at Kumbhakonam with the complete commentary of Haradatta and translated by Bühler with an introduction in S. B. E. vol. II.). The Āpastambakalpasūtra of the Taittiriya Śākhā of the black Yajurveda is divided into 30 praṇās. According to Bühler, the first 24 praṇās contain the treatment of Śrauta sacrifices; the 25th contains paribhāṣās, pravarakhaṇḍa, and Hauraka prayers to be recited by Hotṛ priests; 26th and 27th praṇās constitute the Gṛhyasūtra, the 28th and 29th Dharmasūtra and the 30th praṇa is Sulvasūtra. Bühler seems to be slightly inaccurate here. According to Caṇḍappā, who commented on the Āpastambiya sūtras in the 14th century, the Āpastambiyamantrapātha forms the 25th and 26th praṇās of the Kalpasūtra and the Gṛhyasūtra forms 27th praṇa.80 The Śrauta-sūtra of

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80 *प्रविद्याश्रयः प्रविद्याश्रयः गुणमण्डः प्रप्रितिः। प्रगृहे समस्ते स्वतःसृजनतःप्रविद्याश्रयः॥* (Dr. Winteritz’s edition of Āp. Mantrapātha p. IX). The editor further states (p. IX n. 2) that Paribhāṣās form part of the 24th praṇa and not of the 25th, as Bühler says.
Āpastamba was edited by Dr. Garbe in the B. I. series; the Grhya and Mantrapātha were edited by Dr. Winternitz. The Grhya with the commentary of Sudarśanārya has been edited in the Mysore Govt. Oriental series by Pandit Mahadeva Sastri (in 1893). It is divided into eight pātalas and 23 khandas. According to the Caranāvyūha, Āpastamba (or "bha" as written in many southern mss.) is one of the five sub-divisions of the Khāḍḍikīya school of the Taittirīyasākhā of the Black Yajurveda. Whether the author of the Āpastamba Śrauta, Grhya and Dharma sūtras is the same is difficult to determine. One sūtra in the Āpastambadharma (II. 2. 5. 17) is the same as Āp. Śrauta (III. 17. 8 and VIII. 4. 6). Oldenberg (S. B. E. vol. 30, p. XXXII) does not subscribe to Bühler's view (S. B. E. Vol. II, pp. XIII-XIV) that the authors of the Āp. Śrauta and Dharma were identical and gives it as his own view that another person of the same school might have imitated the style of the author of the Śrauta. Whatever may be said of the identity of the authorship of the Śrauta and Dharma sūtras, the Grhya and Dharma seem to be very closely related and both seem to be the compositions of the same author. The Āp. Grhya-sūtra, as compared with the Āśvalāyana-grhya or Gobhila-grhya, is extremely brief and leaves out many rules that are given in other Grhya works. For example, about the choice of a girl, the Āp. Gr. gives only one worthwhile rule (I. 3. 18)81, the other rules (I. 3. 10-17) are of a trivial character such as that the girl that is sleepy or weeping or leaves the house when the bridegroom's party comes to choose her or when the girl's name is that of a river, naksatra or tree or she has a name in which the penultimate letter is r or 1 &c. but all those rules in the grhyasūtra (including the one in sūtra 18) are recommendatory and a marriage entered into against these rules would have been valid even in old times. The most important rule, breach of which would have made the marriage void, is stated in Āp. Dh. S. II. 5. 11. 15-16) viz. that the gotra of the bride's father and of the bridegroom must not be the same and there must be no sapinda relationship between the two on the mother's and father's side.

Dr. Ram Gopal says on p. 57 (of his work) that I am not accurate when I state about the choice of a girl that Āp. Gr. S. gives only a single rule (I quoted that rule). I added that it was the Āp. Dh. S. (II. 5. 11. 15-16) that provides that the girl must not be a sugotra or sapinda. Dr. Ram Gopal is swayed by

81 कम्पनीविलसक्षणसंस्कारमोगामप्रयत्नः
mere numbers. He points out that there are ten sūtras in Āp. Gr. about the choice of a marriageable girl. What I wanted to emphasise was that only one rule of Āp. Gr. was worth something and I quoted that rule. A marriage entered in defiance of all the ten rules in Āp. Gr. would have been quite valid even in those days. I wanted to illustrate how Āp. Gr. S. was scrappy and omitted even vital matters. The rules (only two) forbidding a sagotra or sapinda girl for marriage were vital and breach of them would have made the marriage void. Āp. Gr. S. I. 3. 21 is not Āpastamba’s opinion; it is the view of others (Yasyām manāscakṣaṇor nibandhastāsyām rdhīr-netaradādriyeteteyeke). Even this rule is recommendatory and not obligatory and a marriage in defiance of it would have been quite valid in those days and would be valid also in these days. That view occurs also in the Kāmasūtra III. 1. 14. Vide H. of Dh. vol. II. p. 432 note 1025 for further information. In the 2nd volume of H. of Dh. on pp. 437–38, I mentioned this prohibition of sagotra and sapravara marriages and recommended on pp. 498–99 that the legislature should intervene and loosen the absolute bar against sagotra and sapravara marriages. The Indian Parliament (by Act 25 of 1955, called the Hindu Marriage Act) has removed the bar against Sagotra and Sapinda marriages to a great extent. Vide sections 3 (f and g) and 5 of that Act. The Āp. Grhya is silent about the forms of marriage, about holidays, about the duties of brahmacārins and such other subjects which are generally treated of in other Grhyasūtras. These subjects are dealt with in the Āp. Dh. S. and there are several places where the Dharma-sūtra presupposes the existence of the Grhya and refers to it. Compare Āp. Dh. S. II. 1, 2. 10–1182 with Āp. Gr. S. III. 7 (particularly sūtras 1, 17, 23). Vide note 54 above. Some sūtras are identical in the Grhya and Dharma, e.g. Āp. Dh. S. I. 1. 2. 38 and Grhya IV. 11. 15–16 (about the staff of Brahmacārin); Āp. Dh. S. II. 4. 8. 7 and Grhya V. 13. 19. In some cases the Grhya-sūtra itself seems to refer to the teachings of the Dharma-sūtra,

82 ‘शोपुरे स्त्राहीपकः: तस्मयपरः परामन्ते स्त्राहीपकः व्याहितात्:’ आप. ध. सू.: ‘अधीनामाग्रे
बने स्त्राहीपकः व्याहितात्:’ आप. ध. सू.: ‘स्त्राहीपकः व्याहितात् सांस्कृतिकः व्याहितात्:’ आप. ध. सू.: ‘स्त्राहीपकः व्याहितात्: आप. ध. सू.: ‘स्त्राहीपकः व्याहितात्:’ आप. ध. सू.: ‘स्त्राहीपकः व्याहितात्:’ आप. ध. सू.: ‘स्त्राहीपकः व्याहितात्:’ आप. ध. सू.: ‘स्त्राहीपकः व्याहितात्:’ आप. ध. सू.: ‘स्त्राहीपकः व्याहितात्:’ आप. ध. सू.: ‘स्त्राहीपकः व्याहितात्:’ आप. ध. सू.: ‘स्त्राहीपकः व्याहितात्:’ आप. ध. सू.: ‘स्त्राहीपकः व्याहितात्:’ आप. ध. सू.: ‘स्त्राहीपकः व्याहितात्:’ आप. ध. सू.: ‘स्त्राहीपकः व्याहितात्:’ आप. ध. सू.: ‘स्त्राहीपकः व्याहितात्:’ आप. ध. सू.: ‘स्त्राहीपकः व्याहितात्:’ आप. ध. सू.: ‘स्त्राहीपकः व्याहितात्:’ आप. ध. सू.: ‘स्त्राहीपकः व्याहितात्:’ आप. ध. सू.: ‘स्त्राहीपकः व्याहितात्:’ आप. ध. सू.: ‘स्त्राहीपकः व्याहितात्:’ आप. ध. सू.: ‘स्त्राहीपकः व्याहितात्:’ आप. ध. सू.: ‘स्त्राहीपकः व्याहितात्:’ आप. ध. सू.: ‘स्त्राहीपकः व्याहितात्:’ आप. ध. सू.: ‘स्त्राहीपकः व्याहितात्:’ आप. ध. सू.: ‘स्त्राहीपकः व्याहितात्:’ आप. ध. सू.: ‘स्त्राहीपकः व्याहितात्:’ आप. ध. सू.: ‘स्त्राहीपकः व्याहितात्:’ आप. ध. सू.: ‘स्त्राहीपकः व्याहितात्:’ आप. ध. सू.: ‘स्त्राहीपकः व्याहितात्:’ आप. ध. सू.: ‘स्त्राहीपकः व्याहितात्:’ आप. ध. सू.: ‘स्त्राहीपकः व्याहितात्:’ आप. ध. सू.: ‘स्त्राहीपकः व्याहितात्:’ आप. ध. सू.: ‘स्त्राहीपकः व्याहितात्:’ आप. ध. सू.: ‘स्त्राहीपकः व्याहितात्:’ आप. ध. सू.: ‘स्त्राहीपकः व्याहितात्:’ आप. ध. सू.: ‘स्त्राहीपकः व्याहितात्:’ आप. ध. सू.: ‘स्त्राहीपकः व्याहितात्:’ आप. ध. सू.: ‘स्त्राहीपकः व्याहितात्:’ आप. ध. सू.: ‘स्त्राहीपकः व्याहितात्:’ आप. ध. सू.: ‘स्त्राहीपकः व्याहितात्:’ आप. ध. सू.: ‘स्त्राहीपकः व्याहितात्:’ आप. ध. सू.: ‘स्त्राहीपकः व्याहितात्:’ आप. ध. सू.: ‘स्त्राहीपकः व्याहितात्:’ आप. ध. सू.: ‘स्त्राहीपकः व्याहितात्:’ आप. ध. सू.: ‘स्त्राहीपकः व्याहितात्:’ आप. ध. सू.: ‘स्त्राहीपकः व्याहितात्:’ आप. ध. सू.: ‘स्त्राहीपकः व्याहितात्:’ आप. ध. सू.: ‘स्त्राहीपकः व्याहितात्:’ आप. ध. सू.: ‘स्त्राहीपकः व्याहितात्:’ आप. ध. सू.: ‘स्त्राहीपकः व्याहितात्:’ आप. ध. सू.: ‘स्त्राहीपकः व्याहितात्:’ आप. ध. सू.: ‘स्त्राहीपकः व्याहितात्:’ आप. ध. सू.: ‘स्त्राहीपकः व्याहितात्:’ आप. ध. सू.: ‘स्त्राहीपकः व्याहितात्:’ आप. ध. सू.: ‘स्त्राहीपकः व्याहितात्:’ आप. ध. सू.: ‘स्त्राहीपकः व्याहितात্
e. g. Grhya 8. 21. 1 and Dharma II. 7. 16. 6-7. All these facts make it highly probable, if not certain, that the Grhya and Dharma sūtras were composed by the same author and that the details of certain topics were purposely omitted in the Grhya to avoid repetition. The Smṛticandrīka (III. p. 458) distinctly asserts that the author of the Dharmasūtra and the Grhyasūtra was the same.

The contents of the Āp. dharma-sūtra are:

1. the authoritative sources of dharma are the Vedas and the usages of those who know dharma; the four varṇas, their precedence; definition of śūtṛya and his greatness, time for upanayana according to the varṇas and according to one's desire; prāyaścitta if proper time for upanayana is gone; he whose father, granḍ-father and great-grand-father had no upanayana performed becomes paita, but he can be purified by prāyaścitta; the duties of brahmacārin, residence with teacher for 48 years, 36, 25 or 12 years; rules of conduct for brahmacārin, his staff girdle and garment, rules about begging for food, bringing fuel and offering to fire; the vows of a brahmacārin are his tapas; rules about saluting teacher and others according to varṇas; giving daksinā to the teacher at the end of study; rules for śūlaka; rules about holidays and about the time and place for Vedic study; rules about holidays apply to study of the Veda and not to the use of mantras in Vedic rites; the five great daily yajñas to the bhūtas, men, gods, pīṭras, and sages; honouring men of higher castes, old men, parents, brothers and sisters and others; method of inquiring about one's health &c. according to varṇas; occasions of wearing yajñopavita; times and manner of úcāmanam; rules about forbidden and permitted food and drink; the avocation of a vañj not allowed to a brāhmaṇa except in distress; rules forbidding the sale or exchange of certain things; grave sins (patañiya), such as theft, the murder of a brāhmaṇa or other man, causing abortion, incest, drinking wine &c; other sins are not so grave, though they make the perpetrator impure; discussion of some metaphysical questions such as the knowledge of the soul, Brahma, the moral faults that lead to perdition such as anger, avarice, hypocrisy &c; the virtues that lead to the highest goal, such as absence of anger or avarice &c. truthfulness, tranquillity; compensation for killing a Kṣatriya, Vaiśya, or Śūdra and women; prāyaścitta for killing a Brāhmaṇa and an Ātreyī Brāhmaṇa woman, for killing a guru or a Śrotiṇya; prāyaścitta for violating the bed of a guru, for drinking wine
and for theft of gold; prāyaścittas for killing several birds, cows and bulls, and for abusing those who should not be abused, for sexual intercourse with a Śūdra woman, for taking forbidden food and drink &c.; rules about Kṛchra for twelve nights; what constitutes theft; how one should act towards a fallen (pālita) guru and mother; various opinions about prāyaścitta for violating guru’s bed; prāyaścitta for a husband who has intercourse with another woman and for wife’s adultery; prāyaścitta for killing a bhrūga (a learned brāhmana); brāhmana was not to wield arms, except in self-defence against bodily injury; prāyaścitta for abhīśasta; prāyaścittas for lesser sins; various views about snātaka (Vidyāsnātaka, Vratasnātaka and Vidyāvratasnātaka); the observances (vrataś) of snātaka as regards garments, answering calls of nature, about scandalous talk, about not seeing the rising or setting Sun, avoiding moral faults such as anger; II (pṛaśna) the householder’s observances commence on marriage (pānigrahaṇa); rules of conduct for a householder about taking food and fasting, about sexual intercourse; all the vṛtaś attain unmeasured bliss by performing their duties and are re-born in conditions appropriate to their actions and by means of evil deeds are re-born in evil surroundings e.g. a brāhmana who is a thief or a murderer of a brāhmana becomes a Cāṇḍāla, a similarly guilty rājanya becomes a pauruṣa; the three higher castes should after bathing perform Vaiśvadeva; Śūdras may cook food for their masters of higher castes under the supervision of Āryas; offerings (bāli) of cooked food; guests (atithi) should be first offered food, then children, old men, sick persons and pregnant women (and then the householder himself); no one should be refused food when he comes at the end of Vaiśvadeva; rules of receiving guests, such as unlearned brāhmanas, ksatriyas, vaśyas and śūdras; an householder should always wear an upper garment or his sacred thread may serve that purpose; in the absence of a brāhmana teacher, a brāhmana may learn from a ksatriya or vaśya teacher; duties of a married man when his teacher comes as a guest; duty of householder to teach and to observe the rules of conduct laid down for him; in case of doubt as to a guest’s caste and character, how to proceed; who is an atithi; praise of honouring an atithi; procedure in case an atithi comes to a king or to one who has consecrated fires; to whom and when madhuparka is to be offered; the six aṅgas of Veda named; all including dogs and cāndīlas should be given food after Vaiśvadeva; all gifts to be made with water; one must not give at the expense
of servants and slaves; one may subject himself, wife and sons to privations (but not servants); amount of food to be taken by brahmacārin, householder, hermit &c.; occasions for begging are the teacher, marriage, sacrifice, maintenance of parents and avoidance of the cessation of some worthy observance (like agnikotra); the peculiar karmas of brāhmaṇas and the other castes; rules of war; the king to appoint a purohita skilled in dharma and art of government, who is to carry out punishments and penances; punishments including death sentence according to the gravity of the offences, but a brāhmaṇa was not to be killed or injured or to be made a slave; rule of the road; a man of the lower caste by practising his duties rises higher and higher when re-born and a man of the higher castes goes lower by adharma; one should not marry another wife, when the first has children and is helpful in the performance of dharma; rules about marriageable girl, i.e. she must not be sagotra and sapinda of the mother; six forms of marriage viz. brāhma, ārsha, daiva, gāndharva, āśura, rāksasa; preference among the six; rules of conduct after marriage; sons born of wives of the same caste can perform the duties appropriate to the father’s caste and inherit parent’s property; the son of a woman who was once married or who is not married according to prescribed forms or who is not of the same caste is censured; whether the son belongs to the begetter (or to him on whose wife he is begotten); there can be no gift or sale of a child; partition during father’s lifetime and equal division; exclusion from inheritance of the impotent, lunatics and sinners; the inheritance in the absence of son goes to nearest sapinda, then to the teacher and then to the pupil, or the daughter and ultimately to the king; the opinion of some that the largest share goes to the eldest son is opposed to the Vedas; no partition between husband and wife; usages of countries and families not to be followed if opposed to the Vedas; impurity on death of agnates, cognates &c; gifts to be made at proper time, place and to proper person; śrāddhas; times of śrāddha; materials required at śrāddha; food (including flesh) appropriate at śrāddha; what brāhmaṇas are to be called at śrāddha; the four āśramas; rules about parivrāj i.e. sannyāsin; the duties of forest hermit; praise of the meritorious and condemnation of evil-doers; special rules about kings; founding of his capital and palace; position of the sabhā; extirpation of thieves; gifts of land and wealth to brāhmaṇas; protection of people; persons exempt from taxation, such as Śrotiyas, women of all castes, students and ascetics; punishment of young men for
adultery; punishment varied according as the woman wronged was Ārya or Śūdra; punishments for abuse and for homicide; punishments for various breaches of conduct; dispute between cowherd and master; the perpetrator, the abettor and one who approves of the act are all guilty; who are to decide disputes; in case of doubt decision by inference and by divine proof ( ordeals ); punishment for perjury; all other dharmas should be learnt, according to some, from women and people of all castes.

Each of the two praśnas of the Āpastamba-dharma-sūtra is divided into eleven patalas, there being 32 and 29 khaṇḍikās in the two patalas respectively. The Dharma-sūtra is written in a more concise and compact style than that of Baudhāyana and has more archaic and un-Pāṇini forms than any other extant Dharma-sūtra. For example, the following are against the rules of Pāṇini; Adhāsana ( for adha āśana ) in I. 1. 2. 21, aglaṁśu ( I. 2. 3. 22 ), muhūṅśa ( I. 2. 8. 22 ), agṛhyamāna ( I. 4. 12. 8 ), sarvatopeṣa ( for ‘sarvata upeta ’) in I. 6. 19. 9, sakhiṁ ( for sakhiṁ ) in I. 7. 21. 9. Haradatta points out in many places that the current reading was un-Pāṇinean and therefore he read differently ( e. g. in II. 2. 5. 2 he reads ‘aviprakramaṇa ’, while the current reading was ‘aviprakramaṇa ’)\(^{63}\). This makes it probable that in the original text there must have been many more un-Pāṇinean forms than in the one preserved by Haradatta. There are many unfamiliar or rare words used by Āpastamba, i. e. ananiyoga ( I. 6. 19. 12 ), anāścārika ( I. 8. 22. 1 ), kartapata ( I. 2. 5. 3 ), vyupatoda and vyupajāva ( ‘pa ’) in I. 2. 8. 15, brahma- saṁstuta ( I. 1. 1. 32 ). We meet with strange forms of certain words, such as paryānta ( I. 3. 9. 21 ), praśāsta ( II. 8. 19. 3 ), anātyaya ( I. 1. 1. 21, for anatyaya ), brahmajjham ( for-ojjhaḥ ) in I. 7. 21. 8, śvāvit ( I. 5. 17. 37 ), śthevana ( I. 11. 30. 19 for śhitvana ), ācārayadāre ( for-dāresu ) in I. 2. 7. 27. Though the Āp. Dharma-sūtra is mainly in prose, there are verses here and there. Some of the verses are expressly stated to be taken from other sources by being introduced with the word “udāharanti” or with “athāpyudāharanti” e. g. I. 6. 19. 13 (two ślokas from a Purāṇa), I. 6. 19. 15 ( compare Manu 8. 317 and Vas. 19. 44 ), I. 11. 31. 1, I. 11. 32. 24, II. 4. 9. 13 (two verses, same as Baud. II. 7. 22–23 ), II. 7. 17. 8, II. 6. 13. 6 ( three verses almost the same as in Baud. II. 2. 34–36 ), II. 9. 23. 4–5 (two ślokas from a Purāṇa ). Besides these, there are several isolated verses, most of which seem to be quotations, though not introduced with words like “udāharanti”.

\(^{63}\) ‘मनु कर्तवयो कर्मोऽस्मिन्निनि समवेते। एकार्योऽस्मिन्निनि स्मारकोऽपि य।’
They are I. 4. 14. 25, I. 6. 19. 14 (the first pada of which is Manu 4. 212); I. 9. 27. 10, I. 9. 27. 11 (same as Baud. I. 1. 42); II. 2. 4. 14 (compare Manu III. 101). Some of these verses are defective in metre, there being nine syllables in one anustubh pada as in I. 9. 27. 10, I. 9. 23. 4-5, II. 2. 4. 14. One of the verses is in the classical Upajati metre (II. 7. 17. 18), while another closely approaches that metre (I. 9. 27. 11). Besides these, there are a few half-verses, II. 5. 11. 5-6 (same as latter half of Vanaparva 133. 1), II. 9. 21. 10 (Manu 6. 43 has the first pada). Thus in all there are about twenty verses, of which at least six occur in Baudhāyana. Some sūtras that are printed as prose are parts of verses, e.g. I. 2. 5. 11. Besides these, there are several verses in the pātalas dealing with metaphysics (I. 8. 22. 4-8 and I. 9. 23. 1-3) that are pieced together largely from Upaniṣad passages. Āpastamba in several places employs the first person plural about himself, e.g. I. 1. 1. 27, I. 8. 23. 4. Haradatta points out that in his day there was difference in the text as handed down in Northern and in Southern India.

Āpastamba quotes, besides the Saṁhitās, the Brāhmaṇas very frequently (e.g., I. 1. 1. 10-11, I. 1. 3. 9, I. 1. 3. 26, I. 2. 7. 7, I. 2. 7. 11, I. 3. 10. 8). He quotes the Vājasaneyaka (I. 5. 17. 31) and the Vājasaneyi-brāhmaṇa (I. 4. 12. 3 on śvādhya, ya) he speaks of the Upaniṣads (II. 2. 5. 1), his quotations (II. 2. 3. 16-11. 2. 4. 1-9) from the Tai. Āranyaka agree, according to Bühler, with the text current in the Andhra country. He speaks of the six angas of the Veda (in II. 4. 8. 10), and I added from the Kumbhakonam edition (which I was then using) ‘and the next sūtra enumerates chandas, kalpa, grammar, jyotisa, Nirukta, Śīkṣa (phonetics) and Chāndovīcita (metrics) which are seven etc.’ I find that Haradatta reads Chandaśkalpa as one word and explains ‘Chando Vedas-tatkalpayati... iti Chandaśkalpaḥ Kalpaśūtrakāṇ’. This is an extremely far-fetched explanation. Everywhere the Vedāngas are six. No other writer mentions so far as I know Chandaś-kalpa as an anga.

54 ‘आयंकालस्य ब्राह्मणोऽयं तथा ब्राह्मणोऽयं तथापि शास्त्रादिकष्ठयम्।’ Āmap. I. 1. 1. 27;
तत्तदप्रतिप्राप्तायं भक्ताद्वियादिस्त्राम्यायम्। I. 8. 22. 3; ‘अयं पूर्वाधिकालयादिरोखनास्वादयायम्।’
रूपम् I. 8. 23. 4.
55 On the sūtra अयंकालस्य राष्ट्रसारस्य (II. 7. 17. 25) he says उद्भवाणामेवत्वायनोऽयं पूर्वम्। तथा ब्राह्मणोऽयं शास्त्राद्वियादिस्त्राम्यायम्।
53a ब्रण्ड्को वेदः। चक्सः। कर्योऽयं शास्त्राद्वियादिस्त्राम्यायम्। अयं पूर्व वै भवः। II. 4. 8. 10-11. The युज्यकोऽपि I. 5. reads शिरसः कर्योऽयं शास्त्राद्वियादिस्त्राम्यायम्।
तेन तेन समर्पितेऽपि। The तेनिर्प्रर्थेः I. 2. reads ‘अयं पूर्व शास्त्राद्वियादिस्त्राम्यायम्।
तेनि त्वः। चक्सः। सेरः। चक्सः। ब्रह्मणः। चक्सः। सेरः। चक्सः। चक्सः। चक्सः। चक्सः।
I pointed out the discrepancy relying on the two sūtras as printed. I thought that the word Chandas was printed inadvertently (before 'Kalpa'). There is a further inelegance. If the reading Chandah--Kalpa be accepted, then the word Chandas is used in the same sentence in two senses viz. Veda and metre. Besides, Vedāṅgas are all related to the Vedas and Kalpa in the context of the enumeration of Vedāṅgas would only mean 'ritual of Vedic sacrifices' and in Chandah--kalpa the word 'Chandas' then would be redundant. He speaks of the six āṅgas of the Veda (II. 4. 8. 10) and in the next sūtra enumerates Chandas, Kalpa, grammar, Jyotiṣa, Nirukta, Siksā, (phonetics) and Chandoviśita (metrics), which are seven (Śiṣṇa being probably intended to be included in grammar). There are passages in Āpastamba which agree with the Nirukta, e.g. the definition of ācārya. He quotes the views of ten writers on dhārma by name, viz. Eka (I. 6. 19. 7), Kaṇva (I. 6. 19. 3 and I. 10. 28. 1), Kaṇva (I. 6. 19. 7), Kunika (I. 6. 19. 7), Kutsa (I. 6. 19. 7), Kautsa (I. 6. 9. 4 and 7, 1. 10. 28. 1), Puṣkarasādi (I. 6. 19. 7, I. 10. 28. 1), Vārṣāyāni (I. 6. 19. 5 and 8, I. 10. 28. 2), Śvetaketu (I. 4. 13. 19 and I. 2. 5. 6), Harita (I. 4. 13. 11, I. 6. 18. 2, I. 6. 19. 12, I. 10. 28. 1, 5 and 16, I. 10. 29. 12 and 16). Some of the names (viz. Kautsa, Vārṣāyāni, and Puṣkarasādi) occur in the Nirukta. He quotes the view of Śvetaketu in Śvetaketu's own words (in I. 4. 13. 20) that even a married man should every year stay with his teacher for two months to refresh his studies and gives it as his own opinion that Śvetaketu's view is opposed to the Śāstras (the Vedas). In another place (I. 1. 4. 5-6) he speaks of Śvetaketu as an aśrama (a person belonging to later ages) and as one who on account of the remnant of his meritorious actions done in a former life or lives was able to grasp the four Vedas in a short time. It is usual to see in this a reference to Śvetaketu in the Chāndogya Upaniṣad (VI. 1. 1-2), where it is stated that Śvetaketu mastered all the Vedas in twelve years. But this identification is somewhat of doubtful value. Āpastamba quotes Śvetaketu as a teacher of dhārma. The quotation from Śvetaketu given by Āpastamba has nothing corresponding to it in the Upaniṣad. Besides, the Chāndogya Upaniṣad appears to make a distinction between two Āśvatas (in VI. 1 and VI. 8), one being called Aruneya and the other Āruni (son of Aruna).
Harita, whose views are cited so frequently, is quoted by Baudhayana (II. 1. 50) and also by Vasiṣṭha (II. 6.). From the two sūtras (I. 6. 19. 3 and 7) it follows that Kanva and Kāṇva are two distinct writers. The Kumbhayonam edition reads Kāṇva in I. 10. 28. 1, while Bühler reads Kanva there. Kāṇva Bodhayana is a teacher, whose name occurs in the ṛṣitarpaṇa in many works. The view ascribed to Kāṇva by Āpastamba in I. 6. 19. 7 seems to be the same as that of the Baudhayana-dharmaśūtra (I. 2. 19). It has been shown above that there are close parallels in thought and expression between Baudhayana and Āpastamba. In several places Āpastamba seems to be controverting the views of Baudhayana or similar views held by others. Āpastamba condemns the view of giving the paternal wealth to the eldest son as opposed to the Vodas and explains the Vedic text (Tait. S. II. 5. 2. 7, quoted above) about the eldest son being endowed with all wealth as a mere anvāda and not a vidhi (vide Āp. Dhi. S. II. 6. 14. 6-13). Baudhayana cites both the texts of the Tait. S. about equal division among sons and about the eldest son’s larger share and seems to favour the latter view by putting it last (II. 2. 2-7). Similarly, the discussion in Āpastamba (I. 1. 4. 5-12) about a brahmacārin eating the leavings (ucchiṣṭa) of his guru, provided the things are not directly forbidden by Śruti, seems to be directed against Baudhayana (II. 1. 25-26). Although Āpastamba does not expressly quote Gautama, he appears to have had before him the Gautama-dharma-sūtra. He speaks of a suriti (II. 6. 15. 25) that lays down that upanayana confers añhilāra on a man for śastraic actions and that before upanayana one is free to do any thing and to eat anything. This, as interpreted by Haradatta, refers to Gautama (II. 1). There are striking coincidences between Gautama and Āpastamba, e.g. Gaut. I. 19. = Āp. I. 1. 1. 41 (about some teachers prescribing the yellow robe to a brahmacārin), Gaut. I. 3 = Āp. 11. 6. 13. 7 (about the violation of dharma by the great in former ages), (Gaut. 9. 52 = Āp. I. 11. 31. 13, Gaut. 23. 9. = Āp. I. 1. 9. 25. 2; Gaut. 16. 19 = Āp. I. 3. 9. 14-15). Āpastamba frequently refers to the views of his predecessors in the words ‘eke’ (I. 1. 2.

87  ‘क आत्माया:। य हंसविद्व रम्यः। ...तत्र बुद्धिमया विश्वमवेंद्रमिस्या वाक्याकालं।

88 अप्र अध्यकसम: प्रसेवन्ति सा विषयाः। स्वरूपः। आय. ध. वृ. I. 6. 15. 23-25; गोपुराचलपति समन्वय:। कामनाः। कामपति:। अधिकतां। से. ध. वृ. II. 1-2.
37, 38, 41; 1. 1. 4. 17; I. 2. 5. 20; I. 2. 6. 4., I. 3. 9. 3, I. 3. 11. 3 &c.) and 'aparam' (II. 6. 15. 22). It is somewhat remarkable that in many of these cases (where 'eke' occurs), the views are those either held by Gautama or ascribed by him also to others, e.g. Āp. I. 1. 2. 38 about the staff of a brahmaśāla refers to Gaut. I. 23; Āp. I. 1. 2. 41 is almost same as Gaut. I. 19, Āp. I. 2. 5. 20 seems to refer to Gaut. 1, 54-59, Āp. I. 3. 9. 3 (the view of some that Vedic study lasts for four months and a half) seems to refer to Gaut. 16. 2, and Āp. I. 3. 11. 3 (about not studying after dining at a sacrifice for deities that are manusya-prakṛti) pointedly refers to Gaut. 16. 34 which contains the word 'manusyayajñabhojana'. Āpastamba twice quotes verses from a Purāṇa (I. 6. 9. 13, II. 9. 23. 3) and in one place gives in prose the view of a Purāṇa (1. 10. 29. 7.)

Āpastamba (II. 9. 24. 6) speaks of the view of a Bhavisyapuruṣa (about creation of the world after a periodic dissolution). In one place Āpastamba (II. 11. 29. 11-12) says that 'the knowledge that exists (traditionally) among women and śūdras is the furthest limit of vidyā and it is said to be a supplement of the Atharvaveda.' Here he probably refers to Arthaśāstra, which according to the carana-vyūha, is the Upaveda of the Atharvaveda. Āpastamba refers (II. 7. 16. 1) to Manu as founder of the institution of śrāddha. But this appears to be a reference to Manu, the mythical progenitor of mankind, and not to the Manusmṛti. It is noteworthy that Āpastamba (II. 7. 17. 8) quotes a verse, which is the same as Anuśasanaparva 90. 46 (sambhojani namā &c.).

The Āpastambadharmasūtra stands in a peculiar relation to the Purvamāṁśa. It is the only extant Dharmasūtra that contains many of the technical terms and doctrines of the Māṁśa. He says (I. 1. 4. 8) 'a positive Vedic text is more cogent than an usage which merely leads to an inference (of its being based on a Vedic text now lost). This refers to Jaimini's rule (I. 3. 3) 'if there is a conflict between an express Vedic

89 'यो हिंसाप्रभिति प्रमोदमयं हिंसा गंगुरुद्वन्ति न तत्र गौतिर्मयं हिंसा पुराणे' आध. ब. ख. I. 10. 29. 7; this seems to be a summary of a verse like the one in Baudhāyana (Dh. S. 1. 10. 12) and Vasiṣṭha (III. 18) 'स्थापार्थां तुहरे जाते त्यो श्र्वावनातात्सिद्धं । ते तेन वृहत्र स श्रमस्तुरु यत्र तत्रः दुस्तरति ॥' (Baudh. has अधिमास्य कूले और दुस्तरात भवति).

90 'हथिन्दे स्थापार्थांत्यात्सिद्धां' आध. ब. ख.; विशेषय त्याज्याः स्थापार्थां श्रमस्तुरु यत्रः 'ब्र. महा. ख.'

Vide also 'विनिहिष्यते हथिन्देष्य अनित्यां जलदारः' आध. ब. ख. I. 11. 30. 9 for the same position.
text and Śruti, the latter is to be disregarded: but if there be no conflict an inference (may be made that the Śruti is based upon some Śruti). In another place Āpastamba says (1. 4. 12. 11) "where an action is done on account of finding pleasure therefrom (i.e. from a worldly motive), there is no (inference of its being based on) Śāstra". This is the same as Jaimini’s teaching (IV. 1. 2).\(^91\) He speaks of the convention (ṣamayita) of those who know Nyāya (i.e. Mimāmsā) that āṅgas (such as the Kalpasūtras are) cannot be designated the Vedas (which are the principal), which is clearly a reference to Pūrvaṁimāṁsā (I. 3. 11–14)\(^92\) and he says that those who know Nyāya lay down that a mere anuvāda (affirming or reciting) of what is well-known to all is not a positive rule (a vidhi), which is similar to Jaimini’s rule. The dictum of Āpastamba that the word “sale” (kṛaya) applied to a bride in some Vedic texts is merely figurative closely resembles Jaimini’s\(^94\) remarks on the same point.

The remark of Āpastamba that the rules of anadhyāya only apply to Vedic study and not to the recital of mantras at sacrifices corresponds to a rule in Jaimini\(^95\) almost in the same words. These examples show that in Āpastamba’s day Mimāmsā doctrines had been far advanced and that works existed that dealt with Mimāmsā topics (Nyāyas). The correspondence in language with the Pūrvaṁimāṁsāsūtra is so close that one is tempted to advance the view that Āpastamba knew the exact Mimāmsā-sūtra or an earlier version of it that contained almost the same expressions. It cannot be said that all these passages are later interpolations. They have all been explained by Haradatta and one of the sūtras referring to Mimāmsā topics occurs in so early a work as the commentary of Visvarūpa (on Yāj. 1. 7) who quotes “Brahmanoktā vidhayah” &c. (Āp. I. 4. 12. 10). The last passage is quoted by Medhātithi also (on Manu II. 6).

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\(^91\) 'तद्भवं भीतरुपाशिपिते: प्रलंब्धति तस्मात् असाक्षिति' आप.; यस्मिन्न्त्वतः परमस्य तथा निर्यातान्त्वात् विवेकानि प्राप्तवित्वत्र। पू. मी. सू. Vide also आप. ध. सू. I. 1. 4. 9–10 'हृदयः खापि गुण्डकिरिणं। मीतिपुत्रभा; पते, and 'हेतुद्वर्ताङिव। पू. मी. सू. I. 3. 4.

\(^92\) 'अन्यत्रभवं तद्भवनेत्रान्य्ये इति नयायसिद्धम्।' आप. ध. सू. II. 4. 8. 13.

\(^93\) 'अन्यत्र निर्यातान्त्वात् विवेकान्त्वात् विवेकान्त्वात्।' आप. ध. सू. II. 6. 14. 13., 'अस्तवो ब्रव विभिन्नस्तवत्रस्तवत्रस्तत्र।' पू. मी. सू. VI. 7. 30.

\(^94\) 'तथाऽः कपिलाध्योऽस्मात् संस्कृतिनिर्माणः। धर्मास्त्रिव संकृतवः। आप. ध. सू. II. 6. 13. 11–12; 'तिथिः धर्मालालमद्रोऽ| पू. मी. सू. VI. 1. 15.

\(^95\) 'स्थिरो धर्मार्थश्रवः: द्वितीये तन्न्त्रनिर्माण।' आप. ध. सू. I. 4. 12. 9; 'स्वात्म गति बिधानार्थं सर्वकारं प्रयोगः।' पू. मी. सू. XII. 3. 19.
7. Dharmasūtra of Āpastamba

The dharmasūtra of Āpastamba has been quoted from very ancient times as authoritative. Śābara in his bhāṣya on Jaimini VI. 8. 18 quotes one sūtra of Āpastamba and a paraphrase of another. The Tantravārtika refers to the sūtras of Āpastamba about local and family usages, about drinking wine and about the conflict between the views of Baudhāyana and Āpastamba (vide above page 46 also). Sāṅkarācārya in his bhāṣya on Brahmasūtra IV. 2. 14 quotes Āpastamba I. 7. 20. 3 (about the planting of trees for fruit as a meritorious act and the collateral benefits of shade and fragrance). He also cites (on Brahmasūtra II. 1. 1.) about the Supremo Soul a half verse from Āpastamba (I. 8. 23. 2). In his bhāṣya on Bhadrāranyaka, he cites Āp. Dh. S. I. 5. 15. 1 (upāsane gurūnām &c.). Āp. Dh. S. (II. 9. 23. 3–5) quotes from a Purāṇa two verses which are very similar to two verses quoted by Sāṅkarācārya in his Bhāṣya on Chān. Up. V. 10. 1. Viśvarūpa on Yāj. III. 252 refers to one verse and a half quoted by Āpastamba (I. 9. 25. 11 Tri. ed.) and explains it. The two pātulas of Āpastamba (I. 8. 22 and 23) dealing with adhyātma (philosophy) were commented upon by Sāṅkarācārya, who, from the general style and method of the commentary (vide Trivandrum edition of the adhyātma-pātala) seems to be the same as the great ācārya. Suresvara in his Vārtika (I. 1. 97) on Śaṅkara’s bhāṣya on the Bhadrāranyakopanisad quotes the sūtra about the planting of mango (Āpastamba I. 7. 20. 3[24]) trees. Viśvarūpa, who according to Mādhava, was the the same as Suresvara, quotes (Trivandrum edition) in his commentary on Yājñavalkya (ācāra and vyavahāra only) Āpastamba’s sūtras about twenty times. The quotations show that the text of Āpastamba was identical with the

96 "यथेष्ट स्वति: 'धर्म च अर्थ च त्वमे च नालिपितस्य' इति: 'धर्ममद्यपेक्षः खरे नार्यां कुरिति' इति: 'वर्मिनिमपि सम्बन्ध एव 'अन्यत्रापये अर्थमे कुरिति' इति। श्रीर. आप. says 'धर्ममद्यपेक्षः देवे नार्यां कुरिति। अन्यत्रापये कारणां पायम्बाधेवात्' II. 5. 11. 12–13.

97 तत्तवार्तिक p. 138 'प्रतिवेदेऽध्वस्थव:। आपस्थमेष संहित्य कुदाकुदल्लासिद्ध:।।
This has in view 'एते देवकाराध्येः ध्वस्थवः। आप. ध. सू. II. 6. 15. 1;
यापि च चापस्थमेषस्तुतिजयः। तुत्तुतःत्वाशानुभूति भेष्यसाधी तस्मात भावः: सुरसी न विभेषिते
एते परमात्मापिधिविपिना नित्यातत्तति नेव नावपायम्बाधेवानुसिद्धान्तः।।

98 परमात्मापेक्ष: प्राप्तासर्व:। पतिः 'तस्मानकारण:। स्मरणिः सवः मुत्तेऽध्वस्थविक:।

99 आपि वर्मिनिमपि सम्बन्धं एव। वर्मिनिमपि सम्बन्धं एव।

100 Vide my article in JBBRAS for 1922 pp. 205–206.
one printed, barring a few variations that are no more than mere slips on the part of the scribes of Mss. In his commentary on Yāj. III. 237 Visvarūpa quotes eighteen sūtras of Āpastamba (I. 9. 24. 6–23) consecutively which are the same as those in the printed text. Medhātithi quotes Āpastamba II. 5. 11. 2, II. 4. 7. 16, II. 8. 19. 20, I. 4. 14. 30–31 on Manu II. 247, III. 102, III. 273 and VIII 357 respectively and appears to refer to Āpastamba I. 4. 13. 6 (about "om") on Manu II. 83. The Mitākṣarā has several quotations and Āparārka contains about two hundred sūtras of Āpastamba, though rather in a mutilated form. But it is not necessary to refer to these and other later works in detail, since Haradatta’s commentary, as will be shown later on, was written about the time of Āparārka. Thus from the days of Śabara (400 A. D. at the latest) to 1100 A. D. we have a host of writers who vouch for the authenticity of the extant text of Āpastamba.

About the home and personal history of Āpastamba little is known. Āpastamba is not an ancient name. It does not occur in the Vedic texts. It occurs in the gana “Bidādi” in Pāṇini IV. 1. 104. Dr. Ram Gopal (on p. 75 of his work) thinks rather naively that the occurrence of Āpastamba’s name in the Bidādigana lends some support to the view that Āpastamba is earlier than Pāṇini. The Bidādi-gana has nothing to do with literary works, but is concerned only with the addition of a termination to the words in the gana in the sense of (gotrāpatya) ‘a descendant from grandson downwards but not a son’. Bida’s ‘son would be Baidi, but his grandson would be Baida. Besides, this gana contains about fifty words in the Gaṇapāthā now available. Āpastamba is the 14th in the list. Moreover, the ganas are liable to be added to as illustrated by what is said above on Kambojādigana. Besides, the mere occurrence of the word Āpastamba in the Bidādi-gana does not convey that the person mentioned is the author of the Gṛhya or Dharma-sūtra known now as Āpastamba’s. All that can be held to follow from the Bidādi-gana is that a person named Āpastamba and his descendants named after him were known at the time. He speaks of himself as belonging to later ages (avara). Vide Āpastamba101 I. 2. 5. 4. and II. 6. 13. 9. In the tarpan he is generally mentioned after Bodhāyana and before Satyāśādha Hiranyakesīn (vide note 68a above). Therefore according to tradition his school was elder or more authoritative than that of Hiranyakesīn. In one place Āpastamba refers to a peculiar śrāddha usage of

101 तत्साधयंसनरेतु न जापयन्ति निराप्तकिंकर्तव्यं तथा तदाधीनम् प्रयुक्त। स्थिरभर्यं।
7. Dharmasūtra of Āpastamba

the udīcyas (II. 7. 17. 17).\(^{102}\) Āpastamba must be supposed to have embodied in his work the usages of his own country. If he specially mentions the usages of a particular locality, it would follow that he did not hail from that locality. But the exact meaning of “Udīcyā” is doubtful. Haradatta quotes a verse of the grammarians, according to which the Country north of the Śarāvatī was called “Udīcyā”. According to the Mahārṇava quoted in the commentary on the Caranaśrya the Āpastambīyas were to be found to the south of the Narmadā, in the south-east, that is, in Andhra and the territory about the mouth of the Godāvari. Therefore it is natural to suppose that Āpastamba's school had its origin in the south and probably in Andhra.

Now that rather puerile arguments have been advanced by Dr. Ram Gopal about the home of Āpastamba, Baudhāyana and Hiranyakeshin (on pp. 96-100), a more thorough reply is given here by reference to numerous grants and inscriptions,

Dr. Ram Gopal does not bother about inscriptions and copper plate grants. I had referred in the first edition (of 1930) to Pallava grants in general and mentioned a specific one in I. A. Vol. V, p. 155. In that grant five out of the eight donees

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\(^{102}\) उदीच्यां विभाजित सत्वसनमागाः हस्यदृढ्याणवानतमः।: on this इसलिए reads a verse of the grammarians viz. ग्रामकर्तरेण विभाजितं हस्यदृढः; श्रीरद्वे ववि न: पात्र शारवती and adds शारवती. उदीच्यामर्गसिद्धां सत्वसनां उदीच्यामर्गसिद्धां इति शारवती. Hemādri in चतुर्मुखावतरणम् (III. 1. p. 1550) quotes the same Āpastamba sūtra and the verse ग्रामकर्तरेण &c. but reads सरावती for शारवती. Is शारवती the modern Rāpti, a tributary of the Sarayū or is it शारवती near Honavar in north Canara or any other river? This verse occurs in the Kaśika on Pāṇi I. 1. 75. Pāṇini in VI. 3. 120 explains the word Sarāvatī as meaning abounding in reeds, 'which may be applicable to many rivers. Dr. Ram Gopal, after referring to the different identifications, made by various scholars (pp. 95-96), finds that in the Rāmāyaṇa (II. 68. 13-16) occurs a river called Saradāṇḍa and at once jumps to the conclusion that Saradāṇḍa 'conveys the almost the same sense as Sarāvatī' (p. 96). Sarāvatī is formed from śara with affix 'matup.' Has 'daṇḍa' the same sense as 'matup'? I should like to know where it is so stated. The usual meanings of 'daṇḍa' are a staff, army, punishment or fine, and one of the four upāyas in Rājñiti. One should like to know how Saradāṇḍa (which is a compound word having two separate nouns) can have the same sense as Sarāvatī (which is formed by a noun and an affix matup).
are Āpastambhiyas, one is Gautama Hiranyakesa Sa śṭhikumāra, one is Vājasaṇeyaka and one more Sāmavedin.

(2) There is another grant earlier than the above (of 4th century A. D.) viz. the Gorantla plates of king Attivarman edited in I. A. vol. IX pp. 102-3, in which the donee Koṭṭisarman described as ‘Āpastambhasūtra- Rg-yajas-sāmavide.

(3) Kadagatturu plates of Western Gaṅga King Durvinita, Circa 555-605 A. D. vide Ep. Carn. Vol. XII. Mi. 110); the donee was Skandhaśarman of the Bhāradvājagotra and Āpastambhasūtra.

(4) Kopparam plates of Cālukya Pulakesin II. (E. I. Vol. XVIII pp. 259-261, the donee being Vedaśarman of the Śāṅdilyāyana gotra and of the Āpastambhasūtra.

(5) Ederu plates of Eastern Cālukya Vijayāditya II (Circa 799-843 A. D.; vide E. I. Vol. V. pp. 119-123. Grant to a Āpastambha brāhmaṇa of the Kāśyapa gotra and Āpastambhasūtra.

(6) Grant of Eastern Cālukya king Bhima II (10th century A. D.); vide South Indian Inscriptions Vol. I. pp. 43 ff.

(7) Charter of Pallava king Narasimha- varman II (about 711 A. D.) in Sanskrit but in early Telugu, Kannada characters and the donee is described as a student of Āpastambhasūtra, of Rathitara gotra named Kumāramandaśarman.

All these are specially cited by me for Āpastambhiyas as donees. Now about Bodhāyana (Baudhāyana). It has been seen above that Bodhāyana is called ‘pravacanakāra’ in the passages on tarpaya (vide note 68 a above) and hence in some early grants the donees are described as students of Pravacana or Pravacanasūtra or-carana or-Kalpa, though in the South Indian records from the 11th century A. D. and onwards the Baudhāyana-sūtra does occur.

(1) Śrīnqerī plates of Avinita (circa 495-555 A. D.) in Mysore Arch. Rep. 1915 pp. 34-35, where two of three donees are students of Pravacana-kalpa;

(2) Bangalore Residency Plates of Western Ganga king Avinita (c. 495-555 A. D.) in Mys. Arch. Rep. 1911;


(8) Raykota plates of Skandaśiṣya (E. I. Vol. V. pp. 49 ff (about 9th century A. D.). The donee is Mādhavaśarma of the Vatsagotra and of the Pravacanasūtra.

A comparative statement of the students of the sūtras (Āpastamba, Bodhāyana, Hiranyakeśin) from a few grants will be extremely instructive:

1. In the Udayendiram plates (of 8th century A. D.) of Nandivarman Pallavamalla in S. I. I. Vol. II. pp. 361 ff there are 39 donees of Āp. Sūtra, 16 of Pravacanasūtra and 4 Bāhūras (Rgvedins). The number of donees actually named is 59, though on p. 368 it is stated that the donees were 108.

2. In the Tandauṭottam Pallava plates of 8th century A. D. in S. I. I. Vol. II. pp. 517ff, among the 244 donees, 139 are Āpastambiyas, 24 of the Pravacanasūtra, 2 of Āgnivesyasūtra, 1 of Āśvalāyana.

3. In the grant of Eastern Cālukya Narendramgarāja 9th century A. D. (S. I. I. Vol. I. pp. 31ff), of the 24 donees, 18 are Āpastambiyas, 6 are Hiranyakeśins (but these latter are mentioned first).

4. In the unpublished Karandai plates of Chola King Rājendra I (1019–20 A. D.), out of 1080 donees, about 620 are Āpastambiyas, 55 Baudhāyaniyas, 42 Satyāśādha (i.e. Hiranyakeśins). Vide Annual Report on Indian Epigraphy for 1949–50 pp. 3 and 17 No. 57. The grant consists of 55 plates falling in three groups. The first group is of three plates entirely in Sanskrit written in grantha characters. It gives the king’s genealogy and records the gift of the village Tribhuvana-mahādevī agrahāra to a number of brahmans. Second group of 52 plates is in Tamil language, gives details of lands included in the village, the boundaries of the village and the officials connected with the
grant. The third group of 30 plates also in Tamil merely contains the names of the brahmaṇa dones of the village.

The age of the Āpastamba-dharmasūtra can be settled within only approximate limits. It is probably later than the Gautama Dharma-sūtra and also the Baudhāyayana dharmasūtra and before 400 A. D. it was an authoritative smṛti work according to Śabara. Āpastamba is enumerated by Yājñavalkya as a writer on dharma (I. 5) and by Śāṅkha-Likhita. Its grammar which often deviates from Pāṇini leads one to infer that he flourished a little before or immediately after Pāṇini. As he quotes the views of ten writers on Dharma-śāstra he cannot be placed amongst the early writers on Dharma. It is doubtful whether the provision that one should not take food from a Saṅgha can be taken to refer to Buddhist saṅgha. Pāṇini employs the word saṅgha in several sūtras (IV. 3. 127, V. 1. 58, V. 2. 52), but in all these there is no clear indication of the ideas attached to the Buddhist Saṅgha. Āp. Dh. S. I. 6. 18. 31 (avidhīna ca pravrajitāḥ) provides that one should not take food from one who has become an ascetic without observing the rules about entering that order. This does not necessarily mean that he refers to Buddhist and Jain monks. As Sannyāsa became popular many must have pretended to be sannyāsins without first observing the rules for entering that order. The Āp. Dh. S. was probably composed at a time when the Mīmāṃsā system had already been founded. Hence if a tolerably definite period is demanded, then the Āp. Dh. S. should have to be assigned to the period of 450–350 B. C. and not 600–300 B. C. (as in the first edition).

On p. 84 of the first edition I tried to explain why we have a complete set of śrauta, grhya and dharma sūtras for Baudhāyana and others (all belonging to the Kṛṣṇa-yajurveda) and why an Āśvalāyana-dharmasūtra for Rgvedins and Gobhila dharmasūtra for sāmavedins or Pāraskara (or Kātiya) Dharmasūtra for Sukla Yajurveda had not come down to us. Dr. Ram Gopal would not miss an opportunity to criticize the H. of Dh. as he does on pp. 51–52. I have had often to show in this edition the worth of his research.

But on the subject of Āpastamba’s home which he holds to have been in North India his remarks display the fantastic nature of some of his researches. He relies on four pieces of internal evidence to corroborate his view that Āpastamba’s home was in the North. First, he remarks ‘a number of words which
are of rare occurrence in Sanskrit and which are peculiar to the sūtras of Āpastamba are current even now in the language which is spoken in Kuru-Pañcāla and its neighbourhood.' He cites p. 96 only two words, viz. ghoṭa (a horse) and bhaṛeṇaka (dangerous or furious ram), both from Āp. Śrauta (XV. 3. 12 and XV. 19. 4 respectively) 'ājyasthālim rauhiṇakāpāle ca parimāṇḍale-ghoṭa-prakāre' Āp. Śr. XV. 3. 12 and 'atha yadi grdhraḥ salāvṛki bhaṛeṇaka dirgha-mukhyulūko...sakunir (Āp. XV. 19. 4). He cites no similar words from either the Gṛhyasūtra or Dharmasūtra of Āp. He remarks 'Āp. S. S. XV. 3. 12 employs the word Ghoṭa to denote a horse; and the word १०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२०१२০
phist who knows all the south Indian languages informs me that the linguists regard the word as Dravidian and connect it with Telugu purramu and Kannaḍa kudire or kudure. If the word ghota be Dravidian, Dr. Ram Gopal’s argument would recoil on him like a boomerang. The same reasoning applies to the word ‘bhayedaka’ (bhayahetubhutah edakah, a dangerous ram). That word is compounded of bhaya (danger) and eḍaka (ram). The word ‘bhaya’ by itself occurs even in the Rigveda at least a dozen times and eḍaka means ‘ram’ according to Amarakośa 102. Meṣa is a synonym of ‘eḍaka’ and both these words occur in the present day Marathi. Edaka is one of the three unclean (amedhya) animals acc. to Śat. Br. XII. 4. 1. 4. Edaka is the 2nd word in ‘ajādi-gaṇa’ (‘ajādyatastāp’ Pān. IV. 1. 4). When Pāṇini mentions a gaṇa with adī it must be presumed that at least the first three of the words in the gaṇa were known to him, though we know that in some gaṇas some words were inserted later. Following the reasoning of Dr. Ram Gopal one may as well say that Āpastamba’s home was in Mahāraṣṭra where both words (ghoṭā and eḍakā) are found in the people’s speech and the latter word at least was known before Pāṇini. Both these words were regarded as Sanskrit in the centuries before and after the Christian era by lexicographers and edaka was known many centuries before Christ, when there was no Hindi language in existence at all. This argument of Dr. Ram Gopal, it would be seen, is ridiculous and worthless.

On p. 97 Dr Ram Gopal relies, for proping his hypothesis that Āpastamba came from the north on certain phonetic tendencies that characterize modern Hindi. He instances only one word viz. Śikṣā (in Āp. Dh. S. II. 4. 8. 11) which is one of the six Vedāṅgas and compares it with Hindi ‘śīkha’. This is on a par with his reliance on ghoṭaka and eḍaka referred to above. Śikha in Hindi means to learn or a pupil, while Śikṣā or Śikṣā is a name for a Vedāṅga and śikha in the sense ‘to learn’ is derived from the root śikṣa (to learn, ‘Śikṣato’) and ‘śikha’ (pupil) is derived from ‘śiṣya’. I feel grave doubts whether Dr. Ram Gopal is aware of the real technical meaning of ‘Śikṣā’ or Śikṣā occurring in the Upaniṣads and other ancient works. Vide note 85 a above where the Ta. Up. employs the dirgha’i in Śikṣā and briefly enumerates the subjects of that vedāṅga and Ap. belonging to the Kṛṣṇa Yajurveda uses the word as Śikṣā but Mūḍaka employs śikṣā. (Vide the same note.)
It was probably written at a time when Jaimini had founded his school. Hence we shall not be far wrong if we assign it to some period between 600–300 B.C. On several points his views are opposed to those of his predecessors, e.g. he rejects secondary sons, condemns *nīyga*, does not admit *Paścāca* and *Prājapatiya* as valid forms of marriage (vide above page 50). There are other points also wherein Āpastamba differs from Gautama and the other sūtrakāras. Gautama (IV. 14–17) and Baudhāyana (I. 8. 7–12) give long lists of mixed castes and Gautama includes Yavana among them. Āpastamba is silent on this point. But this has hardly any bearing on chronology. Even the Vedic works mention the Niśāda and the Pūrvamāṁśāsūtra has a special adhikarana (VI. 1. 51) devoted to him; the Br. Upanisad mentions (IV. 3. 22 and 37) such castes as Cāndāla, and the Gītā mentions the Āṣvāka. The Āp. Śrāuta speaks of the Niśāda (9. 14. 12–13). The Āp. Dh. S. (II. 1. 2. 6) mentions Cāndāla, Paulkasa and Vaiña. Gautama (17. 30) forbids the eating of the flesh of cows and bulls, while Āp. (I. 5. 7. 30–31) seems to allow it and cites the Vājasaneyaka for support. In this connection it has to be noted that Vasishtha also has a similar sūtra (14. 46). Āp. (I. 9. 27. 10) prescribes a penance for one who practises usury and lays down that one should not eat at the usurer’s (I. 6. 18. 22), while Gautama appears to allow usury to a Brāhmaṇa as a calling if done through an agent (X. 6). Baudhāyana, on the other hand, quotes verses that condemn usury in strong language as even worse than brahma-hatyā, holds that a Brāhmaṇa who is a usurer should be treated as a śūdra and allows the first two castes to practise usury only towards atheists, śūdras and such like persons (I. 5. 79–81). So these differences of Āp. from others are hardly conclusive as to his chronological position.

Dr. Ram Gopal on p. 75 of his work refers to the fact that I place Āpastamba between 600 B.C. and 300 B.C. (on p. 45 of H. Dh. vol. I), and then remarks that ‘(he) adduces no cogent arguments in support of his view’ and then patronizingly adds ‘It is not possible in the present state of researches into Vedic literature, to assign precise dates to individual sūtrakāras and we at the most determine approximately the lower and upper limits of the sūtra period. We are, therefore, not going to discuss here the possibility of assigning dates to individual authors’. I am going to show that he himself adduces ‘no cogent arguments’ for the dates he assigns. In the first place, a
period between 600 B.C. to 300 B.C. (to which I assigned Apastamba) is not, I hope it will be admitted by most people, a precise date at all and is far more unprecise than what Dr. Ram Gopal would assign to him (as I am going to point out below from his own work). On p. 89 of his work Dr. Ram Gopal remarks that the sūtras were composed between circa 800 B.C. and 500 B.C. From the general words employed by him on p. 90 it appears to be his view that not only the Śrauta and Grhya sūtras but other sūtras also and Dharmasūtras were composed between 800 B.C. to 500 B.C. On p. 84 of his work he mentions four groups of sūtras (Śrauta, Grhya and Dharma). He himself says that ‘all the sūtras belonging to the 4th group seem to be later than the beginning of the Christian era’. This group should be omitted from consideration. The first group contains 11 sūtra works (Śrauta, Grhya and Dharma), the 2nd group contains 10 sūtra works (all except Āp. Dh. S. being either Śrauta or Grhya). The third group contains eight works, all either Śrauta or Grhya except Vasistha Dh. S., of which only the sūtra portion (and not verses) is included in this group. He regards all the sūtras in group one and most of those in group 2 as earlier than Pāṇini. The main prop of his dates for the three classes of sūtras is Pāṇini’s date. On p. 85 he states that divergent views have been expressed by eminent scholars about Pāṇini’s date ranging from 7th century B.C. to 4th century B.C. In this welter of differing views Dr. Ram Gopal fixes the date of Pāṇini at about 600 B.C. 550 B.C. (p. 85). What is the strong evidence on which he relies for this date? It is only this that he holds Patañjali’s date to be 150 B.C. and affirms that there is a near unanimity among scholars about this date. Then he conjectures (pp. 87-88) that a period of at least two centuries intervened between Patañjali and Kātyāyana (the author of the vārikas on Pāṇini) and that another period of at least 200 years must be held to separate Kātyāyana and Pāṇini (pp. 87-88). My aim is only to show how large a part conjectures play in these dates of Kātyāyana and Pāṇini. Taking, however, for the moment these conjectures as good arguments, three groups of sūtra works (23 in all) set out by Dr. Ram Gopal have to be squeezed into a period of three hundred years, the third group being later than the second and the 2nd group later than first. For all the three groups the total period allotted is 300 years (800 B.C. to 500 B.C.). The first group is the largest and it would not be unjust to say that the largest group (viz. the first) should be
allotted 125 years (out of 300), that is, the first group flourished between 800 B.C. to 675 B.C. according to Dr. Ram Gopal, the 2nd group may be allotted 100 years (i.e. 575-475 B.C.) and the third group of only 6 works may be assigned 75 years i.e. from 575 B.C. to 500 B.C. The Śrauta, Grhya and Dharmasūtras of Āpastamba are placed in the 2nd group by Dr. Ram Gopal i.e. Āpastamba himself is placed between 675 B.C.-575 B.C. by him. It would be noticed that this dating of the learned Doctor for Āpastamba is far more precise than my date for Āpastamba (on p. 45 of Vol. I of H. Dh.) viz. 600 B.C. to 300 B.C. While saying that it is impossible to assign precise dates to individual sūtrakārīs and professing not to give precise dates to them, he puts the authors of ten sūtra works within the short span of about 100 years and assigns individual authors of the 2nd group of the sūtra works to the period from about 675 B.C. to 575 B.C. Scholars will note the great disparity that Dr. Ram Gopal exhibits between his precepts and his performance.

This is not the place to discuss at length the dates of Patañjali and Pāṇini. But a few words must be said on account of the importance attached to those dates by some scholars in settling the chronology of Dharmasūtra works. Dr. D. C. Sircar advances arguments for questioning the date 150 B.C. for Patañjali and himself holds that Patañjali flourished about 100 A.D. (viz. H. Q. Vol. 15 pp. 633-38). The date 150 B.C. for Patañjali is mainly based on Mahābhāṣya references to Pusyamitra (Sunga ruler between about 157 B.C. to 151 B.C.) On Vārtika 7 to Pāṇini I.1.69 (asam rūpam etc.) the Mahābhāṣya cites the instances of 'Pusyamitrasābha' and 'Candraguptasābha'; on Vārtikas 3 and 4 on Pāṇ. III. 1. 98 it cites (Pusyamitra yajate yājakā yajasanitī tatra bhavitayam Pusyamitra yajyate yājakā yajantiti...tam (tyāgam) ca Pusyamitrān karoti yājakā pratyajyante). Again, on Vārtika 1 on Pāṇ. III. 2. 133 (vartamāne lāt) the Mahābhāṣya says 'iha Pusyamitrān yajayāminah'. There are several difficulties in the case of these passages. There are what are called in grammar 'mūrdhābhikā' examples (i.e. stock examples) not necessarily contemporaneous with the author but handed down traditionally. Patañjali himself speaks of 'mūrdhābhikākatam-udāharanam' (Kielhorn's ed. Vol I. p. 144 on Pāṇ. I. 1. 57). In the very first passage 'Candraguptasābha' is certainly such an example, since even if Patañjali be assigned to 150 B.C., Candragupta flourished at least 150 years before him and Patañjali could not have known it personally but
only by tradition or hearsay. Then we have to keep in mind the videsitutudes through which, according to the Vākyapadiya (II. verses 484-490) of Bhartṛhari, the Mahābhāṣya passed in the early centuries of the Christian era. It is narrated there that “Sangraha (a very extensive work on Pāṇini’s grammar attributed to Vyādi) was practically lost, that the great teacher Patañjali composed a work called Mahābhāṣya containing the seeds of all nyāya, but persons with undeveloped intellects could not ascertain its import, that Bājī, Saubhava and Haryaksa flooded that work of the sage (viz. Patañjali) by following baseless reasonings. The traditional interpretation of (Sanskrit) grammar which slipped from the disciples of Patañjali remained in course of time among the southern people merely in the form of a work (in Manuscripts). After securing the tradition from a mountain (in the south) Candrācārya and others following the essence of the bhāṣya made it blossom forth in various ways.”

The Vākyapadiya is certainly not later than 600 A. D., though there are some scholars who place it not later than the 3rd century A. D. (vide, for example, Shri Sadhu Ram in J. G. J. R. I. Vol. IX pp. 135–151). Whatever the date of the Vākyapadiya, we cannot be certain that the present Mss. and editions of the Mahābhāṣya represent an exact reproduction of what Patañjali composed. All that I want to emphasise is that we should not be cocksure about the date of the Mahābhāṣya and not regard 150 B. C. as a certain date for Patañjali’s Mahābhāṣya but should regard it only a possible or at the most a probable one.

Then as to the period of two centuries at least between Patañjali and Kātyāyana and between Kātyāyana and Pāṇini suggested by Dr. Ram Gopal, I have to urge certain objections. Pāṇini’s family is said to have been living in Śalátura in North-West India (supposed to be mentioned in Pāṇ. IV. 3. 94) and Pāṇini is designated Śalaturliyā by later classical writers like Bhāmaha (in Kāvyālankāra VI. 62–63). Śalátura is identified by Cunningham in ‘Ancient Geography of India’ pp. 66–67 with Lahur, a small town north-west of Ohind in the angle

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102c आर्यण संस्कृतिकल्पविद्याप्रमिश्रितू। संस्कृत व्याकरणार्थ संस्कृतसंस्कृतत्त्वाद। कुसूंद कंठलिता गृहण मौनमृत्तिका। स्वप्नों स्थाप्तज्ञातां स्वभावस्थेन विचरणे। केलिप्रेतवेदित्वश: मुख्यकालस्मितारमिति। आर्यो निद्रादितं आर्यो भारतीयस्तिरिनि। एषपि प्राचीनेन्द्रियोऽभ्रो: प्राचीनग्रामम्। कांदे नं कुसूंदिकादेवो दृष्टम्येन विद्यित:। प्राचीनमथिन्यन्त्रमेव भारतीयस्तिरितमिति। स सृष्टि खटूतास्तव भृदेशाचारान्तिमि। प्रमी: प्राचीनै। II. verses 484–89.
between the Kabul river and the Indus. Kātyāyana (the author of Vārtikas) is supposed to have been a dākṣinātya on account of a rather jocular remark of the Mahābhāsa on the first Vārtika. There were no printing presses in those days and works were propagated by means of oral transmission or by making manuscripts and by the process of learned and ambitious writers visiting royal courts or rich men and pariṣads or sāmitis. For example, in the Br. Up. VI. 2 and Chāndogya Up. (V. 3) Svetaketu Aruneya is said to have repaired to the Parisad or Samiti of the Pancāla people or country (between the foot of the Himalayas and the river Yamunā) and a Rājanya asked him five questions. Learned Brāhmaṇas were a specially favoured class in ancient India. Learned works from one part of Bṛharta spread quickly to even distant parts of the country in a short time on account of the visits of learned men to sabhās patronized by kings, their ministers and rich men. Rājaśekhara (about 900 A. D.) in his Kāvyamimāṃsā (chap. XX pp. 54–55) gives valuable information. He says that the king should convene assemblies of poets and when the king is a poet all people become poets. The king should construct a hall for examining poems and that he should emulate (kings like) Vāsudeva, Sātavāhana, Sudraka, Sāhasānka and others (who presided over sabhās in their days) by bestowing honours and gifts, that between assemblies for discussions about poetic works he should order discussions in Sāstras. The king should arrange meetings of Brāhmaṇas for examining the worth of poetic and Sāstric works and quotes two verses, one referring to the examination of poets like Kālidāsa and Bāravi in Ujjaini and the other referring to writers on Sāstras in Pātaliputra and expressly names Pāṇini, Vyāli, Vararuci (Kātyāyana) and Patañjali as having been examined. Thus there were even in ancient times means for rapid transmission of really valuable works to distant lands.

For his proposition that Kātyāyana is separated from Pāṇini by at least two centuries (p. 87) Dr. Ram Gopal relies mainly

1024 लातालोकप्रीया राज्यसमौ शास्त्रमिन्द्रणं कथितविकृतम् यथा कालिकामांगिनि महाभाष्यम् 

1026 अमरकोशोऽस्माः समाध्य विविधव्रूपं स-वास्मिनिसंसवं।

1027 चुँबते-भाषाशास्त्रं वाक्यपदपरसी तथा कालिकामांगिनि महाभाष्यम्। 

1028 विविधव्रूपस्यादं परिशिलातिकविकृतिम् विज्ञातम्। 

1029 चुँबते च, परिशिलिते वाक्यपदपरसी अन्तोपरिप्रेयवित्ते पाितिनिःशास्तिः पािल। 

1030 वशविषयत अत्र इत्य परिशिलि: हृदयति 

1031 चाल्म्रेिनसिः प. 55.
on two circumstances viz. considerable change in Sanskrit idiom: between Pāṇini's time and Kātyāyana's time and (secondly) much time must have passed before a grammar composed in Northwest India could become so popular as to induce an author from the South to compose Vārtikas thereon. The first circumstance is worth little. Even in these days of the diffusion of primary education, daily newspapers, railways, radio programmes, a regional language like Marathi spoken in Barār and Khandesh varies in some details from the same language as spoken in Poona, Satara and the Konkan. The changes noted by Kātyāyana are not at all fundamental. Pāṇini himself refers to many differences and mentions by name ten predecessors viz. Āpisali (VI. I. 93), Kāśyapa (I. 2. 25, VIII. 68), Gārgya (VII. 3. 20, VII. I. 467), Gālava (VI. I. 61, VII. 4. 67), Cākravarmana (VI. I. 130), Bharadvāja (VII. 2. 63), Sūkttāyana (III. 4. 111, VIII. I. 18, VIII. 4. 50), Śākalya (I. 1. 16, VI. I. 127, VII. I. 37. 9, VII. I. 51), Senaka (V. I. 112, Sāvatīyana (VI. I. 123). Pāṇini, moreover, refers to 'ācāryas' in general in VII. I. 49 and VIII. I. 52. He also speaks of eastern ācāryas in III. 4. 18 and northern ācāryas in VIII. 3. 32 ('mātāra pitarānudicām'). This last citation shows that, though Pāṇini came himself from northwest India, Sanskrit was spoken even in the extreme north much beyond Pāṇini's home and the people used the form 'Matarāpitararau' instead of 'Mātāpitarau' as required by Pāṇini. This state of things existed even before Pāṇini in the time of Yāśka, who states that the verbal form Savatī is used by the Kamboja people in the sense of 'gati', but only a derivative from it viz. 'savaḥ' is used by the Aryan people (and not the verbal form). This shows that in Yāśka's time the Kambojas were not accepted as Aryas, though their language was basically the same as that of the Āryas.

Haradatta says 'what was not present to the mind of the Bātrakāra (Pāṇini) or what was not noticed by him is clearly stated by the Vākyakāra (Kātyāyana) and the Bhāṣyakāra (clearly states) what was not noticed by the Vākyakāra. To illustrate, Pāṇini says 'Kambojāl-luk' (IV. I. 175) meaning that the king of Kamboja is called Kamboja. Kātyāyana adds a
vārtika ‘Kambojādibhīyo lug-vacanam coḍādyartham’. Patañjali in his Bhāṣya specifies ‘Cola, Kālīra and Kerala’ as the words included in Kambojādī-gana but in the Ganaṇātha at the end of the Siddhāntakaumudi (Nir. ed. of 1929) Śaka and Yavana are further additions to the words of that gana. Panini dwelling in north-west India either forgot to include Cola (or Coła) and Kerala or did not know those names or it is possible that those names were first coined about the time of Pāṇini or even after him but Kātyāyana coming later and being a southerner included Coła (or Cola) and Kerala. This shows how the Ganaṇātha as now printed is not necessarily valid for Pāṇini’s time.

The second circumstance relied upon by Dr. Ram Gopal has been answered above by reference to the role of pariṣīlās and by what kings should do and did in ancient India for the encouragement and diffusion of Sanskrit literature.

Panini mentions ten predecessors by name, besides eastern and northern āryas. But Kātyāyana mentions only a few names such as Panskarasīdi (Vārtika 3 on Pāṇ. VIII. 1. 48), Vājapayāyana (Vārtika 33 on Pāṇ. I. 2. 64), Vyādhi (Vārtika 45, on Pāṇ. I. 2. 64). I am aware that Patañjali notices different readings in the Vārtikas (on which he comments) such as by the Saunāgas (about 6 times) and by the Bhadravājyas (about ten times). But considering the huge number of Vārtikas On the Asadhyāyī this is a mere flea-bite. Similarly, it appears that a few Vārtikas other than those of Kātyāyana existed in Patañjali’s day. Taking all these things into consideration, Kātyāyana may be said to have flourished one hundred years or at the most 150 years before Patañjali i. e. 300 B. C.-250 B. C., preceding for argument that Patañjali flourished about 150 B. C. But if Patañjali is held to have flourished in the first century A. D., Kātyāyana would have to be brought down to about 150 B. C. to 100 B. C.

If Kātyāyana is placed at about 300 B. C.-250 B. C. Panini should be placed at 450 B. C.-400 B. C.

Panini’s sūtras themselves furnish some material to show that he did not flourish in the early phases of the sūtra period.

\[\text{1021 Printed Vārtikarāśa (without author’s name) contains Vārtika’s in Kielhorn’s edition printed in large type number 4400. VII pp. 193-223 of Vol. VII in Marathi i.e. Marathi translation of Patañjali’s Mahābāhyṣṭya by M. M. Vusudeva Shastri Abhyantkar for details about the number of Vārtikas.}\]
but rather in the later phases of it. A few references to some of Pāṇini’s sūtras on literary works and a few other matters will be helpful in arriving at a tentative date for Pāṇini. Pāṇini says ‘Purāṇaprokteṣu brāhmaṇaḥkalpe-u’ (IV. 3. 105), which means the affix \textit{u} is applied to Brāhmaṇa works and Kalpa works, provided these are declared by ancient (munis). The examples are Bhāllavīnāh and Śātyāyānīnāh from Bhāllu and Śātyāyana. This clearly shows that in Pāṇini’s times there were sūtra works both ancient and not ancient (i.e. composed nearer his time).

According to Pāṇini IV. 3. 105 as it stands the termination \textit{u} would not apply to Brāhmaṇa works and Kalpasūtras that were not ancient. Kātyāyana adds a vārtika that \textit{u} will not apply to Yājñavalkya’s and other Brāhmaṇas though they are equally purāṇaprotka (and so we shall have ‘Yājñavalkāṇī’ and ‘Saulabhāṇī’ Brāhmaṇāṇī. The Kāśikā says that it is reported in the \textit{ākhyānas} that Yājñavalkya and others do not belong to old times and the sūtrakāra acts on that.\footnote{This raises an interesting question. Patanjali names ‘Yājñavalkāṇi Brāhmaṇāṇī’ and ‘Saulabhāṇī’. What are these? The present writer suggests that Yājñavalkāṇi are those passages of the Br. Up. (II. 2-3, IV. 1-4) in which Yājñavalkya propounds perennial philosophy to Janaka and other questioners. Saulabhāṇi Brāhmaṇāṇi may be those passages of the Br. Up. (II. 4 and IV. 5) in which Maitreyi is instructed by Yājñavalkya. Saulabhā Maitreyi is one of the three women to whom water is offered in the \textit{tārana}. The Br. Up. is divided into \textit{śa}\textit{adhyāya}s and each \textit{adhyāya} is divided into parts called \textit{brāhmaṇas}. From this interpretation, if accepted by scholars, it would follow that in Pāṇini’s time the Br. Up. passages mentioned above were not regarded as composed by a \textit{ciratana} sage but in Kātyāyana’s days, those passages had come to be regarded as old and therefore Kātyāyana had to frame a special vārtika about them. The Kāśikā passage is \textit{brāhmaṇa-kāṇi sā\textit{-\textit{bhikṣu-sūtras}}}. It is noteworthy that Haradatta on \textit{Āp. D. S} II 2. 5, 13-14 ‘ससम्पूर्णपीढ़कासः नियायो व \textit{विषयो}’ remarks ‘नियायियमन्त्रयेषु वाजस्तकाशीनः वाजस्तकाशीन वाजस्तकाशीनः’}
the teaching of dancing (Natyacarya), these facts amount to this that before Panini and in his day also the profession of actors appears to have been not looked down upon in North-west India, while Baudhayana, an inhabitant of the southern parts of India (as I noted), looked down upon it.

Panini has the sutra 'adhikritya krte granthe' (IV. 3. 87) and then follows 'Siukrandda-Yamasabha-dvandvendrajananadibhyas-chah.' (IV. 3. 88), which means that the affix 'cha' (i.e. lya) is added to denote a book composed with reference to children's cries, the assembly of Yama, dvanda compounds and words in the Indra-jananadi-gana (e.g. Siukrandiya, Yamasabhiya, Kiratadunjya, Indrjananjya etc.). This shows that much secular literature had already been produced in Panini's days. A Vartika may be mentioned in connection with the date of Panini. The sutra is 'adhikritya krte granthe (Pan. IV. 3. 87) and the vartika is 'Lubakhyakabhyo bahulam'. The sutra states as a general rule that works composed with reference to something have the affix 'a' (a) added to the word denoting the matter e.g. a work concerning Subhadra would be called Saubhadra. Katayana says that in the case of the literary genre called Akhyayikas this termination is in most cases not added. Pataanjali cites the names of two literary works called Akhyayikas viz. Vasavatati and Sumanottara, 102a where the termination is not found but also names an akhyayika called Bhaimarathi where the termination 'a' was applied.

The above shows that in Panini's time akhyayikas existed and they ended in the affix an, while Katayana knew many akhyayikas (mark the plural) which showed no termination.

For deciding the question of the home of Apastamba Dr. Ram Gopal relies upon what Ap. Gr. (II. 14. 1. 6.) says about Simantonnayana (parting of the hair for a pregnant woman) and about the two verses employed therein from the Apastambhiya Mantrapatha (prasna II, 10th Kanda, verses 12-13.). In that

102a For the story of Sumana and Utata, vide Dr. V. S. Agrawal's interesting paper about it based upon Pali works and commentaries in 'Poona Orientalist' Vol. VII pp. 197-200. Vide also Panini IV. 2. 59-60, 'Tadadhite tadveda' and 'krutikthadi-sutranti-thak' and the Mahabhasya thereon for the existence of an extensive sutra literature in the times of Panini and Pataanjali. Panini thus came towards the later phases of the sutra literature. Therefore, to assign him to about 450-400 B.C. would appear to be the most proper and probable date.
ceremony the husband directs two men to sing verses (gāthās) to the accompaniment of a lute. The two verses are 102: “The people of Śālva declared ‘this Yaungandhārī alone is our king’, the people who (reside) along thy banks, O Yamunā, whose (dominion) revolves all round (if the reading is vivṛttā-cakra). The people of the brāhmaṇa class who reside along thy banks and over whom your dominion runs or exists; O river (so and so).” Āp. Gr. S. says the first verse of the two is to be sung

102 The आयु. I. 14.3-8 are: पिताय सर्जनसः...कथमेव सतीन्दुप्रदत्ते स्थिस्यंति सत्यसुमानितिः। संस्कृति। उदासी: पूर्ण शास्त्रसः भाषायनात्मवयं नदी। निदिश्‌ धपः प्रथम कविता।

The two verses from the Āpastambhiya-manaḥpāthya (ed. by Winternitz) II. 11. 12-13 are: यायासुरिः नो राजस्ति भाषायनात्मवयं। निदिश्‌चक्रप्रतीरेण पशुन्ते तत॥ सौम एव नो राजस्ति भाषायनात्मवयं। प्रथम। निदिश्‌चक्राः अशास्त्रसत्यसुमानितिः तत॥ Vide H. of Dh. Vol. II. pp. 234-235 and note 519 for various readings in both verses, references to Yaungandhārī, Śālavas and Śālavayava in Pāṇini, the Kāśīka and in the parvans of Mahābhārata. In the first verse, unless we understand ‘prajāḥ’ after ‘śālīḥ’, the meaning would be ‘women of Śālva’ declared &c. The difficulty is what is the exact reading of the third pāda in both verses, निदिश्‌चक्राः or -चक्र शास्त्रसः as vocative, or निदिश्‌चक्राः or शास्त्रसः. The word ‘vivṛttā’ occurs even in the Rgveda (X.27.21). In Yāj. Smṛti I.266 we have मधुसुपकात्रि rendered by the Mitākṣarā as अपविवचतमा. If the reading is मधुसुपकात्रि, then it would be an adjective of सर्जनसः and would mean निदिश्‌ चक्रपत्रयुस्त्य, i. e., ‘on whom your wheel (i.e. power or dominion) revolves’. Prof. Hazra objects to my rendering of the word ‘cakra’ as ‘dominion’ and in a matter of fact way asks how a river is to have dominion and asserts ‘cakra’ should be taken to mean ‘army’. This is useless as it is not the army that is relevant in the work here but the people dwelling on the banks of the river. Rg. poets looked upon great rivers as goddesses, implored them to accept their prayer (Rg. X.75.5-6) and state that Sarasvāti vanquishes their enemies (Rg. II.30.8). It should be noted that Vedic mantras are prescribed for some purposes not actually expressed in them, but even on the basis of a single word that has some remote connection with the act for which it is prescribed. For example, the Mantra ‘satyaṃnattābhītā bhūmiḥ’ &c., which is Āp. Mantrapāthā I.6.1 and which occurs in Rg. X. 85.1 and Atharvaveda XIV. 1. 1 (but not in Tai. S.) is recited (acc. to Āp. Gr. II.5.19 Uttarā rathasyottambhāni) at the time of supporting the chariot in which the newly married pair is to start for the husband’s home, simply because the word ‘uttabhitā’ occurs therein, though in the Rgveda verse what is said to be supported is the earth and the heaven. Even in modern times at the time of a bath in any river old people repeat the verse “Imam me Gaṅge” etc. (Rg. X.75.5). Vide Dharmasindhu page 275 for Śrīnā-mādhavi (Nir. ed. of 1926). Vide a long paper on Simantonnayana by J. Gonda in East and West Journal (Rome) vol. VII pp. 12-31.
for Śālva people and the other verse for brāhmaṇas and reference to river (in the vocative) on which they reside is to be made. The author of Āp. Gr. found two verses in the Mantrapātha of nearly the same import and having nearly the same words. He had to assign a proper viniyoga to each of the two verses. Straightforwardly construed, acc. to Āp. Gr. the first verse (in which ‘Śālvah’ are expressly mentioned) should be sung in the case of all people of Śālva country (whether brāhmaṇas, kṣatriyas or vaisyas) and the 2nd verse was to be sung in the case of brāhmaṇas (other than Śālva brāhmaṇas). This leaves a lacuna viz. what verse, if any, is to be sung for Kṣatriyas and Vaisyas who do not belong to the Śālva country. It is possible that brāhmaṇas are meant to be only illustrative (pradarśanār-tham) i.e. brāhmaṇas and others not belonging to the Śālva country should employ the 2nd verse. It would be seen how several interpretations are given by Haradatta and Sudarśana-cārya on account of these difficulties. Among the first twelve verses in Āp. M. P. II. 11 five are common to both Rg. and Tai. S. and two (viz. verses 10–11) occur in Rg., Atharvaveda and Tai. S. That shows that the Āp. M. P., though collected for Āpastambiyas, could be drawn upon or referred to by others who were not Āpastambiyas but studied some other śākhā. Simantonneyana was a practice common to all persons (at least of the three varṇas) in those days. It should be noted that among the gṛhyasūtras there is great divergence about the details of Simantonneyana and about the verse to be sung. Āśvalayana (I. 14. 6–7), Hiranyakesin, Baud. Gr. (I. 10. 9), Bhāradvāja and Pāraskara (I. 15. 7–8) prescribe in this saṁskāra only one verse and that too in honour of king Soma and no mention is made of ‘sālvik’ as in Āp. Gr. S. These Gr. sūtras were not bound to follow strictly the Āpastambiya Mantrapātha, while Āp. Gr. was so bound. It is also remarkable that the Gr. sūtras of Gobhila, Khādira, Laukiksi and Vaikhānasas are silent even about the singing of a particular verse by lute players. Pāraskara says that acc. to some the verse appointed (i.e. prescribed, niyukta,) must be sung. Pāraskara probably refers by this to the Āp. Gr. simply because in the Āp. M. P. (which is a compilation made by somebody who is not now definitely known) a verse occurs in which Śālva people are mentioned and because that verse (one of two verses) prescribed by Āp. Gr. was sung in Simantonneyana, it would be a wild conjecture on the part of anybody including Dr. Ram Gopal to say that the author of Āp. Gr. S. came from the Śālva country. Owing to the defects in
his outlook and methods, I propose not to refer to Dr. Ram Gopal's work hereafter as far as possible. This volume would become very bulky if I were to reply to all his arguments, many of them baseless and inane.

I must say a few words about another recent work on Dharmaśūtras. Dr. S. C. Banerji (of Maulana Azad College, Calcutta) recently published (in 1962) a work on 'Dharmaśūtras, a study in their origin and development'. He has summarised in the first 73 pages the contents of a portion of my History of Dharmaśāstra (published so far back as 1930) that dealt with the Dharmaśūtras, quotes from them and refers to them dozens of times (sometimes four or five times on the same page). He is fond of adding sage remarks of which a few specimens are quoted below, though he admits on p. 7 (n. 1) 'for chronological questions relating to the works, we have taken Kane (HDI Vol. I) as the chief authority.' The work comprises several articles which Dr. Banerji contributed to some journals at different times. For example he contributed reconstruction of Hārīta-dharmaśūtra in J.O.I. (Baroda, 1958) pp. 14–37, which, with a few additions, appears in his work on pp. 257–287, re-construction of Atri, Cyavana, Bhāradvāja and Devala in JOI (Baroda) Vol. VI, now represented in ‘Dharmaśūtras' etc. pp. 244–257; reconstruction of Uśanas in ABORI vol. 39, pp. 85–100 (1933) now appears in ‘Dharmaśūtras' as pp. 340–44, ‘Flora and Fauna of Dharmaśūtras' in J. O. I. (Baroda) vol. V, pp. 345–359 are set out now in ‘Dharmaśūtras' pp. 206–228. He is more a collector than a scholar doing original and thorough research on his own account. He has given useful tables and appendices for workers on Sanskrit studies. He often writes rather pompously and does little arduous or valuable research himself. More than thirty-five years ago, I collected passages from Śankha-Likhitasūtra (published in ABORI vol. VII–VIII) found in printed works. Since then a good many works on Dharmaśāstra have been printed. He does not make an effort to supplement what was not included by me and yet remarks (on p. 239 n. 1) 'P. V. Kane has collected, though not exhaustively, many passages ascribed to Śankha-Likhita', but he excludes my collection from his work nor does he make the collection exhaustive by his own effort and research. On p. 73 he proposes to study the diversified contents of Dharmaśūtras under four main heads viz. (A) Ācāra, (B) Prāyaścitta, (C) Vyavahāra, (D) Rājadharma. Under A he makes four sub-
heads (1) Sārṅkūṭas, (2) Śrāddha, (3) Āśauca, (4) Dravya-
suddhi and some miscellaneous rules. To Upanayana and
Vivāha he devotes pp. 73–80, to Śrāddha pp. 81–85, to Āśauca
pp. 85–89 and to Dravyasuddhi pp. 89–95; B. Prayāscitta, con-
cept of Prāyaścitta, classification of sins and modes of expiation;
all this is disposed of in pp. 95–99. Then C: Vyavahāra includ-
ing judicial procedure, inheritance and succession and partition
are allotted pp. 109–120; D. Rājadharma is disposed of in pp.
121–125. Social, cultural, religious and economic conditions
reflected in Dharmasūtras are discussed under ten heads viz.
Varnāśramadharma; system of education; food and drink;
position of women; law and administration: religion and philo-
sophy; Āpaddharma; manners, morals, customs and amusements;
Brahmanical supremacy and position of sūtras; economic life;
all these are given in pp. 126–265. On p. 73 (note 1) he is plea-
sed to observe ‘P. V. Kane in his HDH Vol. II. briefly indicates
the contents of this literature in tracing the evolution of a parti-
cular rite, custom or institution from the earliest times through
different stages. But, as is usual in a work like his, there is no
systematic, critical and comparative study of the contents of
Dharmasūtras in it. The present attempt is made with a view to
supplying this need.’ Although he refers in the Bibliography
at the end of the book (on p. 54) to the History of Dharmasāstra
(Vol. I–V), it appears to me that he has either not read volumes
III to V of that History or ignored them with what motives I
cannot understand. Vol. III was published in 1946, Vol. IV in
1953 and Vol. V part I in 1958, at least several years before his
present volume (published in 1962). There is not a single
reference, so far as I could see, to those volumes in pp. 73–205.
The subject of śrāddha which he disposes of in four pages (81–85)
was treated by me in Vol. IV pp. 334–551 by tracing its history
from Vedic times, in the sūtras, Śrāṅgas and comparatively
modern works; the subject of Prāyaścittas, sins and expiations
was dealt with in Vol. IV pp. 1–178, which he disposed of in pp. 95–99.
Āśauca to which Dr. Banerji assigned four pages was dealt with
by me in the same volume (IV) at pp. 267–309 and Dravya-
suddhi in Vol. IV pp. 309–333. Dr. Banerji spares for Vyavaha-
āra (including judicial procedure, inheritance, succession,
partition) pp. 109–120 and for Rājadharma pp. 121–125
while I devote pp. 1–241 in Vol. III. to Rājadharma and begin it with a summary of what Āp. Dh. S. states and
far he attempts ‘a systematic, critical and comparative
study of the contents of the Dharmasūtras’ (to quote his own words) in his book is for Sanskrit scholars to judge. I should like to say (begging his pardon) that he appears to me to be a concoited writer. I shall set out only one but an important instance. In the first vol. of H. of Dh. I devoted pp. 213–221 to Kātyāyana. I began by calling him one of a triumvirate in the realm of ancient Hindu Law and procedure and based my remarks on quotations contained in a dozen works and authors. I stated (on p. 213) that Kātyāyana appears to have taken Nārada and Brhaspati as his models in the treatment of Vyavahāra. I referred to a work called Karmapradīpa of Kātyāyana in Jivananda’s collection of Smṛtis and held (on p. 221) that that author is different from Kātyāyana, the Jurist. In 1933 I published ‘Kātyāyana–smṛtisāroddhāra’ in which I brought together 973 verses of Kātyāyana on Vyavahāra alone, extracted from twenty works, which work is mentioned by Dr. Banerji in his Bibliography on p. 542. Later on Prof. Ranga Swami Aiyanar collected over a hundred verses of Kātyāyana the jurist and published them in one of the papers presented to me on my 61st birthday (vide Kane Festschrift pp. 7–17). About Kātyāyana the jurist with whom I dealt on pp. 213–218 (in Vol. I. of H. of Dh.) I stated ‘All known quotations of Kātyāyana are in verse’ (p. 218). About this Dr. Banerji on p. 241 of his work remarks that Kane is not accurate when he asserts that ‘all known……verse’ and in connection with my remark about Medhatithi’s reference to a sūtra of Kātyāyana that ‘we must either suppose that he (Medhatithi) is referring to some other work of Kātyāyana than the one in verse from which hundreds of verses are cited by other writers or that Kātyāyana's work on Vyavahāra also contained some prose passages’ (p. 218). Dr. Banerji remarks (pp. 241–42) that I am not right in drawing the inference and that ‘our collection of prose passages attributed to Kātyāyana by different writers proves conclusively that neither of the inferences of Kane is tenable’. My first inference based on Medhatithi quoting a sūtra of Kātyāyana was that Kātyāyana also wrote another work in sūtra style. Dr. Banerji says this inference is wrong. Then it follows that Kātyāyana did not write another work in prose. My second inference was that Kātyāyana's work on Vyavahāra might have contained prose passages. This, he says, is wrong; if so, it follows that Kātyāyana’s Vyavahāra did not contain prose passages. He is inconsistent in this. On p. 53 (at the top left hand column) No. 7 under the caption ‘minor writers on Dharmasūtra’ he
states about 'Kātyāyana' it may be pointed out that Kane does not mention the fact that to this author are ascribed sūtras also in addition to verses on Smṛti'. Before saying anything more I shall examine the prose extracts from Kātyāyana which Dr. Banerji sets out on pp. 295-296. They are only eleven and taken from seven digests and commentaries. His method seems to be to take up printed Sanskrit nibandhas and commentaries and look at the Index of names of authors quoted or to read hurriedly some passages and when the name Kātyāyana (or any other writer about whom he wants to write) appears, to put it down in his collection without troubling to trace it to its source. I set out the quotations in the learned author's own order.

Number and quotation  Work from which taken and page therein

1  Athāto nityasnānam nadyādau  Grhaṭharantnākara
     ..........pratīśīnet  p. 208
2  aparāḥṇe vratopāyaniyamaśnita  Kṛtya-kalpataru
3  ā caturthyā yadahāh  Grhaṭha-kāṇḍa p. 141
     sampadyate tadahah  Kṛtyaratnākara p. 320
4  ābhyudayike yugmāṇāśayet  Caturvarga-cintāmani
   Caturvarga-cintāmani
   I. p. 141
5  Grāmyādbhir-oṣadhibhiḥ sahānnena  Smṛticandrīkā on śrāddha
     ......uttaras-tarpayanti  (Mysore ed.) pp. 252-3
6  Chāgosra-mesānālabhya  H p. 203 of above work
     vāḥṛtya pacet
7  Pindavacca paścimā pratipattih  Grhaṭharantnākara p. 284
8  Śāvīryā brāhmaṇam-upanayita  Kṛtyakalpataru,
     ......sarvesām vā śāvīrī  Brahmacārio p. 106
9  Sauvāra-rājataudumbara  Smṛticandrīkā on
     ......patraputādisu vā  śrāddha p. 291
10 Strīyāḥ...pratipadi ..... ....  Kṛtyaratnākara p. 323
    māvāśyāyām sarvam
11 Svāhākārapradānahomah  Manvarthamuktāvali of
    Manvarthamuktāvali of
    Kullūka p. 93 (i.e. on  p. 93 (i.e. on
    Manu III. 85.)

Dr. Banerji forgets or ignores that Kātyāyana is a name borne by several eminent authors. There is Kātyāyana, author of the Vārtikas on Pāṇini, who is held to have flourished some centuries before the Christian era, there is an extensive Kātyāyana-śrautasūtra which also is a work of a period before the Christian era. I dealt with a third Kātyāyana in H. of Dh. Vol. I
who was a jurist and whom I assigned to the period between the 4th and 6th century A.D. (p. 218 of vol. I, ed. of 1930). Dr. Banerjee appears to accept this date (p. 242 of his work). If the learned doctor had carefully read the prose passages attributed to Kātyāyana in medieval nibandhas set out by him on pp. 295–296, he would have found that all of them refer to śnāna, śrāddha and none refers to law and judicial procedure at all. A cautious scholar would have paused before fathering those passages on Kātyāyana the jurist. The doctor’s reading is neither deep nor vast and, not being cautious, he gives free rein to his imagination. The doctor has probably not read or heard that there is a pariśīṣṭa in nine kāndikās attributed to Kātyāyana and attached to the Pāraskaraśṛṇyāsūtra (which also is spoken of as Kātiya). I shall show that most of the prose passages he sets out (on pp. 295–296) as Kātyāyana’s occur in that Parīśīṣṭa (Gujarati Press ed. of 1917)* as follows:

No. 1 athāt... pratisīṇcit—Occurs on p. 410 of Pār. Gr.; No. 2 is in Kātyāyana’s śrautasūtra II. 1. 10; No. 3 ‘ā caturthyā... tadaḥah’ is on p. 423 Śrāddhasūtra, kāndikā 6; No. 4 śabhyudayike... sayet in Śrāddhasūtra, whole of Kāndikā 6; No. 5 ‘grāmyābhir... tarpayanti’ and No. 6 ‘Chāgs... paeṣ’ occur on p. 519 of the Gujarati Press ed. of Pāraskara Gr.; No. 7 pindavacca... pratipattih occurs in Karmaprātipa p. 9 alias Chāndogāhika (in B. I. series, Cal. 1909); No. 8 śāvityā... vā Śāvityā’—compare Pāraskara Gr. (kānds 2, kāndikā 3, ‘Gāyatrī, brahmaṇāyā... nubrūyat, Triṣṭubham rājanyāya, Jagatīm vaiśasya, sarveṣām vā Gāyatrīm’, 7–10). It should be noted that Aparārka (p. 33) quotes from kāṭyāyana the passage ‘Gāyatrī, triṣṭubhā... jagatyā... sarveṣām vā gāyatrīm’; the passage as quoted in the Kṛtyakalpataru is almost the same as in Pār. Gr. and is attributed to Kātyāyana by Aparārka probably because the Pār. Gr. is also called Kātiya Gr. and, as shown above (p. 18), Pāraskara is another name of Kātyāyana. No. 9 Sauvarṇa... puṭādisu vā—occurs in the Śrāddhasūtra, Kāndikā 2 (p. 443, Gujarati press ed.); No. 10 ‘striyāḥ... pratipadi... māvāyāyām sarvam’—is the whole of kāndikā 9 of the Śrāddhasūtra (Gujarati press ed. p. 538, except the first three words); No. 11 ‘svāhā... homaḥ’

* The editor notes that the ms. of Kṛtyakalpataru does not attributes No. 8 to Kātyāyana, but as Aparārka on p. 33 attributes an almost identical passage to Kātyāyana, his name is inserted by the editor before this passage. The passage as read by Aparārka is: 

The Kṛtyakalpataru probably summarises Pār. Gr. in its own words.
these words of Kullūka are an echo of Kātyāyana-śrauta-sūtra VI. 10. 20–24 ‘pratīnigadya homāḥ...svāhākārapradānāḥ;’ The two passages (2, 7) out of eleven are so brief that to find their source is like searching for a pin in a haystack. I had to spend hours in tracing the sources of these passages. All these passages, it is clear, do not refer to any juridical matter. Dr. Banerji has often stated as shown above that I had not proved conclusively my propositions. I hope that scholars will concede that I have conclusively proved at least one thing viz. what Dr. Banerji regarded (on p. 242, line 4) as conclusively proved by him has been conclusively proved to be wrong. After this exhibition of his carefulness and scholarship I do not want to expose his vanity and shallowness. He is very anxious to impress on his readers his cleverness and industry. On page 229 of H. of Dh. I, I briefly dealt with Pracetas and remarked that in both Mit. and Aparārka we find prose passages and verses cited from Pracetas. At the end I said a few prose quotations from Pr. are noted in the Smṛticandrika and by Haradatta. On p. 242 Dr. Banerji could not avoid saying in his usual manner ‘Kane is not absolutely accurate in holding that a few prose quotations etc.’ He cites about 61 passages (prose) from Pracetas of which 34 are extracted from the Mit. Aparārka and Smṛticandrika to which works I had expressly referred. In order to reduce the bulk of the volume I did not set out any prose passages. That is all. I never said that only a few prose passages of Pracetas are known to nibandhas.

The commentary of Haradatta called Ujjvala- vr̥tti is the only one so far recovered. For an account of Haradatta, vide sec. 86. The Smṛticandrika (I, page 25) quotes a passage from the bhāṣya of Āpastamba (II. 6.15.19–20) and (II. p.300) quotes the explanation of the bhāṣyakāra on Āpastamba II. 6. 14. 1. Both these passages are not found in the commentary of Haradatta, though in the latter case, Haradatta holds the same view as that of the Bhāṣyakāra. Similarly, the Viramitrodaya (Vyavahāra, page 671) quotes the bhāṣyakāra of Āpastamba, but that quotation does not agree with Haradatta. Haradatta himself does not call his work bhāṣya, but vr̥tti. Besides, the Subodhini on the Mitākṣara (on Yaj. II. 132) quotes a passage from the Āpastambadharmavṛtti which is found in Haradatta on Āp. II. 6. 14. 1. Haradatta himself cites sometimes two or three other interpretations of the same sūtra (e.g. on Āp. I. 2. 5. 2; I. 3. 10. 6; I. 5. 15. 20; II. 2. 3. 16). So the bhāṣyakāra was probably one of his predecessors.
It appears from the Kalpataru of Lakṣmidhara that Kapardin wrote a bhasya on Ṛ. Dh. S. e.g. the Brahmācāri-kaṇḍa of that work on p. 15 quotes Ṛ. Dh. S. II. 2. 1, 2-5 and remarks 'stacca nityanām-eva karmanām phalāntaram-iti Kapardinbāyam'; also on p. 257 it quotes Ṛ. Dh. S. I. 3. 11. 27-31 and cites ādīrvaro nāmaṇa hūn A. 1. 28. Lakṣmidhara on śrāddha cites the explanation of Ṛ. Dh. S. II. 7.17. 21 'Śvitrī...śūdrot-ganno bhūmayāṁityecte śrāddhe...panktidūsanā bhavanti' and Īharaṭa seems to have taken it from Kapardin. In Naluyakalā-kaṇḍa it quotes Kapardinbhasya on Ṛ. Dh. S. I. 17. 27 (pp. 229 and 306); on pp. 275-6 Ṛ. Dh. S. I. 2. 7. 19-21 are quoted and Kapardinbhasya on 'Ugrataḥ śūdrato vāhare' is quoted. From a corrupt passage in Mr. Gharpure's edition of the Smrītīcandrīkā (2nd part p. 419) it follows that Dhūrta-svāmin had either composed a bhasya on Ṛ. Dh. S. (the reference is to Ṛ. Dh. I. 5. 17. 18 and 20 'śuktam ca' and 'Śuktam cāparaya'yōgam' or that he had in some other work referred to Ṛ. aphorisms and explained them. Dhūrta-svāmin wrote a bhasya on the Śrauta-sūtra of Āpastamba, the first vol. of which was published in G. O. S. in 1956.

In Aparārka, Haradatta, Smrītīcandrīkā and other works there are numerous quotations in verse ascribed to Āpastamba. These quotations are concerned with topics of Āhnika, Śrāddha, and Prāya citta. The Smrītīcandrīkā (III. pp. 423 and 426) quotes a Sotra-paṇḍita. Haradatta on Gautama (22. 18) quotes several verses on prāyaścitta from Āpastamba. Three of these verses are found in the Āpastamba-smṛti in verse (Jivananda's collection vol. I pp. 567-584 chap. I verses 16, 19, 31). The Smṛti printed by Jivananda contains about 207 verses in ten chapters on prāyaścitta and purifications. But the quotations from the Smrītīcandrīkā and Aparārka show that the verse Āpastamba was a much larger work and since they regarded the versified work as equally authoritative with the sūtra work, the versified smṛti must have been comparatively an ancient work.

Shri. A. N. Krishna Aiyangar in Kunhan Raja Felicitation Volume (pp. 392-397) points out that there are some additional sūtras of Ṛ. Dh. S. In the Rangswami Aiyangar Com. Vol. (pp. 337-339) an account is given of an Āpastamba-smṛti ms. in Adyar Library in six pātalas and 800 grantha.
8. Hiranyakāsi-Dharmasūtra

The Hiranyakāsi-dharmasūtra forms the 26th and 27th praśnas of the Hiranyakāsi-kalpa. The Śrauta-sūtra has been published by the Ānandāśrama Press (Poona). The Hiranyakāsi-grhya-sūtra was edited with extracts from the commentary of Mātrdatta by Dr. Kirste (Vienna, 1889). The Grhya forms the 19th and 20th praśnas of the Kalpa, each praśna being divided into eight pātalas. The Śrauta-sūtra is largely based on the Śrauta-sūtra of Āpastamba. The Grhya-sūtra is indebted to the Grhya-sūtra of Bhāradvāja. The Dharmasūtra of Hiranyakāsin can hardly be called an independent work. Hundreds of sūtras are borrowed word for word from the Āpastamba Dharmasūtra. The Dharmasūtra of Hiranyakāsin is therefore the oldest voucher for the authenticity of Āpastamba’s text and is very valuable for checking the latter.

The Hiranyakāsins form a sūtra-carana of the Khāndikēya section of the Taittirīya-ākha and were formed later than the Āpastambīya School. In a grant of the Kongu kings dated in 454 A. D. Brāhmaṇas of the Hiranyakāsi School are mentioned (i. a. vol. V. page 136). According to the Mahānāva quoted in the commentary of the Caranavyūha, the Hiranyakāsins were to be found in the south-west between the Saiya mountain and the ocean and near Paraśurāma (i. e. in the Konkan). There are at present many Brāhmaṇas in the Ratnagiri District who call themselves Hiranyakāsins. The Dattaka-mimāṃsā of Nanda-pandita twice quotes passages from the commentary of Šabarasmāin on the sūtra of Satyāśadha. If he was identical with the great commentator of the Pūrva-mimāṃsā (which is almost certain), then we would have unimpeachable evidence for the existence of the works of the Hiranyakāsins long before 200-400 A. D.

Bühler in his second edition of the Āpastamba-dharmasūtra (1893) gave (in appendix II) the various readings of the Hiranyakāsi-dharmasūtra from two MSS. I secured a modern transcript of the Hiranyakāsi-dharmasūtra from the Deccan College collection (No. 138 of 1881-82), which contains the text and also the commentary of Mahādeva thereon. There are 18 folios for the sūtra and 101 for the commentary. That ms. presents some readings which are not noticed by Bühler as found in the two mss. consulted by him. For example, the ms. reads “saptama āyuskāmamāstame brahmavarcasakāmam (reversing
the order of years in Áp. I. 1. 21-22, omits the words "yadi
sāyaē t dāṇḍavat pāve" (from Áp. I. 1. 30.), reads "vastān-
veya vasiṭobhaya &c." (Áp. I. 1. 3. 9 omits vasita), reads
"gurava" for "acāryaya" in Áp. I. 1. 3. 31. The ms. of the
Hiranyakesi-dharmasūtra contains certain additions to the
sūtras of Ápastamba. For example, a sūtra "ksāralavana-
madhumāṃsāni ca varjyeta" is added after Áp. II. 9. 22. 14, a
sūtra "teśām pūjā srayasyātmahanā kāryā" occurs after Áp. II.
9. 25. 8, and the sūtra "sarva-dharmānām svadharmānūbān-
niyamesā ca yuktāh syāt" occurs after Áp. II. 9. 25. 13. The
manuscript contains a few verses, that are not found in the
Ápastamba-dharmasūtra, introduced by the words "arthāpyu-
dharanti" (except in one case viz. "putrena, &c."). The
manuscript also omits certain sūtras found in Áp. e. g.
"vairāyāyasām cetara ira vairāhā (Áp. II. 5. 11. 8), "anyatra
rāhudarsanāt" (Áp. II. 3. 17. 25), "athopanayanam tata
udakopaspaśaṇam" (Áp. I. 1. 1. 36.). In the case of some
sūtras the readings of Hiranyakesin present a smoother and
more classical Sanskrit than that of Ápastamba and are mani-
festly attempts to bring them in line with the requirements of
the sūtras at the time when the Ápastambasūtras were taken
over into the Hiranyakesi school. Hiranyakesisūtra has
"pādonaṁ" and "ardhoṇaṁ" for "pādunaṁ" and "ardhena" of
Ápastamba (I. 1. 2. 13-14), "asandarsane" for "asandarse"
(Áp. I. 1. 2. 29), "aglānīh" for "aglāmsuḥ" (Áp. I. 1. 3. 22);
"prakaśayet" for "prakaśālayita" (Áp. I. 1. 3. 36), "karmaṇyam" for
"kartapatyaṁ" (Áp. I. 2. 5. 3), "yathāṣāktī" for "saktivisa-
yanā" (Áp. II. 5. 12. 1). Another noticeable feature is that the
arrangement of the sūtras into sub-sections is a good deal diffe-
rent in the two works. Bühler notes that from the 13th khandikā
(6th paṭalā) of the second prāṣṇa both the manuscripts consulted
by him do not indicate the paṭalas. The Deccan College manuscri-
pt does not number them from the second paṭalā in the second prāṣṇa.
The number of paṭalas in the first prāṣṇa of Hiranyakesi is eight.

103 'प्रधान युक्तावास्त्राः अर्थम् चालंकरणं (तु) क:। पतं ज्ञातवण ते पतं नतुकारणात्
कुर:।' after Áp. ch. I. 7. 21. 4; árthaḥprakārama prakārama ca yānti... āraṁ... 
नेन पुण्यं आन्ति संग्रहं ज्ञानं भवति। Which is विशेषालिनी II. 7. 27. 7 and
comes after Áp. ch. I. 10. 20. 7. पुण्यं योक्तावस्त्रं एवंप्राप्तचः देवोऽर्थ एवः
प्रधानःपर्ययाः यमोऽर्थ वैधर्याः संप्रकाशः। दोषेयातरित्यं एवंपर्यन्तवतीति।
अन्यतयात्तिथिः।।' after Áp. II. 5. 12. 4; वैधर्यार्थाः पापाधिक्षुपण्य: ज्ञातः
स्वाभाविकः। प्रधानःपर्यन्तवतीति।' after Áp. ch. II. 7. 17. 21.

The verse अर्थप्रकाष्ठ is quoted in Baud. Db. S. I. 10. 12 and Vas. III. 18
and for पुण्य &c. compare मध्य 9. 137.

The com. of Mahādeva Diksita called Ujjvalā, is almost word for word the same as that of Haradatta’s Ujjvala. That one has borrowed from the other admits of no doubt and Bühler thinks that Mahādeva is the borrower. But there is hardly anything to turn the scales in favour of Haradatta. Sometimes Mahādeva’s commentary contains more matter than Haradatta’s (e. g. on the sūtras ‘Saptame brahmavacaracakānam &c’, ‘Upanayanam vidyārthasya srutitah’, ‘dvādasāvarardhyām’ and sometimes Haradatta contains more explanation (e. g. on ‘tasmānca vidyākarmāntam’ &c.; on ‘nāpsu slāghamānahrānānāh snāyāt’, on ‘pāpinsamkṣubdhenadakeni &c.’. Mahādeva differs from Haradatta’s explanation of the word ‘atha’, which the former takes in the sense of ‘ānantaryā or adhikāra’, while the latter takes it only in the sense of ‘ānantaryā’. That Mahādeva also is an early writer follows from the fact (noted by Buhler p. 117 n) that portions of his commentary are contained in the Munich Ms. of Haradatta dated Vikrama-Samvat 1668 (1611-12 A.D.). It is to be noted that Haradatta after saluting Gāneśa at the beginning of his Ujjvala does obeisance to Mahādeva (which may mean God Śiva or the author Mahādeva if he was the guru or father of Haradatta). Mahādeva often comments on the sūtras as found in Āpastamba and not on the readings of them as existing
in the Hiranyakesi school; e.g. he comments on 'padānāma', on 'adhiśasanaśāyī' for ardhīśasanaśāyī (the reading of the sūtra), on 'ātmasvāstyaśāyānārthenā' (Āp. II. 5. 11. 9) for 'svastyaśāyānārthenā' of the ms. of Hir. The explanations of the two writers sometimes differ, as for example on 'ācāryādhiḥnas śādānārthānā patanīyebhyāh' (Āp. I. 1. 2. 19104). One more circumstance that is worthy of note is that the Ujvalā of Haradatta does not contain many quotations from Sāṅkhyas as compared with his commentary on the Gaṅgānātha-dharmasūtra. Although one may be inclined to hold that it is Mahādeva who borrows, it must be clearly recognized that there is hardly any positive evidence in support of such a view. There is a commentary called Vaijayantī on the Ṣairāt-sūtra-sūtra. This Mahādeva is very likely identical with the Mahādeva who commented upon the dharmasūtra.


This dharmasūtra has been printed several times. The collection of Jivananda (part II, pp. 456–496) contains only 20 chapters and a portion of the 21st and so does the collection of Mr. M. N. Dutt (Calcutta 1908). The Anandārama collection of sāṅkhyas (1895, pp. 187–231) and the edition of Dr. Führer in the B. S. series (1916) contain thirty chapters. According to Dr. Jolly (R. u S. p. 6) some mss. give only six or ten chapters. The Vasiṣṭhadharmasūtra with the commentary called Vidvan-modini was printed at Benares. In the following Dr. Führer's edition has been used.

Kumārila (vide note 55 above) tells us that the dharmasūtra of Vasiṣṭha was specially studied by the students of the Rgveda, but that along with other dharmasūtras it is authoritative for all carānas. No śrauta and grhyā sūtras of Vasiṣṭha, if they ever existed, have come down to us. We have therefore to fall back upon one of two hypotheses, viz. either the dharmasūtra of Vasiṣṭha is the solitary remnant of a school that might have once possessed a complete kalpa or that it was composed as an independent work on dharma and was subsequently seized upon by the students of the Rgveda, who had only śrauta and grhyā sūtras of Āsvalāyana. For reasons given elsewhere I incline to the latter view. The dharmasūtra of Vasiṣṭha cites

104 हरिष्केश explains 'आचार्याधिकृतो भवेल्युपन्यासलो वस्तुकार्यस्तं तलिएक्षेत्रायाधिकृते' while महाराष्ट्र makes it a विशिष्ट 'आचार्याधिकृतम् क्यामनीति विशिष्ट'.

quotations from all Vedas and beyond the name Vasiṣṭha there is hardly anything special in the dharmasūtra to connect it with the Rgveda. It is true that in the 17th chap. several verses of the Rgveda (such as I. 21. 5, I. 124. 7, V. 4. 10 which occur in sūtras 3, 16 and 4 respectively) and several passages from the story of Śunahśeṣa in the Aitareya-brāhmaṇa are quoted by the sūtra and that several hymns of the Rgveda, such as the asyavāmiya (Rg. 1. 164), havispāntiya (Rg. X. 88), Aghamarsaṇa (X. 190), are referred to in the 26th chap. But there is nothing remarkable in this as some of the verses and sūktas are mentioned in the Baudhāyanadharmasūtra also. Besides, the Vas. Dh. S. quotes several passages from the Taittirīyasamhitā (as in Vas. V. 7-9, which quote Tai. S. II. 5. 1-6 and Vas. XI. 48 which quotes Tai. S. VI. 3. 10. 5), the Satapatha-brāhmaṇa, the Māitrīya-samhitā (in Vas. I. 37).

The contents of the Vas. Dh. S. are:—I. Definition of Dharma, limits of Āryāvarta, who are sinners, the mortal sins, a brāhmaṇa can marry a girl of any of the three higher castes, six forms of marriage, the king was to regulate the conduct of people and to take the sixth part of wealth as a tax; II. The four varṇas, the greatness of ācārya, before upanayana there is no authority for religious rites, the privileges and duties of the four castes, in distress a Brāhmaṇa could subsist by resorting to the calling of a Kṣatriya or Vaiśya; a Brāhmaṇa was forbidden to sell certain things, usury condemned, rates of interest allowed; III. Censure of illiterate Brāhmaṇa, rules on finding treasure-trove, who are ātātāyins, when they could be killed in self-defence, who are pānḍitipāvanas, constitution of a parisad, rules about ācamana, śauca and purification of various substances; IV. The constitution of the four castes is based upon birth and the performance of saṃskāras, the duties common to all castes, honouring guests, madhuparka, impurity on birth and death; V. dependence of women, rules of conduct for a rajasvālā; VI. usage is transcendental dharma, praise of ācāru, rules about answering calls of nature, moral characteristics of a brāhmaṇa and the peculiar characteristics of a śūdra, censure of partaking food at the houses of śūdras, rules of etiquette and good breeding; VII the four āśramas, and the duties of a student; VIII. Duties of an householder, honouring guests; IX. rules for forest hermits; X. rules for saṃnyāsin; XI. six persons who deserve special honour, vis. the priest at the sacrifice, son-in-law, king, paternal and maternal uncles and a snātaka; order of precedence in serving
food, guests, rules about śrāddha, times for it, the brāhmaṇas to be invited at it, rules about agnīhotra, upanayana, the proper time, staff, girdle &c. for it; method of begging for alms. prāyahṣcittra for those whose upanayana is not performed; XII; rules of conduct for a snātaka; XIII. rules about the beginning of Vedic study, rules about holidays for Vedic studies, rules about falling at the feet of guru and others, guiding principles in precedence as regards respect (learning, wealth, age, relationship, avocation, each prior deserving more consideration than each succeeding one), rule of the road; XIV. rules about forbidden and permitted food, rules about the flesh of certain birds and animals; XV. rules of adoption, about excommunication of those who revile the Vedas or perform sacrifice for sūdras and for other sins; XVI. About administration of justice, king as guardian of minors, threefold prāmānas, viz. documents, witnesses and possession; rules about adverse possession and about king’s advisers; qualifications of witnesses; perjury condoned in certain cases; XVII. praise of aurasa son; conflicting views about kṣetrapī son, viz. whether he belongs to the begetter or to him on whose wife he is begotten; twelve kinds of sons; partition between brothers, grounds of exclusion from partition, rules of nityoga, rules about grown-up unmarried girl, rules of inheritance, king as ultimate heir; XVIII. pratiloma castes such as cāndala, no Vedic studies for sūdras or in their presence; XIX. king’s duty to protect and to punish; importance of purohitā, XX. about prāyahṣcittras for various acts unknowingly or knowingly done; XXI. prāyahṣcitta for adultery by Sūdra and others with women of the Brāhmaṇa caste or for cow-killing; XXII. prāyahṣcitta for eating forbidden food, sacred texts that purify in case of sins; XXIII. penances for Brahmacārin having sexual intercourse, for drinking wine &c.; XXIV. Kṛcchra and Atikṛcchra; XXV. secret penances and penances for lesser sins; XXVI–VII. virtues of prāṇāyāma, Vedic hymns and Gāyatrī as purifiers; XXVIII. praise of women, eulogy on Vedic mantras like Aṣṭāṣṭaparṇi and of gifts; XXIX. rewards of gifts, brahmucarya, tapas &c.; XXX. eulogy of dharma, truth and brāhmaṇa.

The Vas. Dh. S. resembles in several respects the other dharmasūtras described above. It contains almost the same subjects and is similarly composed in prose interspersed with verses. The Vas. Dh. S. is in style like the Gautamadharmaśāstra and has many sūtras identical with or closely resembling those
of the latter. Vide. p. 18 above. It has also several sūtras closely corresponding with the sūtras of Baudhāyana. Grave doubts have been entertained about the authenticity of the whole of the text of the Vas. Dh. S. as the mss. contain varying numbers of chapters from 6 to 30, and as the text is hopelessly corrupt in several places (e.g. vide note 108 below). The Vas. Dh. S. contains many verses which bear the impress of a comparatively late age. Chapters 25–28 are entirely in verse, while there are other chapters (like III. 2–12, VI. 1–13, XI. 20–42) which contain many verses intercalated between prose passages. In this respect Vasistha's work is on a par with Baudhāyana's, in the fourth praśna of which there are chapters entirely consisting of verses. It has therefore been argued that the text of Vasistha was tampered with freely, particularly as regards the chapters at the end. But as shown below it will have to be admitted that the interpolations, whatever they may be, were made at a very early period. The Mitākṣara quotes Vas. by name about 80 times and the quotations are taken from almost every chapter from the first to the last. For example, Mit. quotes Vas. 27. 1 on Yaj. III. 310, Vas. 27. 21 on Yaj. III. 323, Vas. 28. 7 on Yaj. III. 297, Vas. 28. 18, 19 and 22 on Yaj. III. 309. Even Medhātithi quotes Vasistha over twenty times. The quotations are mostly taken from the first chapter to the 21st. Only one quotation from the last few chapters (viz. 27. 16) has been found in Medhātithi (on Manu XI. 211) and that too is not quoted as Vasistha's, but is ascribed to 'others.' Viśvarūpa, who flourished about the first quarter of the 9th century quotes Vas. about thirty times in his commentary on the aṣṭāda and nyavahāra sections of Yaj. These quotations hardly differ in any respect from the text of Dr. Führer's edition and are scattered over almost all chapters from the 1st to the 17th, six quotations being taken from chapters 3 and 17 each. In the praśācittta section Viśvarūpa quotes Vas. even more frequently. Besides several sūtras from the 1st, 4th, 10th and 11th chapters, he quotes here no less than 22 sūtras of the 20th chap. and 9 of the 21st. Moreover, sūtras 37 and 39 of the 23rd chap. are quoted (on Yaj. III 281–282). What is more remarkable is that two verses (2–3) of the 28th chapter are ascribed to Vasistha and explained in detail (on Yaj. III. 256), while Vas. 28. 4 is quoted without the author's name. These facts make it certain that the Vas. Dh. S. contained in Viśvarūpa's day all the chapters from the first to the 23rd and also the 28th. Śaṅkara in his bhāṣya in Br. Upāniṣad (III. 5. 1) quotes Vas. X. 4 and on Br. Up. IV. 5. 15 he
quotes Vas. VII. 3. The Vas. Dh. S. quotes numerous verses preceded by the words "athāpyudāharanti", which is the case with Baudhāyana also. The word 'Udāharanti' or the words 'athāpyudāharanti' occur in Vas. about 42 times. In Chap. 14 alone the words 'api hyatra Prājāpatyān ślokān-udāharanti' occur thrice viz., once before verses 16–19 (of which verses 16 and 18 are the same as Manu IV. 248–49 and are quoted from a Purāna in Āp. Dh. S. I. 6. 19. 13); again before verses 24–27 of which 24 is the same as Manu V. 127 and Baudh. Dh. S. I. 5. 56); and a third time before Vas. 14. 30–32. The words 'Mānavam ślokamudāharanti' occur four times in Vas. viz. in 3. 2 (same as Manu II. 168), in Vas. 19. 37 (which is in Indravajrā metre), in Vas. 20. 18 (same as Manu 11. 151 with slight variations). In some cases where the word 'udāharanti' is used in Vas. the verse occurs in Vas., Baudh. Dh. S. and Manu also. For example, Vas. I. 22 = Manu 11. 180 = Baudh. Dh. S. II. 1. 62; Vas. 2. 50 = Manu 10. 91 = Baudh. Dh. S. II. 1. 52; Vas. 5. 3 = Manu 9. 3 = Baudh. Dh. S. II. 2. 46; Vas. 11. 27–28 = Manu 3. 125–26 = Baudh. Dh. S. II. 8. 21–22; Vas. 11. 25 = Manu 3. 225 = Baudh. Dh. S. II. 8. 14 (with slight variation.). In Āp. Dh. S. II. 6. 13. 6 (the verse apramattā rakṣatha &c.), Baudh. Dh. S. II. 2. 36, Vas. 17. 9 the same verse occurs preceded by 'udāharanti'. Some verses, though not introduced with the words 'athāpyudāharanti' or with 'udāharanti' occur in all three e.g. Vas. 3. 5, 6 and 11 are same as Manu 12. 114, 115 and Manu 2. 157 respectively, and as Baudh. Dh. I. 1. 10, 12 and 11 respectively. The same verses are sometimes found in three different sūtra works. For example, Āp. Dh. S. II. 4. 9. 13 = Baudh. Dh. S. II. 7. 22–23 (both works introduce with 'athāpyudāharanti') = Vas. 6. 20–21 (without athāpyu. &c.). In many cases Āp. Dh. S. and Vas. have great verbal agreement in their sūtras e.g. compare Āp. I. 4. 12. 8 and Vas. I. 7; Āp. I. 5. 15. 16 with Vas. 23. 33; Āp. I. 9. 25. 1–2, Gautama 23. 9. 11 with Vas. 20. 13; Āp. II. 8. 17. 22 (on 'panktipāvana') with Vas. 3. 19, Gaut. 15. 28, Manu III. 185. Vas. quotes a verse (gāthā) from the Nidāna (work) of the Bhālavins (a Śāmaveda Śākhā). 104a Compare Āp. Dh. S. II. 6. 13. 5 (utpādayituh putra iti Brāhmaṇam) with Vas. 17. 63 (aniyuktaiva-utpanna utpādayituh putro bhavati-
tyāhuḥ). Vas. has many sūtras on several topics very similar in language to Gautama. Compare Vas. XI. 16 and 14 with Gaut. 15. 3 and 5 (on śrāddha); Vas. XI. 49–51, 71–73 with Gaut. I. 6, 12–14; Vas. 17. 42–45 with Gaut. 28. 3–8; Vas. 13 8 ff with Gaut. 16.5 ff (on anadhāyā). Chapters VI–IX of Gautama have many sūtras very similar to Vasiṣṭha’s.

But the relation between Vas. and the Manusmrṭi is most important; at least 61 verses of the extant Manusmrṭi are identical with Vasiṣṭha’s (except for a word or a letter or two in a few cases). Of these some expressly mention the quotation as ‘Mānavam’104, or ‘Mānavam śloka’ (vide above), or use the word ‘udāharanti’ about seventeen times, leaving no doubt as to whether they are quotations. Vas. IV. 5 and XVI. 30 are in prose but use the very words of the Manusmrṭi viz. Manu 5. 22, 32, 42 and Manu 8. 68 respectively. Some of the verses quoted in Vas. contain the word (Manu) as in IV. 6. There are at least five verses in Vas. three pādas of which are the same as in the verses of the extant Manu (compare Vas. 3. 59 and M. 5. 123, Vas. 6. 43 and M. 12. 109, Vas. 26. 14 and M. 4. 146, Vas. 30. 7 and Manu 7. 84 and six passages that contain half verses that are common to Vas. and Manu (Vas. 3. 8 and M. III. 128. Vas. 6. 11 and M. 4. 52, Vas. 8. 8 and M. 3. 103 and Vas. 10. 5 and M. 2. 83, Vas. 13. 16 (Mānavasloka) and Manu 4. 117, Vas. 18. 10 (Pāraśavo...tyāhuḥ) and M. 9. 178. Several verses occur without these words being prefixed, but most of them seem to be quotations (e. g. Vas. II. 3 which combines Manu. II. 169 and 170, IV. 6 which is Manu 5. 41, VI. 6 and 8 which are Manu IV. 157 and 158 ). Some of these verses introduced with the words ‘athāpi’ &c. as well as some of those not so introduced are in the regular classical Upajāti, Upendravajrā or Indravajrā (vide I. 38, X. 20 for verses with athāpi &c. and VI. 9 and 25, X. 17, XVI. 36 for verses without them). Some of the verses are in the ancient Triṣṭubh form (e. g. VI. 3 and 30, VIII. 17, XVII. 71.). In one verse (VI. 5) there are twelve letters in the first pāda and eleven in the rest. One quotation with words “athāpi” &c. is in prose (II. 5). There are a few un-Pāṇinean forms like ‘Vivadanti’

104 b ‘Mānavam’ does not mean Mānava-dharma-sūtra. That is a gratuitous assumption. Kumārika (650–700 A. D.) quotes the extant Manusmrṭi as Mānavam on P. M. S. I. 3.2 (p. 167 of Ṭanam, ed.); तथ च तानवनपतिहितम्। प्रथवक्रममुपाति च।। मन्नीपतिन्॥. This is Manu 12.105; vide also note above for Mānava.
in XIV. 47 (vide Pāṇini I. 3. 47). It looks as if the dharmaśūtra once ended with the 24th chapter, where we have an injunction (in sūtra 6) against imparting the dharmaśūtra to one who is not a son or pupil. The same sūtra occurs in Baudhāyana Dh. S. IV. 4. 9 and the succeeding sūtra is the same in both. But the words 'pṛyāścittas has been described in the rahasya sections for playing false to the husband' (in Vas. V. 4) apparently refer either to chapters 25–28 (which contain rahasya penances) or to some prototype of those chapters now lost.

The Vas. Dh. S. quotes largely from the Rgveda and other Vedic Saṅhitās. Among the Brāhmaṇas, the Aitareya and Satapatha are frequently cited. The Vājasaneyaka (Vas. 12. 31 and 23. 13) and the Kāthaka (Vas. 12. 24 and 30. 5) are mentioned by name. The Tai. Āraṇyaka is quoted in Vas. 23. 23. The Upaniṣads and Vedānta occur in 22. 9. Vasiṣṭha quotes a gāthā of the Bhālavins from their Nidāna work about the extent of the home of Brahmanism, which is quoted by Baudhāyana also (Dh. S. I. 1. 27). He speaks of the aṅgas of the Veda (3. 23 and 13. 7) and gives their number as six (3. 19). Itihāsa and Purāṇa are mentioned in 27. 6. The science of words (grammar), of omens and portents, and of astrology and astronomy (Naksatravidyā) are referred to in 10. 20–21. He prohibits the learning of the language of the Mlecchas (in 6. 41). Vas. quotes a verse that states that the view holding the aprāmāṇyaj of the Vedas leads to perdition (12. 41). In Vas. II. 8–11 occurs the Vidyāśuktā in four verses that we meet with in the Nirukta (II. 4). Vasiṣṭha calls his own work dharmaśāstra (in 24. 6) and probably refers to other works on dharma in the words 'one who studies dharma' (in 3. 19). The study of dharmaśāstra as a penance for even mortal sins is spoken of in 27. 19. Vas. quotes several authors on dharmaśāstra. He quotes a verse from Hārīta (in II. 6) which occurs in Baudhāyana also with slight variations (Baud. Dh. S. I. 2. 7), though without the author's name. The two halves of this verse are almost the same as the latter halves of Manu. 2. 171–172. Bühler is therefore not quite accurate when he says without qualification that the verse attributed to Hārīta occurs in Manu (p. XX, S. B. E. vol. XIV). Vas. quotes Gautama twice (in 4. 35 and 37) about impurity on death, the first corresponding to Gautama (14. 41), while there is nothing in Gautama to correspond to the 2nd. Vas. quotes a verse (11. 20) which mentions Yama by name.
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and embodies the latter's views. Vas. (18, 13-15) quotes three ślokas sung by Yama, one of which (14) is the same as Manu 4, 80 and another (15) is very similar to Manu 4, 81. Another śloka of Yama is quoted by Vas. (19, 48) which is almost the same as Manu 5, 93. From these facts and others Bühler draws the conclusion (S. B. E. vol. XIV, p. XX) that these verses were taken from the Mānavadharmasūtra, which occupied the same position in Vasiṣṭha's day as the Manusmṛti does at present. I demur to this conclusion, which will be discussed later on in detail (under Manusmṛti). Vas. (14, 30-32) quotes ślokas of Prajāpati, the first of which mentions Yama by name104c. Vas. 14, 16-19 and 24-27 are quoted as ślokas of Prajāpati, three of which (14, 16, 18 and 24) are practically the same as Manu 4, 248, 249 and 5, 127. Vas. 14, 19 contains a pādā which occurs in Manu 4, 212. It is remarkable that the Vas. Dh. S. cites Vasiṣṭha himself with great reverence (as bhagavān) in 2, 50 (about the rate of interest), 24, 5 (about Kṛcchra penance), 30, 11. In numerous places the Vas. Dh. S. either refers to Manu by name or quotes the views of Manu (under the form 'iti Mānavam') or a śloka of Manu (with words 'Mānavam ślokam'). All these passages have an important bearing on the age of the Manusmṛti and on the supposed existence of a Mānavadharmasūtra. They therefore deserve to be carefully examined. Vas. I, 17 is in prose (about local, family or caste usages) and summarizes the views of Manu. The absence of the word 'iti' before abravin 'Manuh' and the form of the sūtra itself clearly establish that Vas. is not directly quoting a

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104c Vasiṣṭha 14, 16-19 and 24-27 are quoted as ślokas of Prajāpati. Several of them are quoted in different works and ascribed to other sources. For example, Vas. 14, 16 and 18 are quoted from a Purāṇa in Āp. Dh. S. I, 6, 19, 13, and these two are practically the same as Manu IV, 248-249 and Viṣṇu Dh. S. 57, 11-12, Vas. 14, 19 is almost the same as Āp. Dh. S. I, 6, 19, 14 and a part of it is Manu IV, 212; Vas. 14, 24 is the same as Manu V, 127, Baudh. Dh. S. I, 5, 56, Anuśāsanaparva 104, 40, Viṣṇu 23, 47.

It may be pointed out that Aparāṅka (p. 1322 on Yāj. III, 311) quotes Vas. 28, 10-11 and a prose passage (of 6 lines) in which the Aghamarṣa hymn, Rg. X, 189 (āyam gauḥ &c.), Rg. IV, 40, 5 (Hamsaḥ sucīsa) and the Gāyatrī are prescribed as expiations. Vas. 28, 10-15 occur in Viṣṇu Dh. S. chap. 56, and 28, 11-15 in Svābhāmasṛti (Ānan.) X, 1-5 (with slight variations) and Vas. 28, 11 (aghamarṣaṇam &c.) also occurs in Baudh. Dh. S. IV, 3, 7 (4th pāda being different) preceded by 'athāpyudāhāranī'. Vas. 28, 10-15 are quoted as Vasiṣṭha's in Sm. C. I, p. 187 (Charpure's edition).
sūtra of Manu. That sūtra is only a summary of our Manu I. 118. Vas. 3. 2 (which is preceded by the words ‘Māṇavāṁ ślokam’ is Manu II. 168. And so are Vas. 13. 16, 20. 18, which are Manu 4. 117 and 11. 151 (with very slight variations). That the latter existed in Vasiṣṭha’s text is vouched for by Aparārka (p. 1075). Vas. 4. 5 is in prose and cites the view of Manu that animals may be sacrificed only for worshipping and honouring the manes, deities and guests. There is hardly anything to show that it is a direct quotation from Manu and not a summary of Manu’s views. The sūtra briefly summarises the views that we find expressed in our Manu 5. 22, 32, 41 and 42 (the words of 42 ‘eśvartheṣu paśuṁ himsan’ are interesting and bear a close resemblance to ‘paśuṁ himsyād’ in Vas.). That sūtra is followed by a verse which is the same as Manu 5. 41. It is to be noted that the same verse occurs in the dharmaśūtra of Viṣṇu (51. 64) which reads ‘nāyatreti kathamāca’ for ‘nāyathety bravīṇ Manuh’. This change appears to have been purposely made to keep up the impression that the Viṣṇu Dh. S. emanated from Viṣṇu himself and so could not have borrowed from a human author. Vas. 4. 7 is very similar to Manu 5. 48. Bühler (S. B. E. Vol. 25, P. XXXI) is wrong in taking Vas. 4. 8 as a quotation from the Mānavadharmasūtra. There is nothing to show that it is so taken. It is more probably a quotation from or a summary of a Brāhmaṇa passage (compare a quotation in Aparārka on Yāj. I. 109, which is similar). Vas. 23. 43 (where Manu is referred to as prescribing an easy penance called Śisukroccha for children and old men) corresponds more or less with Manu 11. 211 and 219 and Vas. 26. 8 has evidently Manu 11. 260 in view. There are only two places in Vasiṣṭha where the name of Manu occurs for which it is not possible to point out a corresponding verse in the Manusmṛti. They are Vas. 12. 16 and 19. 37. The latter is cited as a Mānavacāloka and is in the Upajāti metre. Because this is not found in our Manu, Bühler and other Western scholars seem to think

105 विद्वेदसातिपुजयायामाधवेव पद्मविहर्यायिति मानवम्। वसिष्ठ 4. 5: वर्णिष्ठ 4. 8 अथापि

106 छल्कः चापि मायवं भृषसुधारिति—न भिक्षकायायमानिति छल्कः न धितपुर्यो न

(a 305) says ‘वसिष्ठ: छल्कः चापि मायवं भृषसुधारिति न धितकृति &c. The verse


that the verse is taken from the Manavadharmasutra which once existed in mixed prose and verse and is now lost. But, as will be shown elsewhere, this hypothesis is based, to say the least, on very slender foundations. Besides these two that are not found in Manu, there are about forty verses that are common to the Vas. Dh. S. and the Manusmriti and about a dozen verses which, though not strictly identical, are more or less similar. There are several prose sutras of Vas. which correspond to the verses of Manu almost word for word. The hypothesis that commends itself to me is that Vas. contains borrowings from the Manusmriti or its purer ancient original in verse.

In the words 'Srmanakenagnimdhamya' (Vas. 9. 10), the sutra of Vikhanas seems to be referred to. Gautama (Dh. S. 3. 26) contains the same words. Vasiṣṭha's 23nd chap. is the same as Gautama's 19th and Baudhāyana's tenth in the 3rd praṇa and seems to have been borrowed from Gautama. Vasiṣṭha refers to the views of others in the words 'ekē' or 'anye' (Vas. 1. 12, 13, 25; 4. 10; 17. 66; 20. 2). Dr. Jolly (S. B. E. vol. VII, p. XVIII) thinks that Vas. 28. 10-15 and 18-23 are borrowed from the Viṣṇudharmaśūtra chap. LVI and LXXXVII or its original the Kāthakadharmaśūtra. Dr. Jolly is not right with regard to both the places. Bühler has already pointed out his mistake as to the second passage (S. B. E. vol. XIV p. XXII).

The verses in Vas. 28. 10-15 occur in several smṛitis (vide Śāṅkhasmṛti, 10th chap. in Jivananda's ed. part II. pp. 356-357 for the same verses). Vasiṣṭha, chap. 28, verses 1-6 occur in Atriśmrī VI. 1-6 (Anan. collection of Smṛitis) with slight variations of which the first five are quoted as Atri's by the Gṛhastharatnakara p. 245 and verse 6 (agnepatayam' occurs in Padmapurāṇa, Vanaprava 200. 128 (Ch. ed.), Saṇhvarta (77) and in 'Gupta Inscriptions' No. 81 at p. 296 and in other Inscriptions. Vide H. of Dh. Vol. II. p. 1273, No. 5 (in some cases the third pada of 'Agnepatayam' is different). Verses 18-22 of Vas. 28 occur in the Atri Smṛī VI. 7-11 and in Viṣṇu Dh. S., chap. 87 (last two verses are the same as Vas. 28. 21-22)

\[107\] वसिष्ठ 7. 3. 'तेषा वैदमथिरते वेदी वेदान्तविविभौण्डप्रत्ययः पमिष्टसमस्मावत्'

\[108\] compare मदु 3. 2; वसिष्ठ 13. 61 'तुण्डपृभमपापनकष्टमान्नवद्यसः सत्तः श्रेष्ठोऽपितियलोकद्वारात्', compare मदु 3. 101; वसिष्ठ 16. 30 'अण्णो सातःं ख्रियः कुर्मोदितं बिधाजः' दशुकणां सत्तः श्रुतात्मवानस्तपत्योऽसः

\[109\] compare with मदु 8. 68 'अण्णो सातःं ख्रियः कुर्मोदितं बिधाजः' दशुकणां सत्तः श्रुतात्मवानस्तपत्योऽसः.
and Viṣṇu Dh. S. 90. 10 (in prose) is nearly the same as Vas. 28. 18-19. Besides Vas. 28. 11 occurs in Baudh. Dh. S. IV. 3. 7. Hence it is hardly proper for any scholar to make the dogmatic assertion that one particular smṛti must have borrowed from any other. The rather very corrupt passage in Vāsiṣṭha (16. 21-23¹⁰⁸) very closely resembles a passage of Śaṅkha, which is cited by Viśvarūpa on Yāj. I. 305 and by the Kṛtya-kalpataru.

Bühler is of opinion that the home of the school to which the Vas. Dh. S. belonged lay to the north of the Narmadā and the Vindhya (S. B. E. vol. XIV p. XVI). When it is extremely problematical whether the Vas. Dh. S. was the product of a school, it is idle to speculate as to the home of the Vas. Dh. S. Bühler’s is no more than a mere conjecture and it is better to admit that we know nothing positive at present on the point.

The earliest work to refer to Vāsiṣṭha as an authority on dharma is our Manu (8. 140), saying that Vas. allowed 1/80th of the principal as interest per month. This appears to refer to the rule in Vas. 2. 50. We saw above that Vas. borrows from the Manusmr̥ti, which in its turn quotes a rule of Vāsiṣṭha. The explanation of this is twofold. Both the Manusmr̥ti and Vas. have received later additions and further it is possible that the present Vas. Dh. S. is the work of some one who had received the teachings of Vas. through a succession of teachers and disciples. Yāj. mentions (1. 4) Vāsiṣṭha as a writer on dharma. The Tantravārtika as seen above (note 55) remarks that the Vas. Dh. S. was studied by Ṛgvedins. The same work when speaking of works on dharma puts Manu, Gautama and Vāsiṣṭha in the forefront.¹⁰⁸a It appears that Śābara on P. M. S. VI. 1. 10 quotes or summarizes Vas. I. 32 and 36 when he says ‘Vikrayospī śrūyate, satamadhiratham duhītṛmate dadyāt, ārše gomithunam-ītī’. Vāsiṣṭha I. 32 and 36 are ‘gomithunena cāraśāh tasmād-duhītṛmate dhīrathom satam deyam-itīha krayo vijnāyate.’

¹⁰⁸ The printed Vas. reads 'वेधसो वा राजा भैयान, युध्वारितारं स्यात । युध्वारितार वा राजा भैयान । युध्वारितारं स्याः सूरो युध्वारितारं स्यात्।' This hardly makes any sense. The कुलकवयनम् presents a good reading (from श्रीतिसिद्धि) ‘न युध्वारितारं स्यात्। कामे तृष्णो राजा भैयानं हंसपरििरं । परििरिं दिप०। ततैव विनायकः।' राजभवनकांड प. 30; विभाग 3 (Yaj. I. 305) quotes Śaṅkha as 'न हंसे युध्वारितारः कामे तृष्णे हंसपरिशिरं स्यात्।'

¹⁰⁸a ‘नापि युध्वारितारं दिप०; समावेशविषु ऋषभसंहिता वदने। तेनविभागस्यं एव श्रुतम्; स्तुतमानः।' न च श्याक्षरणं सामिः; समागमसयं।' तथाविषयिकम् on जैमिनी I. 3. 24.
The words 'tasmād...deyam' do occur in Āp. Dh. S. II. 6. 13. 11 but not in the definitions of the forms of marriage as in Vas. The words 'adhiratham śatam duhitṛmate' occur in Sān. Gr. I. 14. 16 and Kauśī. Gr. I. 8. 36, but not in connection with any form of marriage (both do not enumerate the forms of marriage). Visvarūpa, Medhatithi and other early commentators largely quote from Vas. The verse 'agnarapatyam' (Vas. 28.16) occurs in the Ragim copperplate of Tivaradeva of the last quarter of the 8th century (Fleet's Gupta Inscription No. 81.). Therefore the existence of a work of Vasiṣṭha on dharma at least in the first centuries of the Christian era is vouched for with certainty and the authenticity of its text is supported by eminent writers from the 7th century downwards. Aparārka quotes passages from the Bhaviṣyapurāṇa which have in view the present text of Vas. 109 Some of the views held by Vasiṣṭha are very ancient. For example, he speaks of the twelve secondary sons, assigns a very inferior position to the Dattaka son (17th chapter), allows nīyoga (17. 56 ff) and the remarriage of child widows (17. 74). Like Āpastamba he mentions only six forms of marriage (1. 28–29), brāhma, daiva, ārṣa, gāndharva, kṣātra and mānusa. In some respects his views are different from those of early writers like Gautama and Baudhāyana. He prohibits the marriage of a Brāhmaṇa with a śūdra woman (1. 25–26). Vide Baud. Dh. S. I. 8. 2 for the contrary view. He elaborates rules of adoption (15th chapter) which are not found in Gaut. or Baud. or Āpastamba. He speaks of documents as one of the three means of proof (Vas. 16. 10–15), while Gautama, Āpastamba and Baudhāyana are silent on the point, though in Gautama (13. 4) there appears to be a reference to documents. Taking all these things into consideration it may be said that Vasiṣṭha is later than Gautama, Āpastamba and Baudhāyana, but much earlier than the beginnings of the Christian era and may tentatively be assigned to the period between 300–100 B. C. It has been asserted by an eminent authority (Cambridge History of India vol. I, p. 249) that Vasiṣṭha 18. 4 (vaiṣyena brāhmaṇyām-uppanno Rāmako bhavatityāhuh) probably contains a reference to the Romans. This assumption is gratuitous and does not deserve serious consideration. The reading Romaka (on which the learned writer relies) is not supported by the best mss. and it is most hazardous to seize with

109 'वसिष्ठेन समाख्याते ब्राह्मणदयायोहस्य वादेः सारं सम्बन्धो द्वादशराजङ्गसूदेस्त !' अपराजी p. 1067 (this is वसिष्ठ 23. 38); 'वसिष्ठेन तथोक्तं वै मायाविन्यं कुदाकितं। कामती संप्रदयने तु न हुराया: कवित्वं !' अपराजी p. 1075 (this is वसिष्ठ 20. 19).

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avidity on a variant reading and to build an imposing structure of chronology thereon. The offspring of a Vaisya male from a Brähmana woman is designated Rāmaka by Vasiṣṭha, while Gautama calls him Krṣta (4. 15) and Baud. Dh. S. (I. 9.7) calls such an offspring Vaidehaka; so Rāmaka has as much to do with the Romans as with Rameses. In the nibandhas there are several quotations ascribed to Vasiṣṭha which are not found in the printed Dharmasūtra. For example, Haradatta on Gaut. (22.18) quotes a verse in the Upajāti metre which is not found in the present text 110

The author of the extant Vas. Dh. S. appears to have been eclectic. His sūtra contains dozens of verses that occur in the extant Manusmrīti. Similarly, many of the verses quoted by him in the words ‘athāpyudāharanti’ or the word ‘udāharanti’ occur also in the Āp. Dh. S. and more often in Baudh. Dh. S., which latter just like Vas. employs the words ‘athāpyudāharanti’ over forty times. Towards the end of the present text (edition of Vas., chap. 30. 9-10) occurs the verse ‘yā dustyaṣā’ &c., which is found in Vanaparva 2. 36, Śānti-parva 174, 55 and 276. 12 and Anuśāsana 7. 21. The last sūtra (of Vasiṣṭha Dh. S.) contains an obeisance to Vasiṣṭha who is described as the son of Mitrāvaruṇa from Urvaśī and as Śatayātu (who possessed hundred magic spells or against whom a hundred magic spells were employed). Rg. VII. 33. 11 refers to the birth of Vasiṣṭha from Urvaśī and calls him Mitrāvaruṇa and in Rg. VII. 18. 21 we have the half verse ‘Pra ye grhādama-

madus-trāyā Parāśaraḥ Śatayātur-Vasiṣṭhah’. Sāyaṇa takes ‘Śatayātuḥ’ as meant for Śakti, son of Vasiṣṭha.

If we rely on the number of verses common to Manu and Vasiṣṭha or on references to ‘Mānavam’ (Vas. IV. 5.) or ‘Mānava-śloka’ 13. 16, 20. 18 or simply ‘Manu’ (Vas. I. 17, IV. 6, XI. 23, XII. 16) and also consider the very large number of verses and passages common to the Manusmrīti, Vas., Baud. and Āp. Dh., it would have to be held that the extant Vas. Dh. S. is a re-hash of the Āp. Dh. S., Baud. Dh. S. and Manu (as it existed before it was remodelled about the beginning of the Christian era or a century or two earlier).

110 The verse is: "न नवालकरणं न माणामलान्त्वं पाप न भुवहुः। पवेता गरुऽ

न निष्ठत्तिन्यं भद्धुदविवं परस्परं प्रमुख।" The same verse is quoted in the

सिद्धांत (on याज्ञ. III. 264) without the author’s name and is read as

चं. दिक्षित. दिक्षित.
It would not be irrelevant, if most of the passages from Vasiṣṭha that are based on or refer to Vedic works are referred to here and examined. First, as to the Rgvedic Literature. Vas. IV. 2 mentions Puruṣasūktka (Rg. X. 90), Vas. 17. 3-4 quote portions of Rg. I. 21. 5 and Rg. V. 4. 10 (last pāda, Vas. 17. 16. (pratīcīnaṃ gacchati putratvam) refers to Rg. I. 124. 7 and Nirukta 3. 5; Vas. 15. 20 refers to making a person bathe with water from a holy lake or stream with the Vedic verses beginning with ‘Āpo hi śṭhā’ (Rg. X. 9. 1 ff); Vas. 17. 1-2 quote from Ait. Br. (adhyāya 33. 1) and Vas. 17. 31-35 refer to the story of Śunahṣeṣa (in Ait. Br. 33. 2-6). As to the Tai. S., Vas. 5. 8 quotes a long passage from Tai. S. II. 5. 1. 1-6 (the transfer of Indra’s sin of killing Tvaṣṭra Viṣvarūpa to women); Vas. 11. 48 quotes Tai. S. VI. 3. 10. 5 (for the theory of three inherited obligations of brāhmaṇas which is also mentioned in Śatapatha Br.); Vas. I. 37 quotes Mai. S. I. 10. 11 (‘anṛtam vā esā karotī yā patyuh kṛtā satyathānyaiś-carati’ &c) which also occurs in Kāthaka Samhitā, Sthanaka 36. 5. The Kāthaka is mentioned by name twice by Vas. (in 12. 24 and 30. 5) and the Vājasaneśyaka (meaning Śat. Br.) is mentioned thrice (Vas. 12. 31, 14. 46 and 23. 13);110a Vas. 2. 34 quotes Vāj. Samhitā (XII. 71); Vas. 18. 17 quotes the words ‘nāgnum citvā rāmām upeyāt’ from the Kāthaka and in 18. 18 explains the meaning of Rāmā, which appears to be taken from the Nirukta XII. 13. Among the Brāhmaṇa works the Śatapatha Br. is the one that is often quoted; Vas. I. 45 quotes Śat. Br. V. 4. 2. 3 (‘brāhmaṇo vedam-ādhyam’ &c), Vas. 14. 46 refers to Śat. Br. III. 1. 2. 21; Vas. 19. 4 (vijñāyate brahmapurohitam rāṣtram-rdhnotittī), which is similar to Gaut. Dh. S. XI. 13-14 and is based on Śat. Br. V. 4. 4. 5; Vas. 30. 3 ‘Agnir-vai brāhmaṇa itī śrutēḥ’ (this is Śat. Br. I. 4. 2. 2); ‘Vas. 23. 23 mentions the mantra beginning with ‘Agniśca mā manyuśca’ from Tai. Ar. X. 24. 1; Vas. XI. 13 quotes Kāthopanisad I. 7 (‘Vaiśvānaraḥ praviśyatithiribrāhmaṇo grhān’).

I might have omitted through oversight a few Vedic passages. But those examined above show that passages from the Samhitās and Brāhmaṇas of Vedas other than the Rgveda

110a भर्येण सन्धि नाध्रोणक्षिप्यवपृथ्व्यम भक्तिति ब्रजसनेयकविज्ञाते॥ वस्त्रिन १२.३१; this is इलपथ X.5.2.9; कथी तृ धर्मनुविश्वते मेषया ब्रजसनेयकविज्ञाते. वस्त्रिन १४.१६. This refers to इलपथ and compare Āp. Dh. S. I.5.17. 30-31 and इलपथ १३स्मेद्रेष्टुक्षयन्तीयंधनं होनाय चाजात्रत्योऽस्मावहस्यते चेद्विति. ।
and its Brāhmaṇas outnumber those from the Rgveda and its Brāhmaṇas. Then the question naturally arises, why was it adopted by Rgvedins as their Dharmasūtra (as stated by Kumārila). The answer is obvious. Vasiṣṭha is mentioned by name in the Dharmasūtra several times (vide above). The sūtra does rely on the Rgveda and its Brāhmaṇa in a few passages. Vasiṣṭha's is the greatest and most famous name among the ancient sages of the Rgveda. The whole of the 7th mandala contains 104 sūktas out of 1028 in the whole of the Rgveda, is ascribed to Vasiṣṭha (Maitrāvaruṇi). Mandalas I, IX and X have more sūktas than mandala VII, but every one of the three mandalas is held to have been composed by several sages (and not by one for each of them). One aspect of the Vasiṣṭha Dh. S. viz. that different mss. of it state that it ends with different adhyāyas is very significant. If it had been from the beginning a sūtra of the Rgveda, then its text would have been at least as well preserved as the text of such grhya or dharma sūtras, as those of Āśvalāyana and Āpastamba. Besides, there is one remarkable circumstance. The Āsv. gr. (II. 6) which is affiliated to the Rg. names and briefly defines eight forms of marriage viz. Brāhma, Daiva, Prājāpatya, Ārṣa, Gāndharva, Āsura, Paisāca and Rākṣasa. The Śaṅkhyāyana-grhya (I. 12-14) only describes the religious part of the marriage ceremony and altogether omits the mention of eight forms of marriage and their definitions. So does the Kauśitakas-grhya (I. 8). The Gaut. Dh. S. IV. 4-11, Baud. Dh. S. I. 11. 1-9, Manu III 21 and 27-34, Kaṭilya III. 2. 1-9 name and define the same eight forms of marriage, as Āsv. Gr. does. But Vasiṣṭha (I. 28-36) mentions and defines only six forms of marriage viz. Brāhma, Daiva, Ārṣa, Gāndharva, kṣātra and Mānuṣa. In this he seems to follow Āp. Dh. S. II. 5. 11, 17-20-II. 5. 12. 1-2). If Vas. Dh. S. had been from the first affiliated to the Rgveda it should have either treated the subject in the same way as Āśvalāyana or followed the Āsv. gr. and enumerated eight forms or should have been silent about the several forms of marriage (as Śāṅk. and Kauś. gr. are). This circumstance very much strengthens the theory that Vas. Dh. S. is eclectic and therefore followed Āp. Dh. S. in the number of forms of marriage. There is a further circumstance. Vas. Dh. S. differs from Āsv. Gr. not only in the number of the forms of marriage but also in the nomenclature. His Kṣātra is the same as Rākṣasa and his Mānuṣa is the same as Āsura. These two terms were probably borrowed by Vasiṣṭha from
Hārīta-Dharmāṣṭra (vide Viśramitrodgaya, Śaṃskāra prakāśa, p. 84). As Manu says (III. 34), the Paścāca form (in which a man has sexual intercourse secretly while the woman is asleep or intoxicated or unconscious, is the worst and most sinful form. Vasiṣṭha omitted it and Prājapatiya was probably going out of vogue. Therefore, these two were omitted by Vasiṣṭha. The Āṣura and the Rākṣasa are declared by Baud. Dh. S. I 11. 12 to be in accordance with the characteristic conduct of Kṣatriyas viz. they rely principally on force either of wealth or of arms ('atrāpi sāṣṭhasaptamau Kṣātra-dharmanugatau tat-pratyayatvat-kṣatrasya'). Therefore, the Rākṣasa form which consists mainly of carrying away a girl by force (Manu 3. 33 prasahyā kanyā-haranam) is called kṣātra by Vas. Vasiṣṭha might have been moved by such sentiments as are expressed by Dvapāla on Kāṭhakagṛhya XV 'prasahyāpahārād-rākṣaso vīvāhaḥ, tatra kim prakārābhidhānena, evamasāvijñatopagamāt Paśçacopi prakāravacanam nārhati pāpatvāt'. Manu (in 8. 165, 168 declares that all transactions brought about by force or fraud should be held invalid (akṛtu). There are also other points on which Vas. differs from all three grhyasūtras of the Rgveda or from Śaṅ. Gr. and Kauṣ. Gr. On even such a simple matter as the age of a Brāhmaṇa boy at Upanayana, Vas. differs from all three. They all agree that the Upanayana of a Brāhmaṇa boy may be performed from the 8th year to the 16th (Vas. XI. 49 and 71, Āśv. Gr. I. 19. 1–2 and 5, Śaṅ. Gr. II. I. 1, 3 and 6, Kauṣ. Gr. II. 1. 2, 5), they differ on the most commendable year for it. Vas. (XI. 49) commends the eighth year from conception, Āśv. the eighth year from birth or conception (I. 19. 1, 2), Śaṅ. Gr. (II. 1. 1 and 3) commends either the 8th year or 10th year from conception and the Kauṣ. Gr. does the same. So far as I know no other Gr. or Dh. S. gives an option between the 8th or 10th year as the most commendable year for Upanayana. Gaut. (I. 6, 8), Āp. Dh. (I. 1. 19), Baud. Dh. (I. 2. 8), Manu (II. 36) prescribe as most favoured the 8th year from conception. It follows that Vas. did not agree with any of the three schools of Rgvedins, viz. Āśvalāyana, Sāṅkhāyana and Kauśitaka and struck an independent course and his work on Dharma was later on affiliated to the Rgveda, when it became a fashion to have a complete set of Kalpasūtras (in three parts) for each Veda or its recensions.

The above mentioned parallelisms and quotations and their extent are more than enough to lead to the conclusion that
Vasiṣṭha’s Dh. S. was originally an eclectic work of an independent character and that it did not at first attach itself to the Rgveda.

Dr. Ram Gopal in his work (on pp. 59-60) does not agree with my conclusion and, though he has to admit (p. 59) that Vasiṣṭha Dh. S. is not known to have formed part of a Rgvedic Kalpa, he holds (p. 60) on the ground of close agreement of Vas. with the three grhyaṣūtras of Śān., Āsv. and Kaus. on the topics of upavajyā, aṇadhyāya, snītaka and five Mahāyajñas that Vasiṣṭha’s work was from the first affiliated to the Rgveda. In support of his theory he draws attention on p. 67 (note 31) to twelve passages from Śān. Gr., five from Āsv. Gr. and five from Kaus Gr. (in all 22). I do not want to enter upon a lengthy discussion. If about 75 passages quoted from Manu and numerous passages quoted with ‘udāharanti,’ the presence of chapters on adoption, vyavahāra, inheritance, partition, rājādharma and prāyascittas, which are not shown to have been included in a Vedic Kalpa of the Rgveda do not induce a writer to admit the independent origin of Vas. there is no use in arguing with him. It is, however, necessary to show clearly what value should be attached to his arguments. His contention briefly put is that the 22 passages he cites from Śān. Āsv. and Kaus. grhya very closely agree with Vas. Dh. passages and therefore Vas. must be held to be affiliated to the Rgveda from the beginning. He cites Vas. IV. 6 as equal to Śān. G. S. II. 16. 1 (viz. the verse ‘madhuparke ca etc.). But this verse is Manu V. 41 and both Vas. and Śān. might have borrowed it from Manu (and what is most important Manu’s name occurs in the verse itself). Dr. Ram Gopal cites Vas. VI. 21 (āhitāgnirānadvāṁśca &c) as equal to Śān. II. 16. 5. Therefore he concludes that Vas. is indebted to Śān. It is very fine research indeed. There are two verses ‘Aṣṭau grāsā’ &c. and ‘āhitāgnirānadvāṁśca &c’ in Vas. VI. 20-21. Both of these are cited in Baudh. Dh. S. II. 7. 22-23 and Āp. Dh. S. II. 4. 9. 13 (in both those verses occur with the caption ‘athāpyudāharanti’). It is noteworthy that the Kalpataru (Brahmacārīkāṇḍa p. 124) cites ‘aparimitam brahmacārinah (part of the verse ‘aṣṭau grāsā’) and the verse ‘anadvān brahmacārya ca āhitāgniśca &c as from Vasiṣṭha, Āpastamba, Hārita and Yama. Śān. Gr. II. 16 cites only one of these two verses and that too in a modified form (as ‘Anadvān agnihotram ca’ (this is a bad reading and the verse becomes ungrammatical). Therefore, this proves that Śān. gr. borrows
one of two ancient verses quoted by both Āp. and Baud. and Vas. borrows both. Śān. Gr. II. 16 has six verses, of which the first (‘madhuparko’ &c) is Manu V. 41 (reads ‘yajñe’ for ‘some’). The 3rd verse (Naikag्रāmina &c) is Manu III. 103 (the 4th pāda in Śān. is different which is rather obscure in Manu). Śān. Gr. II. 16. 5 has been dealt with above.\textsuperscript{110b} Upākarma is a very common rite even up to this day. So the provisions in the texts on this rite agree. Dr. Ram Gopal cites Vas. 13. 5 as agreeing with Śān. Gr. IV. 6. 7–8. There is not much verbal agreement between the two as the note will show\textsuperscript{110c} but there is at least as much or more verbal agreement with Gaut. and Manu. A thorough examination of all the twenty-two equations in Dr. Ram Gopal’s work (p. 67) would cover about a dozen pages. The domestic rites and their subsidiary matters being common to dvijas, there is a good deal of uniformity as well as some difference in details in the sūtras connected with different Vedic Śākhās. For example, compare Baud. Dh. S. I. 2. 14–16 with Āp. Dh. S. I. 2 33–38, also with Gaut. I. 15–23. Mere agreement of a few sūtras with others on simple and common matters relating to Upanayana, Anadhāyā and the like hardly proves anything about their affiliation with any particular Veda or Vedic caranā. I regret to say that Dr. Ram’s remarks on the passages of Vas. and the three Gr. sūtras attached to the Rgveda are misleading and also incapable of proving his thesis.

So early a writer as Viśvarūpa cites (on Yaj. I. 19) the views of a writer called Vṛddha-Vasiṣṭha. The Mit. on Yaj. (II. 91) quotes the definition of a jayapatra (judgment) from Vṛddha-Vasiṣṭha and on III. 20 quotes him about impurity on miscarriage. On Yaj. III. 310 the Mit. quotes Vasiṣṭha 27. 4 and then in the very next verse quotes a long passage from Vṛddhavasisṭha in prose and verse setting forth an expiation. The same passage occurs also in Aparārka on the same verse. Aparārka quotes in all 18 verses (two of which define the form and contents of a Jyayapatra of a court of justice) and one

\textsuperscript{110b} The editor of Sān. Gr. Dr. S. R. Sehgal has not identified the two verses in Sān. Gr. II. 16. 3 and 5, though he has identified the first.

\textsuperscript{110c} आर्यपुर्वामाससाधक परीक्षित | वसीत 13. 5; उन्नाति विशिष्ट्वामात्वपर्वपूर्वसाधनः मासान | अवश्य वा | सं. पृ. IV.6.7–8; आर्यपुर्वामात मासातं पर्वव विद्याघने वा | मृ. XVI.2; आर्यपुर्वामात मासातं पर्वव विद्याघने | उक्ताः प्रवाहम्यं ववसाधारण स्थापिति | दुर्गुणपरागसमीयत मासात्, विन्योपरिपर्वमात्॥ मधु IV.95.
prose passage. The Kalpataru profusely quotes Vasiṣṭha in Gṛhaṣṭhakāṇḍa (41 times), in Vyavahārakāṇḍa (37 times) and Brahmaśārikāṇḍa (15 times), yet never quotes Vṛddha Vasiṣṭha in these three. In Dīnakaṇḍa (p. 189) it quotes two verses on ‘gocarma’ and the reward of gifts of land of the extent of gocarman from Vṛddhavasiṣṭha110d. The Śṛṅcandrikā quotes about 20 verses from Vṛddha-Vasiṣṭha on āhniṇka and śrāddha; Bhaṭṭoji in his gloss on the Caturvimiśatimatam (p. 12) seems to quote a prose passage from Vṛddha-Vasiṣṭha. From the above it follows that Vṛddha-Vasiṣṭha was an early compilation and dealt with almost all such topics (including Vyavahāra) as are dealt with by Yāj. The Mit. also quotes on Yāj. III 287 a Brhad-Vasiṣṭha. The Śṛṅcandrika (III. p. 300) quotes a few verses from a Jyotir-Vasiṣṭha. The I. O. catalogue (No. 1339 p. 392) speaks of a Vasiṣṭha-smṛti in ten aṭhyāgas about the religious observances and duties enjoined on devotees of Viṣṇu.

That Yajñavāmin wrote a commentary on the Vas. Dh. S. follows from Govindasvāmin’s comment on Baud. Dh. S. (II. 2. 51), where he quotes Vas. 21. 13 and Yajñavāmin’s comment thereon.

10. Viṣṇudharmaśūtra.

The Viṣṇudharmaśūtra has been printed several times in India, viz. by Jivananda in his Dharmaśastrasaṅgraha (1876 part I pp. 70-176) by the Bengal Asiatic Society (1881, ed. by Dr. Jolly with extracts from the commentary Vaijayantī), by M. N. Dutt (Dharmaśāstra texts, vol. II pp. 541-666, Calcutta, 1909) and translated by Dr. Jolly (in the S. B. E. vol. VII with an Introduction). In the present work Dr. Jolly’s edition has been used. The śūtra contains one hundred chapters. Though the number of chapters is so large, the śūtra is not very extensive. There are several chapters such as 40, 42 and 76 that contain only one śūtra and one verse. The first chapter and the last two are entirely in verse; the remaining chapters are in mixed prose and verse, the versified portion being generally at the end of each chapter. As pointed out by the Vaijayantī the śūtra is in close relation to one of the oldest schools of the Yajurveda, viz. Katha. It also stančs in a peculiar relation to the extant Manusmrīti. According to the Caranaṉyūha, Katha and

110d They are: वर्तिपितुकृते पार्थ जन्मदशृणि माननात् | अविपार्थमार्गिणं चूमितविचित्रं नदवच्चित || नात्मा गन्ते दुष्कर्षसोऽम्ब तिदोऽधिश्रुतिः || तदे गोमयमार्गां च साधुद्रविविवे जनान || अपरकेः p. 1225.
10. Viṣṇudharmasūtra

Cārāyanīya are two of the twelve sub-divisions of Caraka-sākhā of the Yajurveda. Dr. Jolly (S. B. E. VII, p. XII) says that the Viṣṇudharmasūtra has four chapters (21, 67, 73 and 86) and that both drew from a common source. Bühlner points out (West and Bühlner’s digest, 3rd ed. p. 35) that the Kāthakagṛhya found in Kashmir agrees closely with the Dharmasūtra of Viṣṇu and the mantras in the latter agree with the Kāthaka recension of the Yajurveda. But the Viṣṇudharmasūtra is not the work of the same author that composed the Kāthaka Śrāuta or Grahya sūtras, nor does it appear that it formed part of the Kāthaka Kalpa. Dr. Jolly (R. u. S. p. 7) says that Govindarājā (12th century) in his Smṛti-mañjarī cites a passage in prose from a Kāthasūtrakṛt on the penance for Brahmaṇa murder which is wanting in our Viṣṇusmrī (vide S. B. E. Vol. 25, p. xxi for the passage).

The contents of the Viṣṇu-dharma-sūtra are:—The earth, being lifted out of the surging ocean by the great Boar, went to Kaśyapa to inquire as to who would support her thereafter, and was sent by him to Viṣṇu who told her that those who would follow the duties of vargas and āśramas would be her support, whereupon the earth pressed the great God to impart to her their duties; 2. the four vargas and their dharmas; 3. the duties of kings (rājadharmāḥ); 4. the Kārsāpaṇa and smaller measures; 5. punishments for various offences; 6. debtors and creditors, rates of interest, sureties; 7. three kinds of documents; 8. witnesses; 9. general rules about ordeals; 10–14. ordeals of balance, fire, water, poison and holy water (kośa); 15. the twelve kinds of sons, exclusion from inheritance; eulogy of sons; 16. offspring of mixed marriages, and mixed castes; 17. partition, joint family and rules of inheritance to one dying sonless, re-union, stridhana; 18. partition among sons of a man from wives of different castes; 19. carrying the dead body for cremation, impurity on death, praise of Brahmaṇas; 20. the duration of the four Yugas, Manvantara, Kalpa, Mahākalpa, passages inculcating that one should not grieve too much for the departed; 21. the rites for the dead after period of mourning, monthly śrāddha, sāpindikaraṇa; 22. periods of impurity on death for sāpindas, rules of conduct in mourning, impurity on birth, and rules about impurity on touching various persons and objects; 23. purification of one’s body and of various substances; 24. marriage, forms of marriage, inter-marriages,
guardians for marriage; 25. the dharmas of women; 26. precedence among wives of different castes; 27. the samskaras, garbhādhāna and others; 28. the rules for brahmacārins; 29. eulogy of ācārya; 30. time for the starting of Vedic study and holidays; 31. father, mother and ācārya deserve the highest reverence; 32. other persons deserving of respect; 33. the three sources of sin, viz. passion, anger, greed; 34. kinds of atipātakas, deadliest sins; 35. five mahāpātakas; 36. anupātakas, that are as deadly as the mahāpātakas; 37. numerous upātakas; 38-42. other lesser sins; 43. the twenty-one hells and the duration of hell torments for various sinners; 44. the various low births to which sinners are consigned for various sins; 45. the various diseases suffered by sinners and the low pursuits they have to follow by way of retribution; 46-48. various kinds of kṛčhras (penances), sāntapana, cāndrayana, prāsṛtiyāvaka; 49. actions prescribed for a devotee of Vāsudeva and the rewards thereof; 50. praśaścitta for killing a brāhmaṇa and other human beings, for killing cows and other animals; 51-53. praśaścittas for drinking wine and other forbidden substances, for theft of gold and other articles, for incest and sexual intercourse of other kinds; 54. praśaścittas for miscellaneous acts; 55. secret penances; 56. holy hymns like Aghamarṣana that purge sin; 57. whose society should be avoided, Īrāyas, unrepentant sinners, avoiding gifts; 58. the pure, variegated (mixed) and dark kinds of wealth; 59. The duties of house-holders, pākwayajñas, the five daily mahāyajñas, honouring guests; 60. the daily conduct of a householder and good breeding; 61-62. rules about brushing the teeth, ācamana; 63. means of livelihood for a house-holder, rules for guidance, good and evil omens on starting on journey, rule of the road; 64. bathing and tarpasa of gods and Manes; 65-67. worship of Vāsudeva; flowers and other materials of worship, offering of food to deities and pīṇḍas to ancestors and giving food to guests; 68. rules about time and manner of taking food; 69-70. sexual intercourse with wife and about sleep; 71. general rules of conduct for a snātaka; 72. value of self-restraint; 73-86. śrāddhas, the procedure of śrāddhas, aṣṭakā śrāddha, the ancestors to whom śrāddha is to be offered, times of śrāddha, fruits of śrāddha on the several week days and the 27 nakṣatras and the tithis, materials for śrāddha, brāhmaṇas unfit to be invited at śrāddha, brāhmaṇas who are paṅktipāvana; countries unfit for śrāddha, tirthas, letting loose of a bull; 87-88. gifts of
antelope skin, or a cow; 89. kārtika-snāna; 90 eulogy of gifts of various sorts; 91-93. works of public utility such as wells, lakes, planting gardens, embankments, gifts of food, flowers &c.; difference in merit according to the recipient; 94-95 rules about forest hermit (vānaprastha); 96-97. about sanyāsa, anatomy of the bones, muscles, veins, arteries &c.; concentration in various ways; 98-99. praise of Vāsudeva by the Earth and of Lākṣmi; 100. rewards of studying this Dharmasāstra.

The Viṣṇudharma-sūtra somewhat resembles the Dharmasūtra of Vasiṣṭha. Like the latter it is full of verses. But one feature which is peculiar to the Viṣṇu-dharmasūtra is that it professes to be a revelation by the Supreme Being. None of the other dharmasūtras so far described assumes this role. The style of the Viṣṇudharmasūtra is easy and somewhat diffuse. It presents hardly any ungrammatical forms. The printed text is corrupt only in a few cases; the verses occur generally at the end of chapters. Sometimes the number of verses in a chapter is very large e.g., in chapter 20 there are 21 sūtras and 32 verses, in chapter 23 there are 24 verses, in chap. 43 there are 14, in chap. 51 there are 20 verses. Some of the verses are in the classical Indravijrā (19. 23-24) and the Upajāti metres (23.61 and 59. 30) and a few are Tristubhs (29.9-10, 30. 47, 72. 77). The three Tristubhs (29.9-10, 30. 41) are three out of four verses of the Vidyāsūkta occurring in the Nirukta (II. 4). Chap. 72.77 is Bhagavadgītā II. 70. Chapters 1, 99, 100 are entirely in verse. Chap. 98 contains praise of Vāsudeva by the Earth in about 91 names, some of which like Lekhya, Sapta, Kapila, Sāṅkhyaścārya are rather surprising. The revelation by God Viṣṇu is contained in 96 chapters (2 to 97). The names of Viṣṇu are only 94 but 98.6 (om namas-te) and 98.101 (namo nama iti) are added to 94 and thus the names of Viṣṇu are squared up with 96 chapters. The word atha does not occur at the beginning of the first two chapters and in Dr. Jolly's edition at the beginning of some other chapters also (viz. 4, 16-20, 22-23, 26-27, 29-32 &c.). The chapters vary greatly in extent. In Chap. 34, 39 and 40 there is only one sūtra followed by one verse. There are other chapters also that are short, that is they have three or four sūtras and a verse viz. 41, 84, 88, 89, while some chapters occupy more
than three printed pages such as 3, 20, 22, 23, 51, 54, 96. Chap. 5th is the longest, containing 178 sūtras and 14 verses at the end. Here and there Viṣṇu Dh. S. gives etymologies such as of the word putra in 15. 44 (= Manu 9. 138), of Māṃsa (in 51. 78 = Manu V. 55), of puruṣa (from puri śete) in 97. 15, which is also given in Br. Up. II. 4. 18 and Nir. I. 13. At the end of Chap. 78 there are two gāthās (52-53) sung by pītrs which are quoted by Kullūka on Manu III. 274 as Viṣṇu's and which are similar to Manu III. 273-74 and Vāyu-purāṇa 82. 11 and Matsya-purāṇa 204. 5 (matsya Chap. 204 has Gāthās 3-17 sung by the pītres, 10 of which begin with 'api svaḥ sa kuleśmākain etc.). Vide Anuśasana-parva 88. 12-17 (Ch. ed.). There is one verse (72. 6) which has eleven letters in the first pāda and twelve in the remaining three.

In determining the age of the Viṣṇudharmasūtra one is confronted with a difficult problem. Some of the chapters undoubtedly contain material which is comparatively old and on a level with the ancient Dharmasūtras of Gautama and Āpastamba. Such are the chapters about rājadharma and punishments (3 and 5), the rules about twelve sons and the mixed castes (15-16), funeral rites and mourning (21 and 22). But there are very large portions of the work that bear a clear impress of a later date. The Viṣṇudharmasūtra and the Manusmṛti have at least 160 identical verses. But this is not all. There are hundreds of sūtras which are merely the prose equivalents of verses from the Manusmṛti. For example, Viṣṇu 2. 3 and Manu 2. 16, Viṣṇu 3. 4 and 6 and Manu 7. 69-70, Viṣṇu 3. 7-10 and Manu 7. 115, Viṣṇu 3. 11-15 and Manu 7. 116-117, Viṣṇu 4. 1-13 and Manu 8. 132-137, Viṣṇu 5. 4-7, and Manu 9. 237, Viṣṇu 20. 1-21, and Manu I. 67-73, Viṣṇu 51. 7-10 and Manu 4. 209-212, Viṣṇu 59. 21-25 and Manu 3. 70, Viṣṇu 62. 224 and Manu 2. 59, Viṣṇu 71. 48-52 and Manu 4. 80, and Viṣṇu 96. 14-17 and Manu 6. 46 agree almost word for word. The verses that are identical in both are found in all the chapters of the Manusmṛti from the second to the last, the largest number (about 47) occurring in the 5th and chapters eleven, two, and three respectively contributing 25, 24, and 19 verses. Therefore the question whether the extant Viṣṇudharmasūtra borrows from Manu or vice versa or whether both borrow from a common original assumes very great importance. As the cor-
response extends over several hundred verses of the Manusmruti, the last hypothesis of borrowing from a common original does not recommend itself to me. No such common source is known to have existed and to say that there were hundreds of floating popular verses whose authorship was unknown and which were drawn upon by both works appears to me to be an extremely gratuitous and unsatisfactory assumption. In my opinion it is the extant Vishnudharmasutra that borrowed the verses ad hoc or adapted them from the Manusmruti. There are several lines of reasoning that strengthen this hypothesis. There are some verses that are identical in both, in which the name of Manu occurs, which the Vishnudharmasutra omits by making slight verbal changes. For example, Visnu 23. 50 substitutes ’tat parikirttam’ for ’Manu-abravit’ in Manu 5. 181; and Visnu 51. 64 reads ’nanyatreti kathamana’ for Manu 5. 41 ’nanyatretyabravin-Manuḥ’ (this last occurs in Vas. 4. 6). The reason for these changes is obvious. The Vishnu-dharmasutra professes to be a direct revelation from Visnu and it is in keeping with this assumed role that not one human author is mentioned by name in the sutra. Therefore where the name of Manu occurred in any verse, it was purposely omitted. Another reason why the sutra must be presumed to be the borrower is the character of the extant work itself. It is a kind of hotchpotch and contains verses that are identical with those of other works. For example, several verses of the Bhagavadgita occur in the Vishnudharmasutra. Visnu 20. 48-49 and 51-52 are the same as Gita 2. 13; 23, 24, 28; Visnu 72. 7 and Gita 2-70 are almost identical. Visnu 96. 97 and the first half of 93 are the same as Gita 13. 1-2, except that in keeping with its character of a revelation to the Earth, the Vishnudharmasutra substitutes ’vasudhe’ for ’kaunteya’ and ’bhavinī’ for ’bhārata.’ Several verses of the Yajñavalkya-smṛti are identical with those of the Vishnudharmasutra. For example, Visnu 6. 41 and Yaj. 2. 53, Visnu 8. 38 and Yaj. II. 79, Visnu 9. 53 and Yaj. 2. 97, Visnu 17. 17 and Yaj. 2. 138, Visnu 17. 23 (first half) and Yaj. 2. 210 (latter half), Visnu 62. 9 and Yaj. 1. 21, Vi. 63. 51 and Yaj. 1. 117 are identical. Besides these, there are hundreds of prose sutras that are identical with passages of Yajñavalkya. For example, Vi. 3. 72-74=Yaj. II. 1-4; Vi. 3. 82=Yaj. 1. 318-320 (rules about land grants); Vi. 5. 65-66=Yaj. II. 217-220, Vi. 5. 73=Yaj. II. 221; Vi. 45. 3-12=Yaj. 3. 209-211 (about diseases suffered by sinners); Vi. 60. 24=Yaj. 1. 17;
Vi. 96. 55-79 = Yāj. 3. 84-90 (about 360 bones of the body); Vi. 96. 80-88 = Yāj. 3. 100-102 (about the number of arteries, veins, muscles etc.); Vi. 96. 89-92 = Yāj. 3. 93-99. Dr. Jolly thinks that Yājñavalkya borrows from Viṣṇu the whole of the anatomical section (vide S. B. E. vol. VII, p. XX.). With great respect I differ from this opinion. There is nothing to show that the anatomical details were first given to the world by Viṣṇu. They must have first been embodied in works on medicine such as those of Caraka and Suśruta and were probably copied by Dharmaśāstra writers. But, if there is any borrowing between Viṣṇu and Yājñavalkya, I think from the character of the Viṣṇudharmasūtra that it is the sūtra that must be regarded as borrowing from Yājñavalkya. There are several matters in the extant Viṣṇudharmasūtra which are wanting in Yājñavalkya and which induce one to place the extant sūtra later than Yājñavalkya, viz. the name ‘Jaiva’ for Thursday (V. 78. 5), the long list of tīrthas (V. chap. 85) which include Śrīparvata and the five rivers of the south called southern Pañcānada, the importance of the conjunction of the moon and Jupiter on a full moon day (V. 49. 9-10), the vague definition of Āryāvarta (V. 84. 4). The verse in Viṣṇu 54. 33 (about half prāyaścitta for boys and old men) is ascribed to Aṅgiras by the Mitākṣara (on Yāj. III. 243).

Therefore, the most probable conclusion is that the extant Viṣṇudharmasūtra borrows from the Manusmṛti, Yājñavalkya and other authors. It would be too much to assume that the Manusmṛti, the Bhagavadgītā and Yājñavalkya borrow from such a comparatively unimportant work as the Viṣṇudharmasūtra.

The above conclusion is further strengthened by certain other considerations. The Manusmṛti has been quoted with utmost reverence by a host of writers from at least the 4th century downwards, such as Śabara, Kumārila and Śaṅkarācārya.

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111 Vide चरक, शारीरसाहन chap. 7 and सुसतु, शारीरसाहन chap. 5; in the अष्टाभद्रेश्वर वामट, शारीर chap. 3, we find 360 bones and 700 muscles.

112 बालिक मेवालिकानेथ यस्मिन्देशो न विषये स्मेक्ष्यरूपो विशेष आरोग्यार्थातः परः। It is to be noted that Yāj. (I. 2) lays down dharmas for the country in which the black deer moves about, following Baud. I, I. 28 and Vas. I, 13.
Yaññavakya was commented upon by Viśvarūpa in the first half of the 9th century. Viśvarūpa in his commentary quotes scores of sūtras from Gautama, Āpastamba, Baudhāyana, Vasāṣṭha, Saṅkha and Hārīta. But it is significant that Viśvarūpa in his commentary on Yaññavalkya does not quote even a single sūtra of Viṣṇu by name. It is true that Viśvarūpa (on Yaññ. III. 66) says that the four forms of asceticism (pārīvṛājya) should be understood from the other smṛtis like those of Viṣṇu. This probably refers to chap. 97 of the extant Viṣṇudharmsūtra. Medhātithi (on Manu 3. 248) quotes Viṣṇu (21. 12) and on Manu 9. 76 quotes a sūtra of Viṣṇu which I could not trace in the printed Viṣṇu. The Mitākṣarā mentions Viṣṇu about thirty times. The quotations are taken from chapters 19, 21, 22, 35-42, 50, 51, 52, 75 and 79 of the Viṣṇudharma- sūtra, 18 sūtras of chap. 22 (on āsānea and kindred topics) being quoted on Yaññ. III. 23, 24, 27, 29-30. But it is a remarkable fact that not one of the verses in the extant Viṣṇudharmsūtra is cited as Viṣṇu's in the Mitākṣarā. The only exception is a verse cited as Viṣṇu's on Yaññ. III. 265, which has the same purport as Viṣṇu 52. 14 (a verse) and the first pāda of which is identical with that of the verse in the Viṣṇudharmsūtra. A few verses that are quoted as Viṣṇu's in the Mitākṣarā could not be traced in the extant dharmasūtra. It is not unlikely that the sūtra

113 स्वयंन्तरेभ्यं विष्णुदीयो विशिष्टत्वद्विवध-पारिवर्तकारभेदो-युगपन्थयः।
114 The quotation is 'अद्भूत-सिद्धान्त: पद्ध राजन्याशुदी वैद्यो द्विपूणः प्रतिशिवम न
श्रावया: काळविश्वम: स्थानक्ष-सत्तारिणवेचे; compare for a somewhat similar
rule Vas. 17. 78.
115 यथा विश्वः । दर्शविपिष्टं द्रव्यं स्वाभिन् तत्मामाचारेदितः । while विन्यासः सुतः
reads 'दर्शविपिष्टं द्रव्यं धनिक्षयायुपावतः । प्रायोगिके तत्: क्योर्दक्ष्ठायायुपावतः'
'दर्शविपिष्टतं द्रव्यं धनिक्षयायुपावतः। प्रायोगिके तत्: क्योर्दक्ष्ठायायुपावतः

116 The verse are: ओत्तरो विजयेवी स्त्रृतं वाढी विपारितिषय: च। quoted on Yaññ. I.
195; 'अपयातश्रम: कर्मन्यनुव: पवससदोव:। पौष्पमय: नवले विष्णुविर्ययायाबागिनः। quoted on Yaññ. II. 132; अपयातश्रम: कर्मन्यनुव: पवससदोव:। पौष्पमय: नवले विष्णुविर्ययायाबागिनः। quoted on Yaññ. II. 135; आदृताज्ञातो
वषो वषी विपारितिषय:। क्योर्दक्ष्ठायायुपावतं:। क्योर्दक्ष्ठायायुपावतं:। क्योर्दक्ष्ठायायुपावतं:

(Continued on the next page)
first contained mostly prose sūtras based on Manu and the Kāthakagṛhya and verses were tacked on later.

Quotations from the Viṣṇudharmasūtra in the Kṛtyakalpataru (no part of which had been published at the time this volume was published in 1930, but now eleven parts of which have been published in the GOS. edited by my friend the late Prof. Rangaswami Aiyangar) are made hundreds of times e.g. 132 times on Vyavahārakāṇḍa, 39 times on Śrāddha, 38 times in Niyatakāṇṭa, 35 times in Grasthakāṇḍa, 30 times in Brahmacāriṇīkāṇṭa, 10 times on Rajadharmā, 15 times on Dānakāṇḍa (the Dānakāṇḍa quotes on pp. 231–33 the whole of chap. 90 except the last five sūtras and a verse). One great advantage is that the Kalpataru often states that the same verse or passage occurs in Viṣṇu and other ancient writers e.g. in Vyavahārakāṇḍa on pp. 270, 613, 627, 652, 676, 678 &c. verses are cited as Manu–Viṣṇu and cited as Viṣṇu and Yajñavalkya on pp. 150, 213, 289. Yāj. II. 120 (second half) is Viṣṇu 17. 23 (first half). The whole of Viṣṇu Chap. 49 (on Dvādaśīvrata) and Viṣṇu Chap. 89 are quoted by Vratakāṇḍa of Kalpataru on pp. 310, 418 respectively. Among later writers of aibandha Aparārka quotes Viṣṇu most profusely and the Svaśīcaṇḍrika also quotes Viṣṇu about 225 times. Many of the verses found in Vi. are quoted by Aparārka as Viṣṇu’s e.g. Vi. 84. 4 on Yāj. 1. 2 ; 68. 46 47 on Yāj. 1, 106 ; 67. 33 on Yāj. 1. 107 ; 5. 183 on Yāj. 2. 60 : 10. 9–11 on Yāj. 2. 102. But there are numerous verses quoted as Viṣṇu’s by Aparārka which are not found in the sūtra, e.g. on Yāj. I. 21, 33, 39, 100. Sometimes. Aparārka quotes almost whole chapters of Viṣṇu, e.g. Vi. 68 on Yāj. I. 106 and 90 on Yāj. I. 208, 70 on Yāj. 1. 114. It is to be noted that Vi. 70. 17 (a verse) is quoted by Aparārka as a prose sūtra (on 1. 114) with slight verbal changes. All these facts make one feel naturally sceptical about the authenticity of most of the verses in the extant Viṣṇudharmasūtra. They probably formed no part of the sūtra at the time when the Mitāksāra

(Continued from the previous page)

हन्मा नोषित: अत्रप्रेतः पुनः। निर्मितः हुने न दैवैयिनिद्वैवस्वरूपहुने हुने ||
on Yāj. III. 237 ; सीयामाय प्रभृत्वेभ बुद्धान्त रोगिणी तथा || पादो बल्लु
सत्त्वः: सन्धिधिबयश्च विधि: || on Yāj. III. 243: गौर्ज्जयः पञ्चम्भें मात्र-भक्तं पञ्चम्भें || प्रलहें स्याप्राचीः च चाण्ड्राधणम्भागी च || on Yāj. III. 263.
was composed. At all events it cannot be gainsaid that the verses are a very late part of the sūtra.

The Viṣṇudharmasūtra contains quotations from all the Vedic samhitās and from the Aitareya-brāhmaṇa (as in Vi. 15. 45). It mentions the Vedāṅgas very frequently (30. 3 and 38, 28, 35, 83. 6), it speaks of Vyākaraṇa (83. 7), of itihāsa (3. 70, 30. 38, 83. 7), of Dharmaśāstras (3. 70, 30. 38, 73. 16, 83. 8), of Purāṇa (3. 70, 30. 38 &c). About the close correspondence between Baud. III. 6 and Viṣṇu. 48 and between Vas. 28. 10–15 and 18–22 and Viṣṇu, chap. 56 and 87, vide remarks made above pp. 47 and 103. The sūtra quotes several verses (called gāthās) and says they were sung by pitṛs; vide 78, 52–53, 80. 14, 83. 21, 85. 65–67. They bear close resemblance to the gāthās sung by the pitṛs quoted in the Anuśāśana–parva 88. 11–15 and a half verse ‘estavyā bahavaḥ putrā yadyekopi Gayām vrajet’ is the same in Vi. 85. 67 and Anu. 88. 14. The Viṣṇusmṛti enumerates twenty-one hells (43. 1–22), which are almost the same as Yājñavalkya’s (3. 222–224). It mentions the names of the seven days of the week (78. 1–7), Thursday being called Jāiva, while Yājñavalkya mentions only the seven planets (with Rāhu and Ketu) in the same order (I. 296). It recommends the practice of suti (25. 14), speaks of pustakas (18, 44, 23. 56), a word which is not used by the other dharmasūtras so far described. It gives a long list of good and evil omens at the time of starting on a journey (63. 33–39). Among evil omens it includes the sight of yellow-robed ascetics (i.e. Buddhists probably) and Kāpālikas (63. 36). It prohibits speech with Mlecchas, Antyajas (71. 59) and journeys to Mleccha countries (84. 2). It contains special directions about the worship of Vāsudeva in chap. 49 and speaks of Śvetadvipa as the reward of devotion to Vāsudeva (49. 4). Here and there, there are eulogies of Vāsudeva (1. 50–57, 65. 1, 97. 10, 98 which (last) gives one hundred names of Viṣṇu). It speaks of the four vyūhas of Vāsudeva (67. 2) and of the Varāhā incarnation. It gives a vague location of Āryāvarta as a country where the four varṇas exist (84. 4). It enumerates numerous sacred places (85. 1–52), among which Śrīparvata, Saptārsa (modern Sataras?), Godāvari and southern Pañcanada deserve to be specially noted. Though it does not specifically enumerate the eighteen
titles of law just as Yājñavalkya does not, yet it contains rules (in chapters 5–6) on almost all of them.

As Yājñavalkya enumerates Viṣṇu among the propounders of dharmaśāstras, it follows that a work of Viṣṇu existed in comparatively early times. What matters that work embraced is difficult to say. It probably contained the topics found in the works of Gautama, Aparastamba and others. It may have included portions borrowed from the Kāṭhakagṛhya.

An important question is whether the Viṣṇudharmasūtra is related to the Kāṭhaka school (of the Caraka sākhā of the Kṛṣṇayajurveda). I do not propose to deal with it at great length. Nanda Paṇḍita in his Com. on Viṣṇu Dh. S. 67. 3 (where twelve deities are named) expressly states that the description of Vaiśvadeva in that chapter follows the procedure adopted in the Kāṭhakaśākhā ‘Kāṭhaka–sākhānusārena Vaiśvadevam–āha .... Agnīdibhyo dvādaśaḥutirjuhuyāt’.

Important evidence is furnished by the Kṛtyakalpataru, an extensive digest composed in the first half of the 12th century A. D. on Śrāddha (GOS. Ed.). Viṣṇu Dh. S. chap. 73 provides about āmaśrāddhas (śrāddhas with uncooked grains) and Kāmyasrāddhas (śrāddhas performed on certain tithis, nakṣatras and weekdays for securing certain desired objects specified in Viṣṇu Dh. S. Chap. 78) a certain procedure (the original is quoted in the note). In these śrāddhas

116a विणुभंसुधः (chap. 73, 1) begins: अय प्रायेनु: पुरुषवा दिश्यनमात्मन्यते.

Then sūtras from 5 are: आमसरणनु: कामश्राण्डु न प्रथमप्रकाश्यते.

116b * On this हृदयकपक (आदिक ज्ञाता) p. 165 explains ‘आमास्येद्र छोमास्येद्रप्रकाशप्रणावित्यप्रमाणेण नान्तिनुभारद्व वेद्यां शुद्धिनिकोपितमणयम। प्रथमप्रकाश्यते’ इति ‘हृदयकपक’ से तिर पढ़ियो यजुर्वैराज्ञो स्वात्मादि-ः कार्यशः वर्णे। प्रायेनु: पशुपाण्डु: समांतनयी।

The Kāṭhaka-ग्र्भय (ed. by Dr. Caland) 7, 61 runs—तिणोवक्ष्या: निरुवैराज्ञो। उपयोगप्रकाशयाब्द्वास्यात्रात्मन्यित्यप्रमाणाया वेद्यां वाक्येन द्वितीया मात्रेन तुयोऽप्पै। ..इद्यमेवति वैद्यक्योऽऽप्पै, वेद्यां वाक्येन प्रत्येकमयोऽऽप्पै। 1–3 and 6, लोकाविशेष in the Kashmir Series of Texts (1934) is the same as Kāṭhaka-ग्र्भय; देशवास्याय on लोकाविशेष explains the 15 verses at length.
during the recitation of the first paṅcaka (a collection of five verses), after having offered an oblation into fire; in śraddhas where meat is offered during the recitation of the second paṅcaka; at a śraddha on amāvasyā (New Moon) during recitation of the last paṅcaka; on the Āstākas (eighth days) of the three dark halves following Āgrahāyaṇī (full moon day in Mārgasīrṣa) during the recitation of the first, second and last paṅcaka respectively and likewise on the Anva-stakās he must invite the Manes, &c. The Kṛtyakalpataru on Śraddha (pp. 164–65) sets out Viṣṇu Dh. S. 73. 5–14 and remarks that the words ‘first paṅcaka’ &c. have in view, according to Langākṣigṛhya, the Anuvāka of 15 rks, where the first paṅcaka begins with the rks ‘iyam-evā’ (which is the first of the pentad), the second pentad begins with ‘paṅca vyuṣṭiḥ’ and the 3rd pentad begins with ‘ṛtasya dhāma’. These fifteen verses form the 10th anuvāka of 39th Sthānaka (called ‘yadakranda’ from first two words) of the Kāṭhaka-saṃhitā. The first verses of the pentad of this anuvāka in Kāṭhaka-saṃhitā is ‘Iyameva sa &c’, the first verse of the 2nd pentad is ‘paṅca-vyuṣṭir-ānu’ and the first verse of the third paṅcaka is ‘ṛtasya dhāma’. The above makes it clear that the Viṣṇudharmanāṭra took the Kāṭhaka-saṃhitā and the Kāṭhaka-grhya (or Langākṣi) as its basis. The words ‘prathama-paṅcakena, madhyama-paṅcakena’ are vague and could have been understood only by those who know their relation to Kāṭhakgrhya and Kāṭhakasaṃhitā. It follows that at least some chapters (like 21, 64, 65, 67, 73 &c.) were certainly based on the Kāṭhaka grhya (if not all), and the Viṣṇu Dh. S. was originally intended to be a Dharmasūtra for the students of the Kāṭhaka, though in course of time it grew and included elements not connected with Kāṭhaka-sākhā. \[116b\]

\[116b\] It should be noted that these fifteen verses occur in the Kāṭhaka-Saṃhitā as well as in Tai. S. IV. 3. 11 and Maitrāyani Saṃhitā II. 13. 71–85. But the latter two differ from Kāṭhaka Saṁhitā in the sequence of the verses and also present different readings of a word or two. The first five verses of the Anuvāka of 15 verses in Kāṭhaka S. and Tai. S. are the same and in the same order. But, thereafter there is a great deal of difference. The sixth verse in Kāṭhaka ‘paṅca-vyuṣṭir-ānu’ becomes 11th in Tai. S. and the first verse of the third paṅcaka in Kāṭhaka is ‘ṛtasya dhāma’ and becomes the 13th in Tai. S. The Mai. S. does not concur in having even the first five verses in the same order.
History of Dharmaśāstra

It may be stated that on Viṣṇu Dh. S. 21. 17 also Nanda-
paṇḍita mentions the Kāṭhakgrhya, that Viṣṇu Dh. S. 64. 21
(Drupadām Sāvirīṃ vā) refers to ‘Kāṭhaka S. 38. 63 (Drupa-
dādivonnumucānaḥ etc.). Similarly, Viṣṇu 65. 2 (Āśvinōh
prāṇastau te iti jivadānam dattvā) mentions Kāṭhaka-sanī.
11. 17; on Vi. Dh. S. 65. 7 Nanda-paṇḍita remarks that the
four mantras (Kāṭhaka-sanī. 36. 29-32) are to be recited;
Viṣṇu 65. 11 ( tejosi sukramiti dīpaṃ) mentions a mantra
from Kāṭhaka-sanī. I. 33.

Dr. Jolly in his learned and long introduction to the
deals with several problems, some of which have been
discussed already. His remarks on some problems will be
briefly mentioned here. On p. XXIV (in order to establish
the priority of Viṣṇu to the Manusmṛti) he says that the
‘Viṣṇusūtra nowhere refers to South Indian nations such as
the Dravidas and Āndhras or to the Yavanas’. That non-
mention does not lead to positive conclusions is well illus-
trated here. The Āndhras are mentioned even in the Aitareya
Brāhmaṇa (33. 6), where Viśvamitra curses his dis-
obedient sons that ‘their offspring will be Āndhras, Śabarases
and Punḍras’ &c, ). Asoka in his 13th Rock edict mentions
Āndhras. On p. XXI Dr. Jolly refers to Yāj. II. 240-41
where nāṇaka is mentioned and punishment is provided for
one turning out a false nāṇaka or for fabricating a royal
grant, while Viṣṇu V. 9 refers only to royal grants but not
to nāṇakas. This is put forward by Dr. Jolly as a ground for
regarding Viṣṇu as more ancient than Yāj. (p. XXI). It
has been shown that the Viṣṇudharmasūtra professes to be a
direct revelation by God Viṣṇu to the Earth Goddess and
therefore the redactor of Viṣṇu knowing that the nāṇaka is
of foreign origin omitted that word. Lastly, his view
(Intro. pp. XXV, ff.), following the lead of Bühler, that the
extent Manusmṛti is an improved metrical edition of the
Mānava-dharmasūtra (not now available) will be dealt with
later under section 13 (Mānavadharmasūtra: did it exist?). I
agree with Dr. Jolly that some devotee of Viṣṇu recast the
original Dharmasūtra (Intro. pp. XXVIII ff.). I am in
agreement with the view which Dr. Jolly holds that the
original Viṣṇudharmasūtra was closely connected with
the Kāṭhaka Samhitā. Not only Nanda-paṇḍita, but the Kṛtya-
kalpataru (of the first half of 12th century) relies on the
tradition that Viṣṇu Dh. S. accords with Laugākṣi-grhya.
Dr. Jolly (on pp. XXIX–XXXI of his Introduction) puts forward several considerations as to how and why the chapters were raised to 100, what portions may be regarded as old and what were added by the Viṣṇite redactor later. I do not agree with everything he says but on the whole his treatment is judicious. He observes that the Viṣṇite editor (pp. XXXII) cannot be placed earlier than 3rd or 4th century A.D. I agree with this.

The original Viṣṇu Dh. S. (mostly in prose) may have to be placed about 300 B.C. to 100 A.D. and the present inflated text about 400 to 600 A.D. Vide two papers of Prof. L. Renou of Paris on Viṣṇu in Journal Asiatique (1961) pp. 163-172 (in French) and in Bulletin of the D. C. R. I. Vol. 20 parts 1-4 (in English) pp. 319-323.

When Dr. Jolly says that certain chapters of Viṣṇu agree closely with the Kāṭhakagṛhya, all that is meant is that some of the sūtras of Viṣṇu are the same or almost the same as those of the Kāṭhakagṛhya (e.g. compare Viṣṇu 21, 73 and 86 with Kāṭhakagṛhya V. 12, V. 9, and V. 3 respectively). But in all these places Viṣṇu contains more details than the Kāṭhakagṛhya. It may, however, be noted that in a few cases the views of the Kāṭhakagṛhya differ from those of Viṣṇu. For example, Viṣṇu (30.1) speaks of Vedic studies for 4½ months only in the year when once they are started on the full-moon day of Śrāvana or Bhādrapada, while the Kāṭhakagṛhya (I. 9.10) gives three alternatives, viz. 4½, 5 or 5½ months; Viṣṇu prescribes that the proper year for the upanayana of a kṣatriya is the 11th from conception (27.16), while the Kāṭhaka prescribes the 9th, without specifying whether it is to be from conception or birth (IV. 1.2); Viṣṇu enumerates eight forms of marriage (24.18), while the Kāṭhaka (II. 3 and 4) speaks of only two, Brāhma and Āsura, and is silent about the rest; Viṣṇu (46.19-20) defines Śāntapana and Mahāsaūtapanā differently from the Kāṭhaka (I. 7.3-4), but agrees with Yājñavalkya (III. 315–316). Here the recent Lahore edition of the Kāṭhakagṛhya by Dr. Caland has been used. As it used Kāṭhaka mantras and borrowed from the Kāṭhakagṛhya, the dharmasūtra may have been a textbook of the Kāṭhaka school and probably originated in Kashmir and Punjab which is the home of the Kāṭhas.
The date of the older portion of Viṣṇu may be placed between 300 B.C. to 100 B.C. But this is no more than a mere conjecture. It is to be noted that Kumārila does not mention the Viṣṇudharmasūtra among the sūtras studied by particular schools. Then several centuries later on the whole of the sūtra was recast from the Vaiṣṇavite point of view and received large additions both in prose and verse. When these additions were made we have no exact means of determining. It is probable that they were not made very long before Viṣvarūpa. At all events the additions were made long after the Yājñavalkyasūtra and after the 3rd century. The mention of the week days makes the sūtra comparatively a late work. The earliest epigraphic mention of a week-day is in the Eran inscription of 484 A.D. (vide Fleet’s Guptā inscriptions pp. 88–89) and Varāhamihira (6th century) knew the week days well. The Brahmapurāṇa (28. 55) mentions Sunday and the Padmapurāṇa mentions Thursday (Brahmakhaṇḍa chap. 11. 34). The Sūrya-siddhānta (XII. 6 and 78) speaks of the lords of days. Thus although the extant Viṣṇu-dharmasūtra is a late recast, it contains a few doctrines that were held in ancient times. For example, it allows a Brāhmaṇa to marry a girl of anyone of the four varnas (24. 1) and does not inveigh against niyoga as Mann does.

A few of the sūtras agree closely with Nārada. Vide Vi. 7. 10–11 and Nārada (Ṛṇādana verses 136–137).

The Mitākṣarā quotes all the prose passages of chapters 35–42 and ascribes them to Brhadviṣṇu (on Yāj. 3. 242). Similarly, on Yāj. 3. 261 it ascribes Vi. 35. 3–5 to Brhadviṣṇu. Similarly, the Smṛticeandrikā (II. p. 298) ascribes Vi. 17. 4ff to Brhad-Viṣṇu. The Mitākṣarā (on Yāj. 3. 267) quotes a verse of Vṛddha-Viṣṇu which summarises some sūtras of Viṣṇu117 (50. 6 and 12–14).

In the Anandāśrama collection of smṛtis there is a Laghu-Viṣṇusūtra in five chapters and 114 verses dealing with the duties of the varṇas and the four āśramas. Aparārka in his commentary on Yāj. 3. 258 quotes four

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117 The verse of ब्रह्मविष्णु is चिष्टे तु सक्ते देवे पारोणे किष्टे स्मृतम्।
इति वै भवेन्द्रकावयस्तु उद्धवातितु मनस्ते॥ The sūtras are:

वाच्यम् हवा
इति उद्धवसंबन्धस्य उपायं। पारोणे किष्टेनस्य
अर्थ वै वैत्यक्षे । तद्भव उद्धवस्य।
verses from Laghu-Viṣṇu, which are not found in the Ānandāśrama text. So Aparārka used some other work or perhaps a larger work. The Parāśara-Mādhaviya often quotes gāḍya-Viṣṇu and pāḍya-Viṣṇu. The former from a quotation in vol. I, part 2, p. 234 seems to be the Viṣṇu-dharmaśūtra itself. In the Sarasvatīvilāsa numerous śūtras of Viṣṇu with the explanations of Bhruci thereon are quoted, which are not found in the printed Viṣṇu. 118

The Viṣṇu-dharmaśūtra was commented upon by Nandapaṇḍita, author of several works on dharmaśāstra, who wrote at Benares the commentary called Vaijñayanti (according to certain mss.) in 1679 (i.e. 1622–23 A.D.) of the Vikrama era. Dr. Jolly publishes extracts from this commentary in his edition of the śūtra.

From the fact that the Sarasvatīvilāsa quotes several times the śūtras of Viṣṇu with Bhruci’s explanation, it looks probable that Bhruci commented upon the Viṣṇudharmaśūtra. For further information on Bhruci vide sec. 61.

So far only the printed and well-known dharmaśūtras have been passed under review. But there were numerous other dharmaśūtras which are either now extant in rare mss. or are not yet discovered but are only to be reconstructed from quotations. It is now time to discuss them.

II. The Dharmaśūtra of Hārīta

That Hārīta was an ancient sūtrakāra on dharma is quite patent from the fact that the dharmaśūtras of Bandhāyana, Āpastamba and Vasiṣṭha quote him as an authority.

118 e.g. para 637: यथाह भाष्यविरेतत्तत्तषुबचवचनव्यायानावसरे बीतिसंव भिषवारति। (Viṣṇu’s śūtra seems to have been भीतिसंविवधानयुक्त भाष्यवारति); para 719 अन भाष्यवारति। (on viṣṇu’s śūtra ‘भिषवारति’ भिषवारति); para 736 अन भाष्यवारति। (on viṣṇu’s śūtra ‘भिषवारति’ भिषवारति); para 847 contains a long śūtra of Viṣṇu ‘अपवर्त्तियान मात्रे ज्ञात स्पष्टमक्खिनितं प्रतिभावेतृत्तमः उच्च संवभविभाज्यम्’ and para 848 contains भाष्यवारति’s explanation of it.

Vide pp. 32, 50, 165, 166, 243, 244 &c. of the recently published Mysore edition of the सरस्वतीविलास for śūtras of Viṣṇu which are not found in the printed text of Viṣṇu. It appears that the सरस्वतीविलास had a very much larger version of the śūtra before it.
Hārīta’s view is quoted by Baud. Dh. S. II. 1. 50, which differs from the view propounded in Baud. Dh. S. II. 1. 49; Āpa. Dh. S. refers to Hārīta in I. 13. 11, I. 18. 2, I. 19. 12, I. 28. 1, 5 and 16, I. 29. 12 (which is the same as quoted in Baud. Dh. S. II. 1. 49). Vasiṣṭha quotes Hārīta in II. 6 (a verse the first half of which is in Manu 2. 71 and the 2nd half in Manu II. 172 and in Vanaprava 180. 35). Vide also Baud. Dh. S. I. 2. 7 (which is almost the same verse as in Vas. II. 6 and seems to be a quotation as ‘iti’ is added at the end. Āpastamba quotes Hārīta more frequently than any other author. From this it may be concluded that they belonged to the same Veda. The Tantravārtika (vide note 55 above) mentions Hārīta along with Gautama and other sūtrakāras on dharma. From Viśvaraṇa down to the latest writers on dharmaśāstra Hārīta is most profusely quoted. From the quotations it appears that his dharmaśūtra was perhaps the most extensive of all dharmaśūtras.

Dr. S. C. Banerjee contributed to the ‘Journal of Oriental Institute’ Baroda Vol. VIII. No. 1 (1958) pp. 14–37 a reconstruction of Hārīta-dharmaśūtra and in his recent publication on ‘Dharmaśūtras’ devotes pp. 257–289 to prose passages alone from Hārīta quoted in several nibandhas on all topics of Dharmaśāstra arranged in Sankrit alphabetical order but transliterated in English characters. In pp. 239–244 he mentions twenty-four authors as writers of Dharmaśūtras with brief notes on each and in pp. 244–344 he sets out transliterated prose sūtras from these 24 writers and omits passages from Śaṅkha-liṅkha because I collected passages from them in ABORI. Vol. VII–VIII (vide p. 84 above) and omits Brhaspati also since the late Prof. Rangaswami Aiyangar extracted passages of Brhaspati quoted in nibandhas, arranged them under different topics and published them in the G. O. S., Baroda (1941).

The late Pandit Vamsanastri Islampurkar discovered at Nasik a ms. of the Hārīta-dharmaśūtra. It was not possible for me to make use of it for the present work. Dr. Jolly (in R. und S. pp. 8–9) gives an account of the ms. from which I give a summary. It is so faulty that an edition based on it alone cannot be thought of. The ms. contains thirty chapters. So far as the language and contents are concerned the work impresses one as ancient, but the material citations ascribed to Hārīta in later digests on court
procedure and the law of crimes &c. are not found in the ms. The prose is mixed up with verses in Anuṣṭūbh and Triṣṭūbh metres, which are often introduced with the characteristic words “athāpyudāharanti” as in other dharmaṣūtras. The ms. quotes ‘bhagavān Maitrāyaṇi’ and the verse “Śatadāyo vīro” which is Maitrāyaṇiya Śāṁhitā I. 7. 5. Dr. Caland points out remarkable correspondence between the citations of Hārīta and the Maitrāyaṇiya Pariśiṣṭa and Mānava-
śrāddhakalpa. All this tends to show that he was a sūtra-
kāra of the Black Yajurveda. The numerous quotations from Hārīta in Āpastamba and Baudhāyana are not, however, found in the ms. The ms. was found at Nasik, which is also the source of two mss. of the Maitrāyaṇiya Śāṁhitā. The Kashmirian word ‘kāpṭha’ is cited in Hārīta and so the Hārīta-dharmaṣūtra probably originated there. Hemādri (Caturvarga III. I. p. 539) mentions a commentator (bhāṣyakāra119) of Hārīta.

From the numerous quotations from Hārīta in the nibandhas it appears that the dharmaṣūtra dealt exhaustively with the same topics as are dealt with in other dharmaṣūtras, viz. sources of dharma, brahmacārin of two kinds (upakurvāna and naisthika), snātaka, the householder, the forest hermit, prohibitions about food, impurity on birth and death, śrāddha, the pāṇktipāvana, general rules of conduct, the five yajaṇas, Vedic study and holidays, duties of kings, rules of statecraft, court procedure, the various titles of law, duties of husband and wife, various kinds of sins, prāyaścittas, expiatory prayers &c.

According to Kullūka (on Manu 2. 1) the Hārīta-dharmaṣūtra opened with the words ‘now then we shall explain dharma; dharma is based upon revealed texts (śruti); revealed texts are of two kinds. the Vedic and the Tāntric’.120

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119 The sūtra of Hārīta is ‘पाल्याय-नाविक-पौरयेक-शिपु सूसुक-वाल्तक-शस्त्र्रूप-कर्णन-माय-समू-क्लेशय-श्रावणवि च अवद्द न ददाः’, on which हृदय of Kullūka says, ‘कर्णन: आरामविषयः कास्मिरेत् प्रसिद्ध इति हारीतसूत्रसन्धी भास्यकारः.’

120 ‘अपातो धर्म व्याप्तायाम: | श्रुतिसाधको धर्मम् | श्रुतिं स्वविषय वैशिकी 
तालन्की च II’. The Brahmayajña probably takes the words अपातो... 
स्माम:’ from दर्शो and not from the Vaiśeṣika-sūtra.
‘Sruti is of two kinds viz. Vaidiki (consisting of the Veda) and Tāntrikī (consisting of Tantra’). I did not explain this last word. Now I realise that the word is liable to be misunderstood. A veteran scholar like Dr. R. C. Hazra went so far as to suggest (in I. H. Q. Vol. 36 pp. 141–150) that by ‘Tāntrikī’ I meant the system of Tantras (developed several centuries later than the Dharmasūtras) dealing with Mantras, secret practices and esoteric teachings of gurus and that Hārīta did not know the tantras that were a later development altogether. I agree that the Hārītadharmasūtra did not use the word Tāntrikī in the sense in which the word Tantra is used in much later times. But as the text of Hārīta was not available, I could not dilate on that point and did not state what he must have meant by Tāntrikī Sruti.

I was then concerned only with the contents of the Hārītadharmasūtra available from quotations in late works on Dharmāśāstra. Hārīta gave a wider meaning to Śruti than what other ancient sūtras and smṛtis give to the word. In Gaut. Dh. S. I. 1–2 it is stated that the Veda is the source of dharma and also the smṛtis and usages of those who know the Veda. Manu (II. 6) says the same thing and in II. 10 asserts that Śruti means Veda and Smṛti means Dharmāśāstra. Hārīta as quoted by Kulluka widens the meaning of Śruti, as including Veda and also something more. But as that point has been now raised I shall try to explain briefly what he probably meant by Tāntrikī (Śruti). The word Tantra is a Vedic one. It occurs in Rg. X. 71. 9 (siris-tantram tanyate aprajajñayah). Tantra here appears to mean ‘loom’ and the word is derived from the root ‘tān’ to spread or stretch. Pāṇini in VII. 2. 9 derives the word from the root ‘tān’ with affix ‘tra’ and in another sūtra (V. 2. 70) states that ‘tantraka’ means cloth recently taken off from a loom. The Amarakośa gives four meanings of ‘tantra’, one of which is ‘siddhānta’ (a system of thought or philosophy). Hārīta’s idea appears to have been that a work dealing with the formulation of principles based on the Veda (and hence called ‘Tāntrikī’ from the word tantra meaning siddhānta) might be designated Śruti. It would be clear from the Nyāyasaūtra (I. 1. 27–31) that Saṅkhya and Yoga may be called ‘samāna-tantra’ though they differ on certain points. Similarly, the Arthashastra may be called Samāna-tantra with the Manu-smṛti, as both have certain principles in common, though
they differ in other matters. It may be noted in this connection that the word ‘tantra’ is applied to the Sāṅkhya system by Śāṅkarācārya (in his bhāṣya on Vedāntasūtra II. 2. 1) and the Pūrvamimāṃsa system is styled by him as ‘prathama-tantra’ in his bhāṣya on Vedānta-sūtra III. 3. 53. The Sāṅkhya-kārikā refers to itself as ‘tantra’ in Kārikā 70 ‘tena ca bahudhā kṛtam tantram’. Brhaspati as quoted by Aparārka p. 740 says that a wife is called half of a man in ‘Āmnāya’ (Veda) and ‘Smṛtitantra’. So Hārita Dharmasūtra understands the word ‘tantra’ as meaning a ‘śāstra based on Veda’. The Arthasastra of Kauṭilya sets out in the 15th adhikaraṇa ‘tantra-yukti’. Vide for further details on the meaning of ‘tantra’ H. of Dh. Vol. V. pp. 1031–3.

The quotations show that this style (as in n. 120) was pursued in the body of the work. Aparārka (on Yāj. III. 322) quotes a sūtra121 in a similar style about a penance ‘Tulā-puruṣa’ said to have been promulgated by Śiva himself. Hārita-sūtra often introduces verses as quotations with the words “an author says thus” (evaṁ hyāha; vide Aparārka on Yāj. I. 83, I. 154, III. 135, Vivāda-ratnākara pp. 443, 626). Numerous passages quoted as Hārita’s are identical with passages from other dharmasāstra works. The sūtra ‘Jāyā-patyor-na vibhāgo vidyate’ is quoted as from Hārita by the Smṛticandrikā (II. p. 268), which is the same as Āp. Dh. S. II. 6. 14. 16. The same work quotes ‘pratyaksavidhānād gārhasṭhyasya’ as from Hārita which is part of Gautama 3. 35. A verse about the enormity of usury quoted in the Smṛticandrikā (I. p. 177) as Hārita’s is almost the same as Baudhāyana (I. 5. 79) and Vasiṣṭha122 (2. 42). A verse about atipātakins (quoted by Aparārka on Yāj. III. 231) is the same as Viṣṇu 34. 2. Manu is mentioned by name in several verses (vide Smṛticandrikā III. p. 436, Vivāda-ratnākara p. 552–553). Two verses are cited in the Vyavahāratattva of Raghunandana as found in Hārita, Baudhāyana (I. 10. 30) and Manu (8. 18–19). A verse quoted by the Smṛticandrikā (II. p. 21) is almost the same as Manu 8. 95. Several times

121 अथातत्त्विन्योजनस्य दुगुणहयस्य कल्य यावत्यास्य:।
122 The verse is ‘अतः ॥ वृद्धिर्नीचे व दुत्या समतोल्ययः। अतिषठः महाशा कोष्या ।’
we have the words ‘Prajāpativaco yathā’ (vide Aparārka on Yāj. I. 154 and Smrticandrikā I. p. 181). Hārīta seems to have relied upon the views of ‘ācāryaś’ in several places. 123 He often quotes the views of others (eke, apare 124) and sometimes refutes them. 125

Hārīta refers to the Vedas, the Āṅgas, dharmaśāstra, metaphysics, and other branches of knowledge. 126 The quotations do not show that he belonged to any particular Veda, as he quotes from all the Vedas promiscuously. In this connection it is worthy of note that, though Kumārila mentions Hārīta as an ancient dharmaśutrakāra, he does not assign him to any particular school, while he assigns Āpastamba and Baudhāyana to the Taittirīya school.

Some of the doctrines of Hārīta are worth noting. He speaks of eight forms of marriage, but two of them are styled Kṣatra and Mānusya, while Ārṣa and Prajāpatya are omitted (vide Viramitrodāya, Sāṃskāra-prakāśa, p. 84). Vasiṣṭha has the same nomenclature (I. 29). Hārīta speaks of two sorts of women (brahmavādinīs and sadyovadhās) and states that the former were entitled to have the Upanayana performed, to keep the sacred fire and to study the Vedas. 127

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123 Viśvarūpa on Yāj. I. 195 p. 137 remarks: ‘तन्मात्राचेच्छेवनां वासायम्।

न वासाधारणवाति। साधारणं हि वासं इथारायम्।

तस्मात् वासावासार्यसः कालास्त्थानोदविशीर्यः।’ ।


125 अपरार्क on Yāj. I. 183 ‘यानातन्त्रयार्यायायाये। मन्यते। तत्र | वर्णविवेकः,

पूर्वेन बुद्धमित्रितेऽसर्वसंस्कृतेऽनात्। पापसेवयोगाय तस्मात् ध्रुवकृ शाश्वास्त्येवः।’

126 स्वतिच्छः, III. p. 290 ‘वेदा अर्था धम्मोपातमे विवाहाय ग्यातिं द्वित्येषि पुरुषो

शुल्मुः।’ (कस्यते, आद्यनः p. 66).

127 द्विवेच्य: फळं। ब्रह्मविन्यः साध्विक्ष्यां। तस्मात् यज्ञवार्तिनायामुपर्यन्तक्रान्तम्

बद्धोऽयथं स्वप्नं च भित्रारायां। quoted in स्वतिच्छः I. p. 24 and

चन्द्रविश्लिपतन्त्रायेय (Benares ed.) p. 113.
He speaks of the twelve kinds of sons (vide Haradatta on Gantama 28. 32). He looks down upon the profession of an actor and forbids the employment of a Brahmana actor in any śrāddha or rite for gods. A Hārītabhāṣyakāra is mentioned by the Kalpataru (śrāddha) on p. 51 in explaining a prose passage. Aparārka (on Yāj. II. 332) quotes from Hārīta a lengthy passage in mixed prose and verse, where the worship of Gaṇeśa comes in.

A very interesting question is the relation of the verse quotations from Hārīta with the prose quotations from Hārīta. The dharmaśāstra was probably interspersed with verses as is the case more or less with all dharmaśastras except that of Gantama. But there are numerous verses ascribed to Hārīta in the nibandhas, which are manifestly modern. Both the Mitakṣarā and Aparārka (on Yāj. I. 86) quote Hārīta's verses eulogising the satī. The Smṛtīcandrika (III. p. 344) quotes his verses that refer to the signs of the Zodiac. There are numerous verses containing elaborate rules of procedure, ascribed to Hārīta, which are quite foreign to the general atmosphere of the ancient dharmaśastras. All such verses must be ascribed to a comparatively later date. In the Śuddhirayukha it is said that certain verses quoted from the Mahābhārata by Hārīta are not found in several copies of the Mahābhārata.

The Dharmaśāstra of Hārīta appears to have been a very extensive one and was in mixed prose and verse. Aparārka quotes both prose and verse passages over 110 times, one remarkable matter being that the quotations on Vyavahāra are only a few (both in verse and prose). The Kalpataru contains a very large number of prose and verse quotations from Hārīta. It would be a great service if some scholar collected all the quotations (prose and verse) cited in the Kalpataru with notes. They are profuse and some are very interesting. In the Brahmaśarīrakanda he is quoted over 60 times and there are very large prose passages on pp. 198, 268, 271, 277 (on three kinds of snātakas). The

128 कुशलाधारणे दैवे विज्ञे च वर्षयते I quoted by Aparārka on Yaj. I. 222-224, p. 454.
129 We have there the names सालकर्तक, कृष्णाधिराज्युनम, महाविनयत्रक, वक्रयुग, गणविधानि. For the first two, vide मानवप्रसंग II. 14 and याज्ञ. I. 286 ff.
Vyavahāra-K. profusely quotes both prose and verses over 70 times. Some prose passages are very long e.g. on pp. 623–625 on the proper acts for a wife (Atha patnyācārān–anukramisyaṃsaḥ graham patnī &c.). Even in Śraddha section there are many huge prose passages on pp. 66–67, 88 (long list of pāṅktidūṣakas), 163, 204.

Dr. Jolly (in 1889) collected most of the prose and verse citations from Hārita on the Vyavahāra section. In Jivananda’s collection, we have a Laghu-Hārita-smṛti (I pp. 177–193) and a Vṛddha-Hārita-smṛti (I. pp. 194–409). The former contains seven adhyāyas and about 250 verses, dealing with the duties of the four varṇas and the āśramas and with Yoga. The latter is professedly a Vaiṣṇavite work, said to have been proclaimed by Hārita to Ambariśa; it is divided into eight chapters and contains about 2600 verses, dealing with the nītya and naimittika rites of the varṇas and āśramas, the nature of the individual and Supreme Self and the means of attaining mokṣa. In the Ānandāśrama collection of smṛtis, Vṛddha-Hārita is divided into eleven chapters, the first two of Jivananda’s being split up into five. The Ānandāśrama collection contains a Laghu-Hārita-smṛti in 117 verses, which is different from the Laghu-Hārita of Jivananda. The former deals with purification from pollutions of various kinds, with prāyaścittas, rules about impurity on birth and death, śrāddha and a few rules about inheritance, partition &c. 129a

It is noteworthy that Aparārka (on Yāj. III. 254) quotes Vṛddha-Hārita and Hārita, both in prose, one immediately after the other. Vṛddha-Hārita in prose is cited by the Mit. on Yāj. III. 259, 261. Some comparatively early commentators and digest-writers started the theory that authors

129a The Mit. on Yāj. II. 135–138 quotes the verse विधवा धौनस्या ... ...

"अंबनं तदा" as Hārita’s, which is Laghu-Hārita 67 (Ānan. ed.).

Laghu-Hārita (Ānan. 64–65) has the verse ‘पत्री ... ब्रह्मवारिणः’ which is the same as Yāj. II. 135. The last three verses of Laghu-Hārita (Ānan. ed.) are quoted by the Mit. on Yāj. II. 114 (without name). One of them ‘Pitṛ-prasādā’ is cited as Nārada’s in Aparārka p. 730 and all three are cited (without name) by Par. M. III. pp. 484–485. A very striking verse is quoted by Kalpataru (on Gr.) as त्युयारहताः ‘बनेद्रियो नैो: प्रभवति राजिप्तं यें परेणिरभूमि। अभक्तिः कर्मिणेण य: अनतते निःसारायम् यहं तपोवनम् ॥

"
described as Manu and Vṛddha-Manu, Yājñavalkya and Vṛddhayājñavalkya and the like were not entirely different individuals, but they were the same authors at different stages of their lives. Vide Aparārka (pp. 7–8) on Vṛddha-Manu and the Kalpatarū (Brahmacāri) quoted below.\(^{129b}\)

That the Vṛddha-Hārīta in verse is comparatively a late work follows from the fact that it distinctly recites that the smṛtis of Manu, Yājñavalkya, Nārada and Kātyāyana were known to it as authorities on rāja-dharma.\(^{130}\) Some of the quotations ascribed to Laghu-Hārīta in Aparārka and other works are found in the Laghu-Hārīta, e.g. the verse ‘vinā yajnopavitena’ (Laghu-Hārīta, Ānandāśrama, verse 23) is quoted by Aparārka on Yāj. III. 289. Some verses that are ascribed to Hārīta are found in the Laghu-Hārīta; for example, the verse ‘snānam kṛtvā tu ye,’ cited by the Smṛticandrikā (I. p. 203.), occurs in the Laghu-Hārīta (Ānandāśrama, verse 41.). It appears that several compilations were made at different times, embracing different topics of dharma and ascribed to Hārīta, probably because they were based more or less on the Hārītadharmasūtra.

That some of the verses ascribed to Hārīta are very ancient follows from several considerations. For example, Viśva-rūpa quotes (on Yāj. III. 246) a verse from Hārīta. The

\(^{129b}\) एवं इद्दनमयात्वकः वृद्धास्रिद्वेदनर वनवादिनिवेदनार एव। अविरोधिता-लाये-मुख्यमण्डलयं धर्माभिषिक्तप्रयात्तिसनेन जातियाः। अपरार्कः प. 7–8।

\(^{130}\) राजमनोसितेऽवेष प्रसादाय विचित्तेऽम। कात्यायनेन मुनोऽहि याज्ञवल्क्येऽनुसाद्येऽनुभवते। तत्र नारायणे व संक्षेपे विसरादिशेष हि। तस्मात्मया विलोणं नैदस-भवन्त पोषेः।
Sarasvativilaśa quotes from Hārita a brief passage which appears to be a portion of a verse and Kātyāyana's explanation thereon.\textsuperscript{131} It follows that long before the sixth century A. D. Hārita's Dh. S. contained verses.

For Hārita on Vyavahāra, vide sec. below.

Dr. S. C. Banerjee in J. O. I. (Baroda) vol. VIII pp. 14–37 (1958) published a collection of passages of Hārita-dharma-sūtra (transliterated) from 21 works (holding the different parts of the Smṛticandrīka as separate works), but without any translation or notes.

If all passages of Hārita quoted in the several nibandhas were collected and carefully studied it would be found that several verses are common to it and Manu and other smṛti-kāras. For example, Kalvatāra (on-Gṛhaṣṭha) p. 43, noted that the verse ‘Yrṣaliphenapitasya’ is common to Manu, Yama and Hārita (it is Manu IV. 19). The same kāṇḍa on p. 310 quotes with the word ‘evam hyāha’ three verses one of which (pañca paśvaṁre hanti) is the same as Manu VIII. 98.

\textbf{12. The Dharmasūtra of Saṅkha-Likhita}

From the Tantravārtika we learn (note 55 above) that the Dharmasūtra of Saṅkha-Likhita was specially studied by the Vājasaneyins (the followers of the white Yajurveda). The Tantravārtika also quotes a few words from that Dharmasūtra which constitute an Anuṣṭubh pūda.\textsuperscript{132} The Mahābhārata (in Śantiparvan, chap. 23. 18–43) narrates the story of the two brothers, Saṅkha and Likhita, who resided in separate dwellings surrounded by trees. Once Likhita came to the āśrama (hermitage) of Saṅkha in his absence. He took some ripe fruits from some of the trees of Saṅkha's āśrama and ate them. While he was eating, Saṅkha came and asked him where he got the fruits. Likhita smiled and told his brother that he took them from his trees. Then Saṅkha got angry and told his brother that he was guilty of theft and asked

\textsuperscript{131} हरितेनाथके वै श्रीर उत्स: । एकमूलोऽविष्ठातोऽविष्ठाचत्वान: ।
कार्यायनस्ततः नान्य व्याक्ते । 2nd ed., p. 61 (Mysore edition).

\textsuperscript{132} तन्त्रवार्तिकः, p. 139 'साप्तशताधिक: हि श्रीर्षिकितायाम तम्-आत्रायः
स्मृतिधारकः'. 
him to go to the king Sudyunna for punishment. Likhita went to the king who would not punish him as he was a man of pure character and learned; when he persisted the king ordered his hands to be cut off. His arms were restored when he plunged into the river Bāhubā. In Śanti (130, 29) it is said 'It is not possible to live if one adopts Śaṅkhālikhita mode of life, particularly when one intends to secure the protection of the subjects.' In another place (Śantiparvan 132, 15-16) it is said 'Some hold that conduct or practice is the best characteristic of dharma, others to whom Śaṅkhā-Likhita are dear do not like them.' Vāde Sabhāparva 7.11 where among the holy sages who graced Indra's sabhā are included Śaṅkhā and Likhita.

In the Pali Dīghanikāya II. 40-41 we have the words ‘Śaṅkhālikhita - brahmacarīyam caritum’. Prof. Bapat in the Silver Jubilee Vol. of BORI (1942 pp. 61-66) tries hard to prove that the words ‘Nayidam sukaram agāramajjhāvasatā ekāntaparipūṇam ekāntapariṣuddham Śaṅkhālikhitam-brahmacarīyam caritum’ occurring in the Dīghanikāya (2nd sutta, 40-41) have nothing to do with the Dharmanūtrakāras. The word ‘brahmacarīyam’ does not mean in Pali books the life of a Vedic student, but only a pure moral life here (that was to be led by a student in brahmanical society). But the words quoted from the Digha are just like the words quoted by me above from the Mahābhārata (Śanti 130, 29). My own idea is (whatever the date of Śaṅkhā-Likhita as writers may be) that the Pali story is based on the story in the Mahābhārata. It is not unlikely that the two had led or emphasized an excellent moral life. Thereafter, the redactors of the Mahābhārata included them in a story in the Śantiparva and the Pali

132a न शाक्यालिकिता दृष्टि सत्क्यास्थाय जीविताम्। विरेष्ठ: कुष्ठेश्व प्रजापतिः।शीमायान।॥ The word Śaṅkhā means also ‘forehead’ and ‘likhita’ means ‘written’. It was believed that Brahma writes on the forehead of a child (on the sixth day after birth) the child’s future; compare the verse: यथार्था नित्यपत्रसंकल्पतेतोमहाभं भवते तत्प्रार्थित: महाभारतम् नित्यार्थे जीर्णता नाविकविषयम्। ‘Śaṅkhālikhitavṛtti’ would mean the conduct of the two brothers viz. extreme devotion to the rules of honesty and the like. The verse has also another meaning and asks the king not to rely on dāira if he desires to protect the subjects.

H. P.-18
writers included the gist of that story in their works. Just as it is difficult to assign a definite date to the Mahābhārata, so also it is impossible or at least as difficult to say (there being no reliable evidence) that all the Nikāyas existed in writing before Aśoka. Yājñavalkya (I. 5) mentions Śaṅkha-Likhita among the writers on dharmaśāstra. The Parāśara-śṛuti says (I. 24) that in the four ages of Kṛta, Tretā, Dwāpara and Kali, the ordinances of Manu, Gautama, Śaṅkha-Likhita and Parāśara are respectively of paramount authority in matters of dharma. Viśvarūpa (on Yāj. III. 248) quotes a verse from an ancient author which says that Śaṅkha and Likhita pondered deeply over the dharma promulgated to the sages by Manu and drew upon the Veda also. From the gist of the passages of Śaṅkha-Likhita quoted by Viśvarūpa and the words ‘Pratijñātārtha-virodhaḥ syāt’ it appears to have been the view of Viśvarūpa that the verse quoted was the first verse (or one of several verses at the beginning) of the sūtra of Śaṅkha-Likhita. The word ‘Manu-bhāṣitam’ in note 133 was either introduced by some redactor at a later date or the word does not refer to the extant Manu, but to some earlier version of it. Commentators and nibandhaḥkārasya from Viśvarūpa downwards profusely quote Śaṅkha-Likhita. A considerable portion of these quotations is in prose. Hence it is quite clear that the dharma-sūtra of Śaṅkha-Likhita is an ancient one, that it was largely if not entirely in prose and that it was once easily accessible though it has not yet been discovered. In the Annals of the Bhandarkar Oriental Research Institute (vol. VII-VIII) I made an attempt at a reconstruction of Śaṅkha-Likhita.

Jivananda (collection of smṛtis, part II, pp. 343-374) prints in 18 chapters and about 330 verses a smṛti of Śaṅkha and a smṛti of Likhita in about 93 verses (part II., pp. 375-382). The Ṛnandārama collection also prints the same text of the two smṛtis. The latter also contains a Laghu-Śaṅkha-smṛti in 71 verses and a Śaṅkha-Likhita-smṛti in 32 verses. All these, except perhaps the Śaṅkha-smṛti in 18 chapters, are late compilations. The smṛti in 18 chapters seems to have been compiled very early. About fifty verses from it are quo-

133 समीय निपुण भर्मप्रथिम्य मनुभाषितम् । आद्रायास्मयूष्ण्य स्मय श्रवन्त्य लिखितसत्ता॥
ted by the Mitāksarā. In the 11th and 12th chapters occur a few prose passages, one of which is quoted even by Medhātithi. The numerous prose quotations ascribed to Śaṅkha-Likhita do not however occur in these smṛtis. One point deserves special notice. Comparatively early writers sometimes ascribe the same text to Śaṅkha-Likhita or to Śaṅkha simply. The well-known sūtra about succession to a sonless man (athāputrasya svaryātasya bhrātrgāmi dravyam &c.) is ascribed to Śaṅkha by Viśvarūpa and the Mitāksarā, but to Śaṅkha-Likhita by Aparārka (on Yaj. II. 135-136). Similarly, the sūtra ‘pitaryaśakte kutumbavyavahāraṁ jyeṣṭhaḥ’ &c. is ascribed to Śaṅkha by Aparārka and to Śaṅkha-Likhita by the Vivāda-ratnākara, Dāyatattva and Madanaparījāta. Quotations ascribed to Likhita are few and far between. Some passages are ascribed by some writers to Śaṅkha and by others to Likhita. For example, a prose passage ‘Uddhṛtya parikṣitābhiḥ’ &c. is ascribed to Likhita by Aparārka (on Yaj. I. 18) and to Śaṅkha by Viśvarūpa (on Yaj. I. 20 and by the Viramitrodaya (Āhnikapракāsa p. 68). Similarly, the sūtra ‘ubhābhpyamapī hastabhyaṁ prānmukho devatīrthena kuryāt’ is ascribed to Śaṅkha-Likhita by the Pārāśaramādhaviya (I. I. p. 352) and to Likhita by Aparārka (on Yaj. I. 101). The relation of the Śaṅkha-smṛti in verse to the dharmaśūtra of Śaṅkha seems to be this. The former is based upon the latter and is a versified paraphrase or adaptation of portions of the dharmaśūtra.\(^\text{134}\)

The versified Śaṅkha shows a tendency towards greater strictness. The dharmaśūtra allows a Brahmana to marry a woman of any of the four castes, while the verse Śaṅkha restricts him to the first three castes.\(^\text{135}\) It is not unlikely that the dharmaśūtra contained a few verses as is the case with Baudhāyana, Āpastamba and Vasiṣṭha. Even so early a

\(^{134}\) Compare उद्धृत्य परिपुर्णामभिविक्षितामभिमोक्षार्गितश्चितात्यतिर्मितामभि भेत्रामभि (quoted as Śaṅkha's by the वीरो, आर्थिकसंकाश, p. 68) with श्रव्यचतुर्भूति 9.6 ‘अध्य: समुन्द्रमभि हीनामभि: फनिद्धृति:। वहिना चाप्य- स्थामिर्भेत्त्रविभिषक्षेत्।’

\(^{135}\) The दायलोग (ed. of 1829, p. 219) quotes ‘भावः: कार्यः: स्वाजीयः: अप्सर्स: सुरिति पुरुषः। तवोऽक्षरात्वनौ श्रव्यच्चातुपूः।’; the श्रव्यचतुर्भूति (4.7) says ‘भावः कार्यः वेद्यः श्रव्यः आश्रयणम् स्थितिः।’
writer as Viśvarūpa looked upon the prose and verse portions as the composition of the same author (vide his comment on Yāj. III 237, and Aparārka pp. 1149, 1154, 1161).

The dharmasūtra of Śaṅkha-Likhitā was commented upon early. Lakṣmīdhara in his Kalpataru (Ghose’s Hindu Law vol. II, p. 594) draws attention to the fact that the bhāṣya-kāra of Śaṅkha read a well-known sūtra as ‘sa yadyekah syāt’ instead of ‘sa yadyekaputraḥ syāt.’ Vide Kalpataru (vyavahārakāṇḍa) p. 654 (sa yadyekaputraḥ syāt) and f. n. 6. Lakṣmīdhara flourished between 1100-1160 A.D. as he was a minister of Govindacandra of Kanauji. The Vivāda-ratnakara (1314 A.D.) also cites the bhāṣyakāra of Śaṅkha-Likhitā. The Vivādacintāmaṇī (p. 67) quotes from the bhāṣyakāra of Śaṅkha-Likhitā.

The dharmasūtra of Śaṅkha-Likhitā would appear, from the quotations in the nīcaṅḍhās, to have closely resembled the other extant sūtras on dharma in style and contents. It embraced almost all the topics treated of in Gautama or Āpastamba. It agrees very closely with the words of Gautama and Baudhāyana in several places. It is curious to note that a quotation from Śaṅkha containing the names of writers of smṛtis cites Śaṅkha-Likhitā as authority.

The dharmasūtra seems to have permitted nīyoga, speaks of twelve secondary sons, and did not favour (like Āpastamba) the claims of females to succeed to males. On certain points the dharmasūtra of Śaṅkha marks a more advanced state of opinion than is the case with Gautama or Āpastamba. Śaṅkha speaks of several kinds of ordeals and appears to have contained elaborate prose rules about them (vide Aparārka on Yāj. II, 95; Smṛtya-candrikā II, p. 112, Viramitrodāya, p. 270). As regards partition and inheritance,

136 Compare ‘नात्रादन्तिविभ्रोधस्त्र्यस्य’ (quoted in वीर, आधिक, p. 452) with गौ. ध. कू. 5.39-42; ‘द्विन्यत्रस्त्र्यस्य’ (quoted by आदिक on याष. I.195) with गौ. ध. कू. I. 41-43; ‘न तिष्ठन प्रणतो नाद्युग्यतिमि’ (चउवैभ. III.1, p. 977) with वीर. ध. कू. I. 5.15.

137 ‘स्त्रूतन्त्रविभ्रोधानि तेनां प्रणतो मधुमयादिक्षयत्रिवृद्धस्युष्मानआपस्तम्भ-गौतन्त्रविभ्रोधानि तेनां प्रणतो मधुमयादिक्षयत्रिवृद्धस्युष्मानआपस्तम्भगौतन्त्रविभ्रोधानि तेनां प्रणतो मधुमयादिक्षयत्रिवृद्धस्युष्मानआपस्तम्भगौतन्त्रविभ्रोधानि तेनां प्रणतो मधुमयादिक्षयत्रिवृद्धस्युष्मानआपस्तम्भ-गौतन्त्रविभ्रोधानि तेनां प्रणतो मधुमयादिक्षयत्रिवृद्धस्युष्मानआपस्तम्भगौतन्त्रविभ्रोधानि तेनां प्रणतो मधुमयादिक्षयत्रिवृद्धस्युष्मानआपस्तम्भगौतन्त्रविभ्रोधानि तेनां प्रणतो मधुमयादिक्षयत्रिवृद्धस्युष्मानआपस्तम्भ-गौतन्त्रविभ्रोधानि तेनां प्रणतो मधुमयादिक्षयत्रिवृद्धस्युष्मान� (अधिक p. 1).
Śāṅkha-Likhita gives more detailed information than Āpastamba or Baudhāyana. The limits of Āryāvarta stretched over wide areas according to Śāṅkha (i.e. to the east of Śindhu-Sauvira and to the west of Kāmpilya) than is the case with Baudhāyana (I. 1. 25) or Vasiṣṭha (I. 8–9). The style of Śāṅkha reminds one of Kauṭilya rather than of Gautama. The quotations hardly exhibit any ungrammatical forms. It is noteworthy that Yājñavalkya is included among the authors of smṛtis by Śāṅkha (vide note 137). If it is the extant Yājñavalkya-smṛti that is meant to be referred to, then the dharma-sūtra of Śāṅkha will have to be assigned to a late date. But this does not seem to be likely. From the fact that the Yājñavalkya-smṛti itself enumerates Śāṅkha-Likhita among ancient authors on dharma, from the general style of the work, from the development of the legal conceptions it presents and from its doctrines about the rights of women, it appears almost certain that the extant Yājñavalkya-smṛti is much later than the dharma-sūtra of Śāṅkha. There are close correspondences between Śāṅkha and Yājñavalkya. Śāṅkha is quoted 99 times and Śāṅkha-Likhita 63 times by Aparārka. On Yaj. III. 289–90 (p. 1154) Aparārka first quotes Śāṅkha as ‘Agnyutsādi samvatsaram Candrayaṇam cāreṇ-gām ca dadyāt’ and five lines afterwards quotes Śāṅkha-Likhita with the words ‘Agnyutsādi mithyādhitī ca samvatsaram brāhmaṇa-grheṣu bhaikṣyam caretām’. Kalpataru (Brahmacāri) quotes Śāṅkha-Likhita 36 times, and Śāṅkha 19 times. From the fact that Śāṅkha-Likhita is quoted as including Śāṅkha-Likhita among writers on Dharmaśāstras it may be inferred that the original text was tampered with by some redactor. Kalpataru on Vyavahāra (pp. 830–31) cites a long prose passage of Śāṅkha-Likhita on the proper avocations of the men of eleven mixed castes viz.

138 ‘इन आयों ग्रन्थांतः प्राकृत सिन्धुवैद्यास्तेऽस्य लिखितः पञ्चाक्षापिश्या उद्वृत्त परिवादान्तवथ यद्यवस्तं।’ quoted in वैरोऽ विरमायं, p. 57.

139 compare ‘सब्रह्माण्डम वा स्वरूपाः’ यात्रा quoted in चतुर्वर्गं III. 2, p. 734 with यात्र I. 11; ‘चुंडान्तं श्यामकुलम्’ शरण्य (quoted in चतुर्वर्गं III. 2, p. 743) with यात्र I. 12; ‘द्वारानाहिसतात्सत्समांतस्माजयावाचा स्वरूपाः’ यात्र (quoted in उस्मला on आप, व. सू. II. 5. 11. 16) with यात्र I. 53.
Sūta, Kṣatṛ, Māgadha, Ambaśṭha, Vaidehaka, Ugra, Veṣa, Kukkuṭa, Āyogava, Pulkaśa and Nisāda (compare Viśnudharmāsūtra 16.7–13 and Manu X. 47–50) and on p. 833 cites the avocations of Cāṇḍāla, Śvapaca, dasyu and mleccha gānas.

The prose quotations from Śaṅkha-Likhita refer to the Vedāṅgas, Śaṅkhya, Yoga, Dharmaśāstra. Śaṅkha recognised eight forms of marriage. The views of Śaṅkha about the status of the offspring of mixed marriages differed from those of Baudhāyana (I. 8.6) and Manu (X. 6) and were intermediate between the latter two.\(^{110}\) The tarpaṇi\(^{111}\) (which resembles the one in Baudhāyana, though it is more elaborate) refers to the six Vedāṅgas, Bharata (but not Mahā-bhārata), to twenty writers on dharma and contains numerous details about geography, mythology, and cosmogony which are generally found in the Purāṇas. The dharmaśātra frequently cites the opinions of others. It mentions by the views of Prajāpati, Āngirasa and Uśanas (Vivādaratnākara p. 537), Prāceṣa (Vivādara p. 557–560), Vṛddha-Gautama (Madana-pārijata pp. 701–2). The verse quotations ascribed to Śaṅkha further mention Yama, Kāṭyāyana and Śaṅkha himself. But in drawing chronological conclusions it is better to leave the verse quotations out of account. The same verses are ascribed to Manu and Śaṅkha\(^{112}\) and a few sūtras closely resemble the Manusmṛti.\(^{113}\) Six identical verses occur in the Vasistha-dharmaśātra (21.10–15) and in the Śaṅkha-smṛti (10th chap.).

All these circumstances lead to the conclusion that the dharmaśātra of Śaṅkha is probably later than Gautama and Āpastamba but earlier than the Yājñavalkya-smṛti and so must be assigned to some date between 300 B.C to 100 A.D.

\(^{110}\) 'वाच्येन भविष्यायायथां कतः कस्य एव भवित' श्लोक quoted in सिन्धुरा on Yaj. I. 91.

\(^{111}\) Vide चुतुवः III. I. pp. 950–955 and चतुर्वेदी, आदि, p. 356. ff. for tarpaṇa.

\(^{112}\) The verse गम्भीरम् व जुन्वलत् in चुतुवः III. I. 112 is मनु. 2. 36; 'हृदाहारकः हृदु सेवकायं उष्णे' quoted in स्वतिच्, p. 34. is मनु II. 141.

\(^{113}\) 'इदु ग्रहणं राज्यं अजोदेत वेया द्वान्त्य भूदा' quoted in परा मात्रा. I. 2, p. 98. Compare मनु 3. 44.
13. Māṇavadharmanasūtra—Did it exist?

Following the orthodox view of Western Sanskrit scholars that most of the dharmasūtras are older than almost all, if not all, the metrical smṛtis, I gave the first place of honour to the dharmasūtras of Gantama and others. But my own views differ to a great extent from those of the orthodox school of Sanskritists represented by Max Müller and Bühlert. It is high time to state here my views about the existence of a Māṇava-dharma-sūtra supposed to be the original of our extant Manu.

Some western scholars, particularly Max Müller and Weber, started the ingenious theory that the extant Manusmṛti was a recast or remodelling of an ancient Māṇavadharmanasūtra. Max Müller went so far as to enunciate the bold generalisation “There can be no doubt, however, that all the genuine dharma-śāstras which we possess now, are without any exception, nothing but more modern texts of earlier sūtra works on kuladharma belonging originally to certain Vedic caraṇas” (H. A. S. L. pp. 134–135). For this sweeping generalisation there were very few data when it was made, as is admitted by Bühlert. This theory of Max Müller was as hasty, as unfounded and as uncritical as several other theories of his such as that about the renaissance of Sanskrit Literature in the early centuries of the Christian era, about the absence of the art of writing in India before Pāṇini and about the uniform employment of the śloka for literary purposes in his so-called sūtra period and earlier. Western Scholars had to give up such theories before the stern logic of facts, but they have tenaciously clung to the theory about the Manusmṛti being a recast of the Māṇavadharmanasūtra. One of the main planks of Max Müller’s edifice was the now exploded theory about the non-employment of the anuvṛttaḥ during the sūtra period, which he tentatively placed between 600 B.C.—200 B.C.) for continuous composition. In spite of the fact that one of the main planks has totally collapsed Bühlert makes strenuous efforts to rehabilitate Max Müller’s theory by additional à priori arguments (S. B. E. vol. 25, pp. xviii–xxiii and xxxi–xxxix). The main points brought forward by Bühlert are:—(1) The Vasistha Dh. S. (IV. 5–8) contains four sūtras, the first of which is ‘The Māṇava says that one may kill an animal only in honouring the Manes, gods
and guests'. There follow two verses and a passage in prose with iti at the end. Bühler argues that all the four sūtras are quotations and as the extant Manusmṛti is in verse, they must be regarded as taken from the Mānavadharmasūtra. (II) There are other quotations in Vasiṣṭha attributed to Manu which either contradict the present Manusmṛti or have no counterpart in the latter. Bühler draws special attention to the fact that Vasiṣṭha (19, 37) quotes a Mānavā sloka which is not in the anusṭubh metre and which has nothing corresponding to it in the extant Manusmṛti. (III) A fragment of Uśanas quotes an opinion of Manu about impurity, which is in prose. Bühler himself points out that here one ms. reads 'Sumantuḥ' for 'Manuḥ'. Therefore, this argument is of very little use in establishing the existence of a Mānavadharmasūtra. Besides, it is possible that the mutilated passage is not a quotation at all, but a mere summary of Manu's views. There is no 'iti' at the end to show that it is a quotation. (IV) Kāmanda-kīya nitisāra (II, 3) says that according to the Mānavas the vidyās to be studied by a king are three, viz. the three Vedas, Vārtā, and Daṇḍaniti and that what is called Ānvikṣikī is but a branch of trayā; while the Manusmṛti (7, 43) appear to regard the four as distinct vidyās. Kāmanda (XI, 67) says that Manu prescribed that the council of ministers should consist of twelve; while Manu (7, 51) says that the sacīvīs should be seven or eight. Bühler therefore argues that Kāmanda has in mind the Mānavadharmasūtra and

144 In No. 644 of Viśrāmbāg (1) in the Deccan College there is a fragment of Uśanas where we read उग्राय ... (gap) मनुराह। बाढे देशान्तरः चानभिके बीराणाने (४) अनाचक्षुप्रवेशे नुहेति च सम: बौद्धम। The words बाढे देशान्तरः occur in Manu 5, 78 in the same connection. For the rest, compare Manu 5, 93 and 95. We must probably read देशान्तरः च साप्तिकृ। No. 191 of A 1881-82 is another fragment of Uśanas which contains the same passage. Bühler's ms. reads सम: बौद्धज्ञाताभिताभितनिनिदितनाभिर्न तथ। श्रवः, and he proposes श्रवःभितित।

145 The words of the Manusmṛti are: वैविक्षेप्यवर्णी विवो दलिताति बश्यकति। आनविक्षिकी चालनेतावानां बालरम्यं धृत्यां तालक्ष।

146 Kāmanda says 'दासेनि मनुः प्राद शंक्योति बूह्स्यति। उषाना बिघातिति मन्त्विण दत्त्वपर्यं।'
not the Manusmṛti and on the word ‘Mānavaḥ’ makes the following observations ‘It is a very common practice of Indian authors to refer in this manner to the books restricted to special schools. But I know of no case where the doctrines of the Mānavadharmaśāstra or of any other work, which is destined for all Aryans and acknowledged as authoritative by all, are cited in the same or similar way’ (S. B. E. vol. 25, p. XXXVIII). In the first place it has to be noted that Kāmandaka is only paraphrasing the words of Kauṭilya in the above two places. Further, it is noteworthy that Kāmandaka employs the word ‘Manuḥ’ while Kauṭilya uses the word ‘Mānavaḥ’ (about the number of ministers). Therefore, according to the Kāmandakīyanitisāra there was no difference between the two, viz. the words ‘Manuḥ’ and ‘Mānavaḥ’ denoted the same thing, a work. What Bühler means by his emphasis on the word ‘Mānavaḥ’ is not quite clear. Early writers like Kumārila and Viśvarūpa employ the word ‘Mānava’ with reference to the Manusmṛti just as they use the word Vāsiśtham to denote the Vāsiśthadharmasūtra (vide Tantra-vārtika pp. 167, 194 and Viśvarūpa on Yāj. III. 245 and 257). Saṅkara in his bāṣya on Br. Upanisad I. 4. 17 applies the word ‘Mānava’ to the Manusmṛti ‘Mānave ca sarvā pravr̥ttih kāmabhetukyeyeti’ (referring to Manu II. 4). Besides, there is hardly any conflict between the views of the Mānavas and the Manusmṛti on the point of the number of the vidyās. The Mānavas knew that Ānviksikī was counted as a fourth vidyā but said that it was really comprehended in the study of the Vedas. The Manusmṛti only lays down from whom the vidyās were to be learnt. As regards the number of ministers, we cannot afford to forget that the Manusmṛti (7. 60) allows more ministers than seven or eight. Another explanation also is possible. In the final remodelling of the Manusmṛti from its original in verse it is not unlikely that a few changes were made. (V) On the strength of the preservation of the complete set of the sūtra works of Āpastamba on śrauta, grhyya and dharma (also of Baudhāyana and Hira- nyakesin), it is urged that the Mānava caṇāṇa had a sūtra on dharma. The Mānavaśrautasūtra (parts 1–5 edited by Dr. Knauer and the caṇāṇa by Miss Gelder at Leipzig in 1921)

147 ‘तवी वार्ता केदनेश्वरित्व तु मानवाः। तवांविद्येष्यो धर्मोक्षिकोति’ कौंक्य 1.2। ‘मन्निसिनिरैत्र द्वारायायनु कुवर्तित मानवाः दीर्घोद्वेष्या।’ विश्वासित्वकृष्णनसा। कौंक्य I. 15.
and the Mānavagṛhyasūtra (edited by Dr. Knauer in 1897 and recently in the Gaikwad Oriental Series) are extant. Bühler admits (S. B. E. vol. 25, p. XXXVIII) that the main pillars of his arguments are the quotations ascribed to Manu in the Vasiṣṭhadharmasūtra.

The four sūtras of Vasiṣṭha (IV. 5–8) which are the sheet anchor of Bühler’s argument have been dealt with above under Vasiṣṭha (pp. 102 ff). If, as Bühler says, the four sūtras are one quotation, since ‘iti’ occurs at the end of the 8th sūtra, then we have here a quotation within a quotation, as ‘iti’ occurs also in sūtra 5. But this would be absurd. Besides, sūtra 8 is really summarised from some Brāhmaṇa passage as indicated above. The proper construction of the four sūtras is as follows:— The fifth sūtra merely summarises the views of the Manusmṛti to be gathered from Manu V. 41 and 48. The word ‘Mānavam’ stands for the Manusmṛti just as it does in the Tantravārttika and in Viśvarūpa. Then the two verses of Manu are quoted. In the 8th sūtra a Brāhmaṇa passage is cited in support of the position that sacrificing an animal is not ‘killing’ (that leads to sin).

As regards the few quotations which cannot be found in the extant Manusmṛti the following points deserve consideration. The Vasiṣṭhadharmasūtra contains numerous verses identical with those of the Manusmṛti. Most of the quotations attributed to Manu are found in the Manusmṛti. Hence even if a few quotations are not found in our Manu, we cannot at once jump to the conclusion that Vasiṣṭha had before him not the Manusmṛti, but the Mānavadharmasūtra. Besides, Bühler is not right in saying that Vasiṣṭha 11. 23, 12. 16 and 23. 43 either contradict or find no counterpart in our Manu (S. B. E. vol. 25, p. XXXIV). Vasiṣṭha 11. 23 corresponds with Manu 3. 245–246.¹⁴⁸ None

¹⁴⁸ ‘प्राकृतसंस्कारप्रबन्धानां नवे द्वितीया नानामिति नियितः। भाषयेयं मनु: प्राह उच्छिष्टो-चेष्टायेण उभे। बचाय न बचाय नमो गृहस्तस्य।’ भाषयेयं मनु: न वा। उच्छिष्टो भाषये त्यां दुर्मृदु विनिष्ठव:। उच्छिष्टो भूसिद्धान्तकारणीयनात् ्। द्वैतवाच्च तत्रिष्ठ्ये भाषयेत्र अन्तः।’ 3. 245–246. The close correspondence between Vas. and Manu in ideas and phraseology should be specially marked.
of the three contradicts anything contained in the Manusmṛti. Vasiṣṭha 23. 43 (about Śīukreḍha) has nothing corresponding to it word for word in our Manu, but it seems to be an echo of Manu 11. 211. In Vasiṣṭha 12. 16 (paryagnikaraṇam by-ētan-manurāha Prajāpatiḥ) there is nothing that contradicts our Manu; that half and the preceding verses bear a close correspondence to Bandhāyana Dh. S. I. 4. 2. Similarly, Bühler’s argument about Mānava śloka in the Triṣṭubh metre is not quite sound. The text of Vasiṣṭha is far from satisfactory. On the non-occurrence of that verse or a corresponding śloka in our Manu no superstructure can be built. Vasiṣṭha quotes (4. 37) a sitra or opinion of Gautama which is not found in the extant Gantamadharmasūtra. Verses ascribed to Vasiṣṭha in the nibandhas are not found in the printed text of Vasiṣṭha.

The analogy of the works of the schools of Āpastamba and others can furnish no proof. There are on the other hand weighty grounds for discarding that analogy altogether. It is a remarkable fact that excepting the three caraṇas (of the Black Yajurveda) of Āpastamba, Baudhāyana and Hiranyakesin that arose and flourished in the southern portion of India, no caraṇa of any of the other Vedas has an extant dharmasūtra ascribed to the founder of the sitra-caraṇa. An explanation is suggested in the following lines. The Brahmaṇas in southern India were in the very early days of their colonisation surrounded by an alien culture and by alien customs. It was necessary therefore to formulate distinctly the rules of general conduct for the Aryan community in

149 वसिष्ठ (23. 43) अः प्रातात्रकसम्भवरेकम्यायाचितम्। अः परस्क तन्त्रेश्वरे चतुर्दशः परो दुष्प्रकायो विवाहं सार्वमसार्वतेः वरः। वायुक्तपारूपितेभुविष्णुकृतिः सम्भवाः। मनु 11. 245। चतुर्दशश्रेणी सार्वयम्बायाचितम्। चतुर्दशश्रेणी नातिनौक्रमायाचितवर्य चर्मत्वङ्गिः।।

It would be noticed that the चतुर्दशश्रेणी comes to one-third of the प्रातात्रकसम्भव, as the विष्णुकृतिः चान्त्रायाम् (मनु, 11. 218) is a milder edition of the चान्त्रायाम्. The प्रातात्रक for minors and women was one-half or one-third of that for adult males (vide श्र. य. सू. II. 1. 51. and श्र. च. सू. (II. 1. 65) describes the four day’s observance as तथा for women, minors, and old men. याज्ञ. III. 319 calls तथा पार्श्वायाम्.
southern India, that studied the Black Yajurveda. The same necessity did not exist in northern India, where the members of the *sūtra-caraṇās* knew their ordinary every day duties very well, and were more or less a homogeneous community with the same ideals and culture. Therefore, in the beginning when manuals of Śrauta and Grhya ceremonies were first composed, it was not thought necessary to compose set treatises on *dharma* for each *caraṇa*. Some of the rules of conduct were embodied in the grhya sūtras because they were germane to the subjects treated of in them (such as the duties of brahma-cārins and householders, holidays etc.). Works, however, dealing with the general usages prevalent among the Aryan community in various parts of northern India must have been composed early enough. When the knowledge of the existence of the complete set of the sūtra works in the Āpastamba and other *caraṇās* of the Yajurveda in southern India permeated to northern and central India, the leaders of the *caraṇās* cast about for works that would complete the works of their *caraṇās* and bring them in a line with those of Āpastamba and others. Therefore the various *caraṇās* seized upon several dharma-sūtras and adopted them in their schools for study. This must have occurred at a comparatively early date. For Kumārila, as we saw above, enlightens us as to what dharma-sūtras were specially studied in which Vedic schools. The fact that, though Gautama and Vasistha are said to have been specially studied by the students of the Sāmaveda and the Rgveda respectively, there is hardly anything in these dharma-sūtras that specially connects them with the two Vedas affords some corroboration of the above hypothesis. This assimilation of independent dharma-sūtras into individual *sūtra-caraṇās* probably took place before or in the first centuries of the Christian era. Śabara (on Jaimini I. 3. 4) seems to make fun of the dharma-sūtras when he says that the direction to observe *brahma-cārya* for forty-eight years was a device of those who wanted to hide their impotence (Gautama 2. 52, Āp. Dh. S. I. 1. 2. 11-12, Baud. Dh. S. I. 2. 1 speak of *brahma-cārya* for 48 years). This shows that these dharma-sūtras could not have been regarded as very authoritative by all early writers. Jaimini I. 3. 11 (according to Śabara) denies the independent authority of Kalpasūtras. It appears that the Māṇava school, which according to the *Caraṇavyūha* was a sub-division of the Maitrāyaṇīya, dwindled in numbers very
early. Kumārila, who was a most learned and profound student of the various branches of Sanskrit literature, nowhere mentioned the Mānavadharmasūtra as studied by followers of the Black Yajurveda, though he mentions Baudhāyana and Āpastamba as studied by them. He places the Manusmṛti even higher than the Gautamadharmsūtra and betrays no knowledge of the existence of the Mānavadharmasūtra. Viśvarūpa who is generally identified with Sūryavara, the pupil of Śaṅkara, remarks that the Mānavacaraṇa is not existent (or found).\(^{150}\)

The foregoing discussion will, it is hoped, induce every impartial critic to endorse the conclusion that, on the materials so far available, the theory that the Mānavadharmasūtra once existed and that the extant Manusmṛti is a recast of that sūtra must be held not proved.

14. The Arthasastra of Kautilya

There are three words in ancient Sanskrit Literature that are used very often in the same sense viz. Arthasastra, Daṇḍaniti and Rājasāstra or Rājaniti or Rājanitiśāstra or simply Nitiśāstra. The Mahābhārata descants on Rājadharmas in several parvams, as in Sabha 5 (the chapter called kucit-prasna), Vanaśarva 150, Udhyoga (chap. 33–34). In Sabha 5 one hundred verses occur on Rājaniti; for example, (verse 41 refers to 18 tīrthas (state dignitaries) tested by spies (as in Kauṭ. I. 12.20), verse 47 refers to amātyas beyond the reach of upadhās (cf. Kauṭ. I. 10.1ff). The Śāntiparva devotes more than 100 chapters to Rājadharmas from chap. 56. Śānti, chap. 58 (1–4) names\(^{150a}\) the

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150 \(' न च मानवादिकशिष्योऽपि शरि ' p. 18 of विश्वेश्वर's comment on आचार section.

150a एतस्म राजवर्गाणां नवानित् यथिषिरु || वृहस्पतिदिभ्यं भगवान्ययं धम् प्रवेशति || विशालखंड भगवान्कत्रयवेत्रि महानः: || सहस्त्राश्च महान्तः तथा चाचिततो मनु: || सर्वान्तः भगवान्तथा मार्गविषयः मुनि: || राजश्रिथार्थिष्वतः ब्रह्मा ब्रह्मविद्वानिः: || राजायम् प्रत्यक्तित धर्मम वर्म्युत्तमवर || शास्त्रः 58.1–4; \(\text{śāśānti} 59.29\) states that Brahmā composed a treatise on dharma, artha and kāma in one hundred thousand chapters (59.80); Śāṅkara, also called Viśālakṣaṇa, shortened it and hence it was called Viśālakṣaṇa

(Continued on the next page)
expounders of Rājaśāstra (Rājaśāstraprāṇetārah), viz. Brhaspati, Viśālakṣa, Kāvyaka, Indra, Prācetasas Manu, Bharadvāja, Gaurasiras. Rājaniti is called "Rājyatana" in the Malīla plate of king Dhrusena II of the year 323 of Valabhi-Gupta era (i.e. 141-42 A.D.) in JOI. (Baroda), vol. X. No. 2 at p. 127. Rājaniti or Nitiśāstra is described as the nectar or quintessence of the ocean of Arthasastra in Kāmanadakīya Nitisāra (I. 6). Kauṭilya himself employs the word Rājaniti in V. 4. 3. Rājaniti (Government and Politics) is dealt with in Dharmaśāstras and smrtis also (briefly or at length) as in Gaut. Dh. S. (X-XIII), Manu (VII-VIII), Yājñavalkya (I. 309-338 and II. 1-307). Dharmaśāstras deal with all aspects of society and therefore they deal with Rājadharma also. Dāndaniti is another name for the Śāstra which has to be considered. Dānda literally means ‘a stick or staff’ of a tree for driving cattle (vide Rg. VII. 33. 6) but it came to mean also ‘the power of control and punishment’ i.e. it conveys the power of the king or supreme ruler called ‘Dāndadhara’ or ‘Dāndadhāra’ to dispense justice and to punish wrong-doers. The Gaut. 150 Dh. S. (XI. 28) states that the word ‘Dānda’ conveys the idea of controlling (or suppressing) and (the king should keep under control (or suppress) those who do not control themselves i.e. Dāndaniti is the science of Government. Kauṭilya refers to it in the Arthasastra I. 3-4. The Śanti-

(Continued from the previous page)

Then Indra shortened it into five thousand chapters and it was called Bāhubalata (verse 83), Brhaspati summarised it into 3000 chapters and called it Bārbhaspatya (v. 84), then Kāvyaka shortened it into 1000 chap. (v. 85). Śanti 336, 38-46 repeats the topic of one lakh of verses on the whole of ‘lokatantra’ and that Manu Svayambhuva, Uṣanas and Brhaspati will propound the śāstra and spread it in the world.

150b द्वारे दमनाधिकाराः सनासनात्तानं दमांत्रं शी. व. सू. XI. 28; compare मल्लस्युपपेण २२५. १७ समाध्योढः दमयति अर्द्धवान्यद्यरपि दमनाधिकाराः तस्मात् विदुःश्च शासितः ५९. ७८; निर्मितमात्रकः यथार्थमहें विदुःश्च च परं विक्रमाणैव निर्मितमात्रकर्ष्यं शुभामुद्धिष्ठते नर: तस्मात्तस्माते भुतानि दश्यते प्रसाधने शासितः १४०. ७-९; compare रामायण (अयोध्या) कक्षोपयोगिण दश्यन्ति शृंगमुद्धिजिज्ञानस्य राजं सवासुसमन्वित मन्त्रिण: केकदिश्चुरा १००. ७६
parva (in 59. 78) gives the derivation of the word 'Daṇḍaniiti' (as 'Daṇḍena nıyate cedam daṇḍam nayati va punaḥ Daṇḍinir-iti khyātā trīn lokān—abhivartate) and advises the king to be always ready with the rod of punishment. Manus has a grand apotheosis of 'Daṇḍa' (in VII. 14–31), some of the verses occurring in the Matsyapurāṇa chap. 225. The Daśakumāra-carita (VIII) narrates that king Anantavarmā, though endowed with all good qualities, did not feel much interest in Daṇḍaniti and states that ācārya Viśnugupta prepared a compendium of it for the Muṇya (King). Here the Arthaśāstra of Kaṇṭhilya is called Daṇḍaniti. The Nitiśara of Kāmadaka also follows (in II. 15) Gauṭ. Dh. S. in deriving the word daṇḍa, says that the power of punishment is vested in the king and that the rules that guide the king are called 'Daṇḍaniti'.

This means that the main purpose and province of Daṇḍaniti is to set out the functions of the State and deal with the administration of its different organs.

Arthaśāstra literally means the science of artha. Artha is one of the four puruṣārthas (Dharma, Artha, Kāma and Mokṣa). Manus (II. 224) refers to different views on the respective eminence of these. The Mahābhārata and the Smṛtis were well aware of the great part that artha (material well-being, wealth) played in men's lives. Wealth depended on land and labour. The Mahābhāṣya remarks "a country is called 'arthavān' which has cows and crops" (arthavān-ayam deśa ucyate yasmin gāvah sasyāni ca vartante) on Vārtika 4 in Pān. V. 2. 135 (Kielhorn's ed. Vol. II. p. 40). The Dronaparva (7. 1) speaks of Mānavi Arthavidyā and Vanaparva (35. 21) states that Manus declared Rājadharmas. Unless there existed some authority that regulated the people and their doings there would have been chaos and no security. Hence the ruler or the king was the most important institution in society and rules for the king's guidance were called Rājadharma or Rājaniti. Arthaśāstra therefore came to be identified with Rājanitiśāstra (or simply Nitiśāstra). A special name (viz. Vārtā) was given to the three viz. agriculture, rearing cattle, trade and commerce (vāniṣya) including various arts. Vide Sābhāparva 5. 83, Vanaparva

150e दमो दण्ड इति स्थालक्रास्तायःषथेऽधः महाप्रतिः। तम्य नीतिथर्गद्यनिष्ठसयनानां-
तिन्वच्चते। काम. II 15.
150. 30–31, Śántiparva 59. 33, 68. 35, 268. 3. The epic says 'Vārtāmūlo hyayam lokastraicyyā vai dhāryate sadā' (Śānti 68. 35). The Rāmāyaṇa also (II. 100. 47) says 'this world when it resorts to Vārtā prospers happily (vārtāyāṃ saṁśrītāsta lokoyam sukham-edhate)'. Kautūliya makes it clear that Arthaśāstra and Vārtā were distinct and yet Vārtā was a subject of study for the king; it was one of the three or four Rājavidyās (vide Arthaśāstra I. 4. 4, Manu VII. 43).

Arthaśāstra in its technical sense is somewhat wider in meaning than Daṇḍaniti and includes politics, economics, law and justice, but was narrower in scope than Dharmaśāstra. It was said to be an Upaveda of the Atharvaveda, according to the Viśnuśūraṇa150d III. 6. 28, Vāyu 61. 79 and Brahmāṇḍa 35. 88–89. It is therefore stated by Yāj. (II. 21) that in case of conflict between Dharmaśāstra and Arthaśāstra the former is stronger. The Mit. on Yāj. makes this clear (vide note below.).150e

Mr. Ramakrishna Kavi first contributed a paper to J. V. O. I. (Tirupati) Vol. I. pp. 79–89 on Cākṣuṣiṣya Arthaśāstra and in Vol. III. (pp. 99–116) published the text of that work in four pātalas. In J. V. O. I. Vol. IV he contributed an Introduction (pp. 123–123) and notes on the sūtras (pp. 129–140 and in Vol. VI. pp. 129–140). The text of Cākṣuṣiṣya begins with a verse saying that it is possible for a single man (or in one birth) following the path of Nitiśāstra to conquer the earth provided he has the necessary effort (or determination). The first sūtra is 'Now then I shall expound Arthaśāstra which is the means of accomplishing the goals of human existence'. Then in 67 sūtras it enumerates the topics of Arthaśāstra and covers almost the same topics as are found in Kautūliya's Arthaśāstra. A few sūtras (which are all brief) may be set out here by way of sample. (1) Sāpta prakṛtyayāḥ; (2) Saptavidhā pravṛttih; (3) Sāpta vyasanaṃ; (5) tisro vidyāḥ;

150d असुवेदी चन्द्रेशो गान्धेश्वरी ने अव: अर्थशास्त्र च विषय अथात्शीव नत: II विन्धु प. III. 6. 28; वायु 61. 79 (almost same words), quoted by Aparāśkā p. 6 and Kalpataru (Brahma) p. 22. Both quote from विन्धुपराण. The word Upaveda occurs in Droṇaparva 202. 75 and in Śānti. 167. 31.

150e अर्थशास्त्रदान्तनिश्चित राज्यनितितत्त्वाध्यायाभविनं विविक्षिनम्। अर्थशास्त्रमहते समुद्वैरिषये अर्थशास्त्राध्यायां च विश्वासितत्विशिष्योत्तिं मिता। खा. II 21.
14. The Arthaśāstra of Kauṭilya

(9) Saṭ-trimśatganu rājā; (10) Paṅcaviṃśatganuṃsmātyaḥ; (11) Saḍviṃśatganuḥ senāpatiriti; and so on. The last sūtra is 'Dvividha acāra iti tadyathā-daivo mānusāsceti'. The 2nd pātala begins; 'atha sūtrārtham vartayisyāmah' (we shall comment on the meaning of the sūtras).

Mr. Kavi (Vol. I. pp. 84 ff), relying on the name Cākṣuṣiya (Cākṣuṣa was one of the first seven Manus acc. to Manusmṛti I. 62) and the close correspondence of certain sūtras of the Cākṣuṣiya with the sūtras in Arthaśāstra, holds that Kauṭilya borrows from the Cākṣuṣiya (p. 82 of J. V. O. I. Vol. I.). This is quite wrong. The reality is just the opposite of this. It is ridiculous to hold that the erudite author of the Arthaśāstra had to borrow from a small beginner's primer for his work of vast extent. Besides, the extant Kauṭilya quotes several individual predecessors such as Kaṇḍapadanta, Piśuna, Bāhudantiputra, Bhāradvāja (and once Kaṇṅka Bh.), Vātavyādhi and Viśālākṣa and a few schools such as the Āṃbiyās, Āuṇasasas, Piṭārāsas, Bāhras-patyas and Mānavas, but nowhere mentions the Cākṣuṣiya. Moreover, while the Arthaśāstra of Kauṭilya or Cāṇakya or Viśuṇugupta is expressly named or quoted or referred to by numerous writers and works from at least the 3rd century A.D., such as the Tantrākhyāyika, the Kāmasūtra, Kāmandakīyanītisāra, the Paṅcatantra, Bāṇa, Daṇḍin, the Muddrārākṣasa, hardly any writer or work of the centuries from the 3rd to the 8th has been shown to have mentioned the Cākṣuṣiya. Some verses are quoted from the Cākṣuṣiya Arthaśāstra in an anthology called Sūktiratnākara (vide J. B. O. R. S. Vol. XI. pp. 81–84). Mr. Ramkrishna Kavi (in J. V. O. I. Vol. IV. p. 123) says that thirteen verses are quoted from Cākṣuṣiya in Sūktiratnākara, of which only eight are found in the mss. used by him.

This short primer for beginners in Arthaśāstra quotes a verse, a prose passage and sometimes several verses on most of the sūtras (except on sūtras 36, 38, 43, 45, 51, 52, 55–64). The verses are often preceded by such words as 'atra ślokāḥ', thereby intimating that they are quotations from some other work or works; for example, on II. 2 it quotes nine verses which either closely agree with Manu or state the same ideas in similar words viz. Manu IX. 303–11; on II. 3 it says 'atra ślokāḥ,' which closely agree with the extant Manu VII. 50–51. On II, 21 the Cākṣuṣiya sets out a prose passage and
then a verse which is the same as Manu, (VIII. 26 'ākārair-īṅgītair-gatya ... ... manah'). On II. 4 it quotes four verses, one of which has the half verse 'yadenam kṣamayā yuktam-āsaktam manyate janaḥ' (which is Udyogaparva 33, 48 and Śānti, 160. 34'). It is remarkable that at the end of the 2nd paṭalu (on sūtra 24) it has a verse in Śrāddhā metre. Mr. Kavi states that only one verse in the Cākṣusīya (IV. 64, that has nine verses in it) occurs in Manu (VII. 105) but, as shown above, the Cākṣusīya quotes (on II. 21) Manu VIII. 26 and adapts several other verses of the Manu-smṛti with slight changes.

The publication of the Arthaśāstra of Kātuṭīlya was a great event and this work will have an abiding interest and value for all time. Dr. Jolly in his Introduction to his edition of the work described it as 'perhaps the most precious work in the whole range of Sanskrit Literature' (p. 1).

It was first published in 1909 by Dr. R. Shama Sastri in the Mysore Sanskrit Series. In 1915 he published an English translation of the whole with an Introductory note by Dr. J. F. Fleet and a Preface dealing with its authenticity and age. Revised editions of the text were published by him in 1919 and 1924 and his son published an edition of the text and translation in 1951. Another edition (in two parts) by Dr. Jolly and Dr. R. Schmidt was published in 1923 by Messrs Motilal Banarasidas of Lahore with an English Introduction of 47 pages and (Vol. II) with notes and a Sanskrit commentary called Nayacakadrikā by Mādhavanayajvan on a large part of the text (i.e. from adhikaraṇa VII to XII). M. M. T. Ganapatia Sastri published the Arthaśāstra with his own commentary called Śrīmūla in 1924 in three parts. Recently Prof. R. P. Kangle edited the text prepared from all the available mss. material and the University of Bombay published it as the first volume of the text with a glossary (in 1960) and a second volume with an English translation and explanatory notes was published in 1963 and a third volume containing a study of the Arthaśāstra will soon follow. In this revised edition of the first volume of the H. of Dh. Prof. R. P. Kangle's edition of the text published in 1960 has been used.

No complete commentary on the Arthaśāstra of Kātuṭīlya has yet been discovered. The commentaries so far discovered are fragmentary. They are as follows: (1) The Com. called
Pratipadapancika of Bharata-svamin on the 2nd Adhikarana from the 8th Adhyaya to the 36th Adhyaya published in J. B. O. R. S. Vol. XI and XII, in all 214 pages. (2) The Nayacakrika of Madhava-yaivan published in Dr. Jolly's edition of the Arthasasthra (1923), with an Introduction (pp. 1-47) in English; it begins in chapter 7th of the seventh adhikarana (on sadguna) and breaks off in the 4th adhyaya of the 12th adhikarana; (3) The com. Jayamangala is available only from the beginning (1st Adhikarana) to end of Chap. 13. 1, a small part of which was published by Shri G. Harihara-Sastri in J. O. R. (Mad.) Vol. XXII, pp. 29-44 on chapters 9-14 of the first Adhikarana. The author is probably the same as the author of the Jayamangala on the Kamasutra. (4) Nitinirmiti of Yogghama; a small fragment discovered along with a nagari ms. of the text, by Muni Jina-vijayaji at Patan, concerned with II. 1. 1 to II. 3 and opening of II. 4 and published by him in the Singhi Jain-granthamala series (Bombay, 1959); (5) Bhasa-vyakhyana in Malayalam. The commentary extends up to the 7th adhikarana only. The com. on the first two adhikaranas was edited and published in 1930 (1st adhikarana) and in 1938 (2nd adhikarana) by Sambasiva Sastri and the com. on the 3rd adhikarana was edited and published in 1945 by V. A. Ramaswami Sastri, all at Trivandrum. The Com. on adhikaranas 4-7 was edited by Shri K. N. Ezhuthachan and published by the University of Madras in 1960; (6) Cankaya-tika by Bhiksu Prabhamati, a fragment, being edited by Mr. G. Harihara Sastri and published in the volumes of the Journal of Oriental Research, Madras, upto pp. 1-188; (7) Commentary called Srimula on the whole of the Kautilya by M. M. Ganapati Sastri, in which he utilizes the material afforded by all the commentaries available to him.

The first commentary, if it dealt with the whole of the Arthasasthra, must have been very extensive, since the available com. on a portion of the 2nd Adhikarana alone covers 214
printed pages. That commentary quotes explanations of previous commentators in the words ‘anye’ and ‘apare’ and quotes several ślokas of Brhaspati on the blemishes of diamonds and on ‘prakāśa-taskaras.’ The Nayacandrikā also refers to the views of predecessors (vide pp. 35, 61, 62, 104, 115, 137, 191) and discusses various readings also (vide pp. 136, 183, 188, 193 &c). Yogghama’s com. (at least of about the 12th century A. D.) cites the views of Ambhiyas in a verse on p. 2.

Besides the English translations of the Arthaśāstra by Dr. Shama Shastri and Prof. Kangle, there is J. J. Meyer’s German translation ‘Das Altindische Buch von welt-und staatslecken das Arthaśāstra des Kaṅṭiliya’ (Leipzig, 1925–26) and there is a Russian translation edited by Prof. V. I. Kalyanov (Leningrad, 1959). The Arthaśāstra has been translated into Hindi by several authors and there are translations in Bengali, Gujarati, the four south Indian languages and in Marathi (this last by Messrs. J. S. Karandikar and B. R. Hivargaonkar, 1927–29).

This work has given rise to frequent and furious controversies about its authorship, its authenticity and its age and it cannot be said that we have heard the last of this din of controversy. Moreover, this work has inspired, besides numerous articles in journals, several monographs, some of which have somewhat high-sounding titles, such as Narendranath Law’s ‘Studies in Ancient Indian Polity,’ Dr. P. Banerji’s ‘Public Administration in Ancient India,’ Ghosal’s ‘History of Hindu Political Theories,’ Majumdar’s ‘Corporate Life in Ancient India,’ Benoy Kumar Sarkar’s ‘Political Institutions and Theories of the Hindus,’ Jayasval’s ‘Hindu Polity,’ Prof. S. V. Visvanathan’s ‘International Law in Ancient India’ (1925). It is not possible to discuss at great length all the problems about Kaṅṭiliya here. Only a brief statement can be attempted. For fuller study reference may be made to the following works and papers:—Hillebrandt’s ‘über das Kaṅṭiliyaśāstra und Verwandtes’ (Breslau 1908), Z D M G. vol. 67, pp. 49–96 (Dr. Jolly), Z D M G vol. 68, pp. 345–359 and vol. 69, p. 369 ff; J R A S 1916, pp. 130–137 (Prof. Keith), I. A. for 1918, pp. 157–161 and pp. 187–195 (Dr. Jacobi translated by Dr. Sukthankar); Dr. Kalidas Nag’s ‘Les Théories Diplomatiques de l’Inde ancienne et l’Arthaśāstra’
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(Paris 1923) and its translation in ‘Journal of Indian History’ vol. V; Dr. Otto Stein’s ‘Meyasthenes und Kautilya’ (Vienna 1922), K. V. Rangaswami Ayyangar’s lectures on Ancient Indian Polity (Madras 1916), Dr. Winternitz in Calcutta Review 1924 and in his history of Indian Literature (vol. III, pp. 509-524), I. A. for 1924, pp. 128-136 and 141-146 (Dr. Jacobi translated by Prof. Utgikar); Dr. Johann J. Meyer’s ‘Das altindische Buch vom Welt- und Staatsleben das Arthasastra des Kautilya’ (Leipzig, 1925) and Prof. N. C. Bandopadhyaya’s exposition of the social ideal and political theory of Kautilya. The Indian Antiquary for 1925 (pp. 175 and 201) gives an exhaustive bibliography on the date of Kautilya.

While the author was engaged in collecting materials and after the 1st volume of the H. of D. was published in 1930 a very large number of studies of the Kautilya and numerous articles on various matters connected with the Kautilya have been published. The present author has to confess that he has not read a good many of them. A short list of some of those studies and articles that he has read or consulted is set out here:

- Among studies may be mentioned the following:—‘Kautaliya Studien’ by B. Breloder, three volumes (1927-1934) (in German); D. R. Bhandarkar’s ‘Some aspects of ancient Hindu Polity’ (Benares 1929); Prof. Radhakumud Mookerji’s ‘Chandragupta Maurya and his times’ (Madras, 1943); ‘Kautalya Studies’ by Sten Konow (Oslo, 1945); Prof. K. V. Rangaswami Ayyangar’s ‘Indian Cameralism’ (Madras 1949); ‘Age of Imperial Unity’ by Dr. R. C. Majumdar (Bombay, 1951); ‘Age of the Nandas and Mauryas’ ed. by Prof. K. A. Nilakanta Sastrī (Benares 1952, particularly pp. 132-169 and pp. 190-201); ‘L. Inde Classique’ by Professors Renou and Filliozat, Tome II (Paris, 1953); ‘The Wonder that was India’ by Prof. A. L. Basham (London 1954); ‘State and Government in Ancient India’ by Dr. A. S. Altekar (Benares, 1955); ‘A History of Indian Political Ideas’ by Prof. U. N. Ghoshal (3rd ed. Bombay, 1959); ‘Studies in Kautilya’ by M. V. Krishnarao (2nd ed. 1958); ‘Studies in Hindu Political thought and its metaphysical foundations’ by V. P. Varma (Benares).

Among articles and papers may be mentioned the following; ‘On the authenticity of the Kautilya’ in I. A. vol. 47
History of Dharmaśāstra


The Kauṭiliya is the oldest extant work on Arthaśāstra. Though Arthaśāstra and Dharmaśāstra are often contradistinguished on account of the difference of the two sāstras in ideals and in the methods adopted to reach them, Arthaśāstra is really a branch of Dharmaśāstra as the former deals with the responsibilities of kings for whom rules are laid down in many treatises on dharma. For this reason and the further reason that the Kauṭiliya contains two sections (called dharmaśāstra and kauṭikaśāstra) on the administration of justice, the Arthaśāstra of Kauṭiliya deserves careful consideration in this work. According to the Carahavyuha of Saunaka, Arthaśāstra is an Upaveda of Atharvaveda. The purpose of this Śāstra as stated in the Kauṭiliya itself is ‘to prescribe means for securing and preserving (power over) the earth.’

151 ‘भर्मशास्त्रात्तपातव राजनीतिनियमं परममर्थशास्त्रमिदेव विवशिष्टम्’ भिता on Yāj. II. 21.

152 तस्मात्: पुरुष्यं शाश्वमेत्यावनोपायय: शाश्वमशाश्वमिति। क्रि. 15. 1. 2. So also the very first sentence is ‘पुरुष्यं लाभं पाति न यावत्यश्वशाश्वमिति पूर्णः-चाविन् प्रस्तुतितानि प्रायदस्तानि महत्येकस्वमर्थशास्त्रेऽइत्यं.’
case of conflict between Dharmaśāstra and Arthaśāstra, the
rule is that the former prevails.\textsuperscript{153} Nārada also (I. 39) says
the same thing.\textsuperscript{154}

That there was in India a great deal of thinking on polit-
esics, economics, law and administration of justice several cen-
turies before Christ is clear from the Mahābhārata and the
early Dharmasūtras like those of Gautama, Bandhāyana and
Āpastamba. In the Śāntiparva the word Nitiśāstra is fre-
quently used in the sense of political science. For example,
Śānti 138. 196 states that ‘aviśvāsa’ (not putting trust
in anybody) is briefly the essence of all Nitiśāstras.\textsuperscript{154a}
Vide also Śānti 111. 73, 138. 39 and 43. It has already been shown
that the Śāntiparva names several expounders of Nitiśāstra.
Brhaspatimata is frequently quoted in the great Epic on polit-
esics and connected matters. Brhaspati is said to be the son
of Aṅgiras (Adiparva 76. 19). The Śabha-parva (55. 6) men-
tions as the opinion of Brhaspati that the conduct or life of
kings is different from the (rules of) conduct of common
men.\textsuperscript{154b} The Udyoga Parva states that Brhaspati declared
that one should give battle to an (enemical) army which is
smaller by one-third than one’s own army.\textsuperscript{154c} Bhīma-
parva quotes the dictum of Brhaspati that one who has a
small army should present a compact front, while one who
has a large army should spread it out\textsuperscript{154d} and then a reference
is made to a ‘vyūha’ called Vajra (19. 7). The same parva
speaks of a vyūha called Krauñcārūṇa (in 50. 40) which was
suggested to Indra by Brhaspati; a vyūha called Krauñca is
mentioned in Drona-parvan (7. 25). It is noteworthy that
Kauṭilya deals with vyūhas in X. 6 and in the first suṭra
refers to the arrangement of a vyūha according to Usanas and

\textsuperscript{153} अर्थशास्त्रायूँ वल्क्व्यम् वाशाश्माश्मिनि विभिन्निः।
\textsuperscript{154} जय विभिन्निः सामर्थ्याऔवार्थ्यां पूर्ववंशालयात। अर्थशास्त्रोक्त सम्म सम् वर्त्तमानं।
\textsuperscript{154a} संकेरो नीतिशाश्यानिविभ्यम् सर्वोऽजन। शास्त्रां। 34. 98; अधिकारो नौत्तरानि युद्ध मयुरुत्तरे। शास्त्रां। 85. 34.
\textsuperscript{154b} लोकह्वाजणज्ञानवद्वात् वहुष्कपिः। समापर्शुः।
\textsuperscript{154c} बले विगुणों हृदेन्वं पच्छे प्राह वहुष्कपिः। उयुग्म। 55. 66.
\textsuperscript{154d} महावर्तमातात् वेदसमन्ते वहुष्कपिः। संहारणीकृष्येवल्मिकः कार्ये विनार्येवतुः॥
भीमम् 19. 5: the latter half occurs in Manu VII. 191.
acc. to Brhaspati. It is remarkable that the Vajra array referred to above is mentioned in K. X. 6. 35, that a sēyena array is mentioned by Kautílya (X. 6. 12), though not Krauṇca and that an array called Śakaṭa is mentioned in the Dronaparva 7. 24, which occurs in Kautílya also (at X. 6. 26).

Śānti (69. 23–24) states that Brhaspati advises a wise king desirous of securing his kingdom to avoid war and to accomplish his object by the three upāyas, appeasement, offer of gift, or bhedā (sowing discord) and to be satisfied with what he would be able to secure by the first three. Śantiparvan (59. 59) states that, according to the Ācāryas, the vices (vyuṣanas) of kings are ten in all, either due to Kopa (anger) or to Kāṃsa (lust). The first category consists of six vices, viz. vākpaṇṛṣya (harshness of speech), daṇḍaśāraṇya (harshness due to physical punishment), arthadāsaṇa (violation of property) and three others; the vices due to lust are four, viz. hunting, gambling, women and drinking. The Manusmṛti (in VII. 47–48) speaks of ten vices due to lust and eight vices due to anger. The Kautílya (VIII. 3) reduces the vices due to lust to four and the vices due to anger to three only and holds a long discussion about the comparative harm caused by these. The word Kaṭakakṣodhana (suppression of criminals) occurs in Śānti 59. 53. According to the view of Brhaspati, obtaining of wealth is secured in four ways viz. that due to pūraṇāya (inheritance from ancestors), that due to good fortune, that due to one’s ardent desire to acquire and that derived from a

154a वर्णमध्ये सत्य युद्ध राज्यकामन भीमत। उपायेशिरिदानमर्थस्याय वृहस्पति:। सात्वसन तु प्रदनन्त प्रेमन च नराधिप। यद्येन (यथेष्ठ? ) श्रावणस्यायु तेन तुष्टेन पण्डिता। शाश्वित्या. 69. 23–24.

154f कौशिका तथा प्राप्ति कामजनन तथावच च। दशोकानि कुर्षेष्व व्यसनान्तः चेव ह। मृगाशास्त्रं पान विजयं भरत्यम॥ कामजननाकोशिका:। श्रेष्ठानी संभूनिधिः ॥ वाकश्चतुष्टोपायं दशपाध्येमव च। आत्मनो श्रेष्ठमणां हर्षायौ प्रमेयं च॥ शाश्वित्या. 59. 59–61. Vid. 68. 20

also for the four vices due to lust; while Manus (VII. 47) speaks of a group of vices due to lust but in verse 50 refers to the above four as the most harmful.
friend. In Sabhaśarva (74.7–8) Duryodhana tells his father that acc. to Brhaspati enemies should be killed by employing all kinds of means.

In the Vanaparva (32.61) Draupadi says that her brothers were taught the Niti of Brhaspati and in Vana. 150.29 it is stated that men are supported by (or held to the right path) by rules promulgated by Brhaspati and Usanas. In the Karnaśarva it is said that a certain Vyūha (array of army) was arranged according to the opinion of Brhaspati and Usanas (31.12–13). Vide Karnaśarva 46.27 for Barhaspatya Vyūha. Śalyaparva states that, acc. to Brhaspati’s view, a king who is weak should desire to make peace (with a stronger one) or with his equal, while one who is growing in strength should desire conflict. Śanti (23.15) quotes a gāthā of Brhaspati and in 56.39 quotes a verse from Barhaspyaśatra (both quoted in the note) to the effect that low people may disrespect a king who is always forbearing, just as the rider of an elephant desires to sit on the head of it. Śanti (122.11) speaks

154g चूर्तिवृत्ताया शर्यसिद्धतृस्तिमन्त्यथा । पारम्पर्यः तथा तैवं कायं मैत्रमिति प्रको || शास्त्र 170.12.

154h वृहस्पत्यवृत्ताया वृहस्पत्यस्तिमन्त्यथा । यद्यपि 150.29.

154i हृदयमन्त्र तै सत्यस्व: परस्पर: समेत वा । विषयों वर्णमाला मतिरेण श्रृवत्तें । शास्त्रपति 4.43; compare अर्थातः ‘परस्पराधिकाय: सम्बंधीत अत्यन्ते ज्ञेयसमासो विश्वासिनः’ VII.1.13–14.

154j भूमिती विविधति सच्चेव विकाशाति । राजाः चानिरोहितो वाहिन चाभासिनः || शास्त्र 23.15; समांतरणुपयुक्तां निःशाच नीच: परिवर्जनः । धृत्यन्तता राजस्वेष व्यवहारविहर्विनाः || शास्त्र 56.39.

154k महत्तवहि राजाः वै गौतः । योक: पुरान: । राजाधिकारम्र राजेन्द्र वृहस्पतिनिमाचरणमर्पृशु || गुरुविज्ञापिताय कायकार्यमानमाति: । उत्प्रार्थविविध वृहस्पतिविवेकत्वात्मकता: || शास्त्र 57.6–7. This verse occurs several times in the Epic, viz. in Udyogaparva 178.47–48, Adiparva 140.54 and in Śanti (140.48). The last pada in some of these presents different readings. M. D. –21
of a king as having studied the whole of Brhaspatimata and Ausanasasastrasa. Śānti 59. 51 refers to ‘Saptāṅgarājya’; Manu IX. 294 and Kaṭṭilya (VI. 1. 1) also mention the seven constituent elements.

Śāntiparva states that Brhaspati prescribed Utthāna (effort, endeavour) for kings and as the basis of rajadharma and recites verses thereon.\(^{1541}\) Kaṭṭilya also says that a king should bring about the acquisition of what is not gained (Yoga) and protection of what is obtained by effort (Utthānena Yogakṣemasādhanam, I. 7. 1). Vide H. of Dh. Vol. II pp. 914–15, Vol. III pp. 588–589, Vol. V. pp. 1385–6 for a discussion of the meaning of yogakṣema.

The passages quoted above from different parvans of the Mahābhārata (not only from Śāntiparva) show that the author of the Mahābhārata had before him a treatise of Brhaspati on Arthaśāstra, that it was extensive, contained verses and that it was divided into parts or chapters called ‘Adhikāra’ like ‘adhikaraṇa’ in Kaṭṭilya.

It may be noted that Āsvaghosa in his Buddhacarita (I. 46) mentions the Rājaśāstras produced by Śukra, son of Bṛgu and Brhaspati, son of Anīgaras.\(^{154m}\) Kālidāsa in Kumārasambhava (III. 6) mentions the Niti of Usanas.

Brhaspati’s Arthaśāstra appears to have contained a legendary beginning that what Brhaspati, the preceptor of the Gods, taught Indra is contained in the treatise of Brhaspati.

\(^{1541}\) उत्थानां हि नेत्रग्राण बुद्धस्थितसमापि। राजधर्मस्य तन्मूलं ऽथकशाखा

\(^{154m}\) यद्राजगाते भूतान्तिकर्मा य न च कन्ठवत्तकरात्रियो तत। तदोऽमी ते स

literally mean created (or produced)
The present Manusmṛti contains a similar assertion that Bhraṃa taught Manu and the latter taught it to Marici, Bhrgu and others (Manu I. 35–36 and 58) and Bhrgu at the order of Manu transmitted the Śastra to the sages (I. 60 and 119). Such fabulous accounts were introduced in ancient works to heighten the authority of the teaching. The Bāhras-patyas mentioned in the Arthaśāstra were probably those who relied on the treatise of Brhaspati, and Kuṇṭilya differed from their teaching in I. 2. 4–5, V. 15. 48 (they required that 16 persons constituted a council of Ministers), II. 7. 13 (those superintendents who caused loss of revenue should be fined ten times the loss), in III. 11. 46 (punishment for witnesses who lead to a wrong judgment), III. 17. 13 (on fine for him who instigated another to commit an offence).

Uṣanas is another ancient sage who appears to have composed a treatise on Arthaśāstra. That Kaavya Uṣanas was a sage of hoary antiquity even in Ṛgvedic times would be indicated below (under Uṣanas). Several passages from Uṣanas mentioned in the great Epic would be cited there. The Āṣramavāśikaparva states that the Vyuhas called Śakata, Padma and Vajra have been declared in the Śastra of Uṣanas.134n The Vyuha called Śakata is mentioned in the Arthaśāstra X. 6. 26 and Vajra in X. 6. 35. The Manusmṛti in VII. 187 mentions six Vyuhas viz. Daṇḍa, Śakata, Varāha, Makara, Ścī, Garuḍa, and in VII. 188 mentions Padmavyuha and Vajra in VII. 191.

It is clear that the author of the Mahābhārata had before him a treatise by Uṣanas on Rājaniti, which went into such details as the names of certain Vyuhas. Manu (VII. 146 and 151) provides that the king should hold in a secret place a meeting of the councillors and sets out the subjects on which the king has to hold counsel with them (mantrins) and one verse (VII. 154)154o refers to the eightfold actions of the king.

134n अभ्यासत्या सकृति पद्याचे (पद्य वच्छे) च भारत | उशना वेद वश्चाश्रीं लेनेतहिर्दर्शनेत्र (प्रमो) आद्यवशिष्टो 7. 15.

154o मनु VII. 154 is: हस्तस्त चाईविं वक्त वश्चाश्रीं च तत्तत्: अनुरागापश्रीं च प्रवाचः महत्त्वय च व; ब्रह्मच्छवं कस्म उष्णोत्तर्क यथा। आर्योने च विसम्बे च तत्त्र प्रविद्योगी। बदने वाच्चविं व्यवहारो नेश्चर्य। द्रव्यशाली तथा सुलक्षणा आलमपद्री तथैव च। अष्टमोदित वाच्च याति राजा शाकास्वजिती। कपः (on राजथम्) p. 108; these two are quoted by Mehlāhitī also on Manu VII. 15.
and the group of five kinds of spies and Kalpataru (on Rājadharma p. 108) quotes two verses of Uṣanas in which the eight are enumerated. Anusana-niti is mentioned in the Mudrārāksasa just before I. 15.

For Bhāradvāja vide below. Not only in the Mahābhārata but also in the Rāmāyaṇa there is a good deal of the principles and phraseology of Arthasastra. There is a chapter called Kaccit-praśna in the Rāmāyaṇa (Ayodhya-kāṇḍa 100) just as there is one in Sabhāparva (chap. 5). We have ‘adevamātrko dēsah’ (Rām. Ayodhyā 100. 25 as in Kuṭṭiliya V. 2. 2 and VI. 1. 8). The same story of king Nṛga, who donated a Brahmaṇa’s cow by mistake and became a chameleon because he did not speedily deal with the dispute, is narrated in Anuśāsanaparva 6. 38 and Āsvamedhika-parva 90. 99–100 and in the Rāmāyaṇa, Uttarakāṇḍa, chap. 53. 6–26. Not only in the epics, but in some of the Purāṇas also Rājadharma is treated at some length. For example, the Matsya Purāṇa devotes several chapters (225–229) to Rājadharma that deal with the sahāyas of the king, the conduct of the king’s servants, fortress and its equipments. Fate and human effort, the Upāyas, sāma, dāna, bheda, daṇḍa; time for invasion etc.

From very early times, Viṣṇugupta alias Cāṇakya or Kuṭṭiliya has been credited with the composition of a work on Arthasastra. The Kāmandaṇika-niti-sāra155 pays a glowing tribute of praise to Viṣṇugupta, who single-handed brought about the downfall of the Nandas and bestowed the earth on Candragupta by the force of his political strategy and who distilled from the ocean of Arthasastra the quintessence of (his work on) Nitiśāstra. Kāmandaṇa tells us further that he looked upon Viṣṇugupta as Guru.156 The Tantrākhyā-

155 वस्याभिचारवप्रत्येऽव विन्यासमितज्ञस्: । पपात सुरतः श्रीमानं णुवो नन्द- पर्वतः ॥ एकाकी मनोवक्रमा यः शक्ता शतिक्षितांस्यमः । आजहार दुष्टवर्ग चन्द्रमुग्मय भैरवीयः ॥ नीतिशाखामुद्रे श्रीमानन्येश्लाञ्चमहोदयः । समुद्र- द्रेण नमस्तस्य विष्णुमुग्मय वपस्यः । काम. I. 1–6.
156 विश्वासयं एवेक्यत इति नो गुप्तद्वेषनम् । काम. II. 6 : compare अविष्णवकाम.
I. 2. 8.
yikā (the earliest version of the Pañcatantra), which, according to Hertel (H. O. S.), is not later than 300 A.D., pays its homage to Cāṇakya the great, as one of the authors of the treatises on Rājaśāstra along with Mann, Brhaspati, Śukra, Parāśara and his son. Daṇḍin in his Daśakumāracarita in several places and particularly in section VIII (ed. of B. S. S. 1891) furnishes very important evidence of the names of the author of the Arthaśāstra and actually quotes several passages. Only a few are mentioned (in the note).158 “There are four lores for the King and then says ‘Daṇḍaniti was summarised in 6000 Śloka units by the Ācārya Viśnugupta for the benefit of the Maurya king’. Then it refers to the ‘forty ways of embezzlement indicated by Cāṇakya’ (i.e. Arthaśāstra II. 8. 20-21). It is clear from the Daśakumāracarita that Daṇḍin regarded Viśnugupta as the author of the Arthaśāstra and identified him with Cāṇakya.

157 मनवे वाचस्यथे शुक्लय धर्मार्य उपासय। चाणक्याय च महते
नमोस्तु भुपशाक्षकरण्येऽः। II verse 2 of तन्त्राध्यायिका.

158 Important quotations from दशकुमारचरित (pp. 238 ff. of the Nir.
ed. of 1951) are: (1) नसु चतुर्म राजविधायः कार्त्तिकेश्वरेऽविषयोऽदर्शनिति-रति।...अथाय तालसुद्धनिति।। इष्ठमिद्रायमार्थविभृषणिणुस्मेद सौहार्यं
प्रहि: क्षोडकप्रहि: संस्कृता।। वैद अर्थार्थश्रृंग I. 1. 18 पस्तहृदकंसह्यात्
कृति।। (2) चतुरारिष्ठशः चाणक्योपप्रियाणाहरप्रणयन्।। वैद A. II. 8.
20-21।। (3) चतुरारिष्ठशः चाणक्यः।। चित्तरत्नावलितोन्नतर्या (व्या) अपि
प्रिया।। स्तु।। दक्ष्यण अपि तद्वाचवाहिनिकता द्वेष्या भवेकाति।। वैद A. V.
4, versus 13-14. (one half of each); (4) राज्ये नाम शासित्यायतन्य।।
शासित्य मन्त्रप्राधानोत्तरोऽरसस्मार्य वस्तुः कुलेयु कर्मवषय।। अतः पश्चात्
मन्त्रमूलोऽ...द्रव्यसमयमृत्तित्वं क्षण्यापकृतिः।। इत्या।। वैद अर्थ.
VI. 2. 33 (श्रीक्षेत्र:)। VI. 2. 28 (द्रव्यसमयमृत्तित्वं;)। VII. 1. 2 (वार्त्तमृत्तित्वं;)
(5) भुजोश्च भृद्भृद्याभिमित्वश्रोत्रीयः...मन्त्रशालयमृत्तित्वं।। वैद अर्थार्थ
I. 10. 1-4।। (6 on p. 54) वेदार्थो ऋषिक्षेत्रः शाखरत्नकारः। शुकाधिस-
विशालसंस्यादलक्ष-वाहुमन्तिपुर-पराशक्रमसतयतः।। किमिरण्यः किंचिवत्
कुलः वा स्ये:।। शाखाणुनात्मपण्यः।। युक्त वा आधिरस्तं रस्यमर्यम: अर्थमेवति।।

These are among the individual predecessors mentioned in the Arthaśāstra.
Let us now turn to the Mudrārāksa, from which a few passages are quoted below. It refers to Kauṭilya as ‘Kutilamati’ (of crooked intellect) in I. 7 ‘Kauṭilyayah Kutilamatiḥ sa esa yena krodhāgnau prasabhām-adāhi Nandavarnāśah’, and again in Act IV. 2 there is a reference to the crooked intellect of Kauṭilya (‘api ca kutilam Kauṭilyasya pracintayahat matim’). Again, in Cāṇakya’s speech in Mudrārāksa before I. 22 ‘anyac-ca-Nandam-iva Viṣṇuguptaḥ &c.’ it is clearly shown that Viṣṇugupta and Cāṇakya are identical, according to the author of the Mudrārāksa. Malayaketu boasts (V. 22) ‘I am able to uproot Viṣṇugupta and Maurya even if they come (together) with you (Rākṣasa)’. Here the author clearly shows that Viṣṇugupta is identical with Cāṇakya and Kauṭilya. There is a striking passage towards the end of the play after VII. 9, where Cāṇakya addresses Rākṣasa (whom the former has won over to the side of Candragupta) ‘I, Viṣṇugupta, offer salutation to you’ (Viṣṇuguptah-abhivādaye) and Rākṣasa responds by saying ‘Bho Viṣṇugupta’ when a little before (i.e. before VII. 6) Rākṣasa had said (nivedyatām duratmane Cāṇakyāya). These passages establish beyond doubt that, according to Viṣakhadatta, Kauṭilya, Cāṇakya and Viṣṇugupta were the names of the same person and, from the way in which abhivādana was performed, it appears that the dramatist believed that Viṣṇugupta was the original name given at the time of Nāmakarana.* Manu (II. 121) prescribes that a brāhmaṇa making abhivādana to a person older (than himself) should pronounce his own name with the words ‘here do I bow, so and so by name’. Vide H. of Dh. Vol. II. pp. 336–337 for discussion on abhivādana.

159 चाणक्यः—राक्षस राजस्। एव मनन: कृत्यन्दुसुद्विभिन्नोऽनुसूचः: प्रकृतः:। च्या गहवतार्थसंभितां सुदेव अयं तम याविश्वमित संग्रमति य: प्रयुक्तः:।

Act. III p. 39; विष्णुगुप्तकाचतुर्वचयेः समस्यामाता विष्णुगुप्तकाचतुर्वचये उपलब्धिज्ञानोऽशीं नित्याविष्णुगुप्तकाचतुर्वचयेः।

µुद्रा, after VII. 9 and राक्षस says ‘भो विष्णुगुप्त प्रहोस्म’ after VII. 10.

• In I. H. Q. vol. 29 for 1933 pp 265–72 Mr. K. C. Ojha holds that Viṣṇugupta is a later fabrication and that he compiled the Arthaśāstra after the 6th or 7th century or a couple of centuries earlier. It is unnecessary to deal with his arguments, which are mostly subjective and he has not carefully considered all the facts assembled here.
There was a great divergence of views about the time when a child was given a name. Vide I. H. Q. (1938) Vol. 14 pp. 24-44 (the author's paper on giving a name to a child) and H. of Dh. Vol. II pp. 238 ff. Several authorities prescribed that Nāmakarana should primarily be performed on the 10th or 12th day after birth (Baud. Gr. II. 23; Pār. Gr. I. 17 and Manu II. 30). There were various rules at different times about what name should be given. One of the rules was that the name may be derived from that of a sage or of a deity or may be the same as the name of an ancestor (Baud. Gr. II. 28-29 and Mānavagṛhya I. 18). The name Viśṇugupta would* be in accordance with these rules, but not Cāṇakya necessarily. Kautilya would only be a gotra name or a nick-name. The name Cāṇakya may have been due to the place whence the author's family came or where he was born, just as Pāṇini is called Śālāturiya from Śālātura occurring in Pāṇ. IV. 3. 93. In the Pariṣīṣṭa parva of Hemacandra (ed. by Jacobi, Calcutta 1883) on p. 55 of the Introduction it is stated that Cāṇaka was a village in Golla District and Cāṇakya was born of a Brāhmaṇa called Cānin who resided there. Verse VIII. 339 states that Candragupta became king 155 years after Mahāvira passed away. His paternal grandfather or some more remote ancestor might have borne the name Cānaka and so he was called Cāṇakya (according to 'Gargādibhyo yan' (Pāṇ. IV. I. 105), Cānaka being one of the numerous words under 'Gargādi-gana.' We have Čārāvāha and Kātyāyana (in Artha. V. 5. 11), Cara being included in the Naḍādi-gana (Pāṇ. IV. I. 99) as the 2nd word. Vide the Nidhanapura plates of Bhāskara-varman (of Kāmarūpa) in E. I. Vol. 19 pp. 115-117 and pp. 248-250, where two hundred and five donees are named together with their gotras (about 25), among which are Kātyāyana, Kaṇṭiliya (four donees of that gotra), Gautama, Jātukarṇa &. Vide J. I. H. Vol. XXXI. pp. 111-119 where several views are mentioned about the date of the Nidhanapur plates, S. Bhattacarya assigning them to about 647 A. D. The Harsacarita (VII) mentions several ancestors of Bhāskaravarman, who, according to the Harsacarita, was a contemporary of Emperor Harsa. There is no

* Keith on p. 480 of his paper in B. C. Law Facilitation vol. I makes the extraordinary suggestion that 'Another name of K... is Viśṇugupta which was altered by Kaṇṭiliya after his destruction of the line of Nanda, acc. to the Mūdrārāksa.
doubt that, whatever the exact date of the Nidhanpur grant may be, Bhāskaravarman flourished in the first half of the 7th century.

Danḍin flourished not later than 700 A.D.; vide the author's History of Sanskrit Poetics (ed. of 1961) pp. 119–120 and the discussion that precedes. The date of Mudrārākṣasa is rather debatable. It depends upon what is the correct reading of the last pada in the Bharatavākya.\(^{160}\) The Bharatavākya in the Mudrārākṣasa is put in the mouth of Rākṣasa in some mss. and in that of Cāṇakya in others. The word 'Bharatavākya' literally means 'the speech of the Bharata or of Bharatas' (‘Bharatā ityāpi naṭāḥ’ says Amarakośa). The Nāṭyaśāstra does not define the word. Therefore, we have to rely upon the practice of early and great Sanskrit dramatists to find what the word exactly implies. In some of the great Sanskrit dramas, Bharatavākyas are general in tone, asking for the welfare and happiness of the people (particularly of good men), long and healthy life, good government, good rains, good crops, fame and prosperity to poets &c., as in the Vikramorvasīya, Mahāvīracarita, Mālatimādhava, Ratnāvali, Veṇīsaṁhāra, Mrchhakatika. In the Mālavīka\(^{9}\) the last verse requests the queen always to bestow her favours on him and adds that as long as Agnimitra is the protector of the subjects, it is not necessary to invoke such blessings as the absence of floods, drought, locusts, invasions &c. The Śākuntala ends on two notes. The first half says 'may the king be assiduous in bringing about welfare to the people and may the literary efforts of those whose learning is great become famous.' The second half is 'may the self-existent Śiva eliminate re-birth in my case.' It is difficult to hold that this refers to an indi-

\(^{160}\) The भर्तराक्षस in the Mudrārākṣasa is put in the mouth of Rākṣasa in some mss and in that of Cāṇakya in others. It is as follows; भारतोपाययोगिनललभनि बिधधारितस्यान्यस्यान्य स वस्य प्रादत्तकोटि प्रलय-परित्स शिविभो मूर्तवासी। मेंदं लिखितमाना मुनमुमुनिना संयोगा राजः-मूर्तं स के ज्ञातमुनियो शिविरीवतु मही पारंतकमनुमुनुमुतः। There are various readings in the last seven letters viz. 'पारंतकमनुमुतः,' पारंतकमनुमुताइ, पारंतकमनुमुताइ and others which may be neglected. The present author holds that the proper reading is पारंतकमनुमुतः.
vidual actor (the word ‘mama’ being there). It must refer to Dusyanta, who is the last to speak (before the benediction) and possibly there is another suggested meaning that expresses the yearning of the poet Kalidasa himself. Therefore, it is not quite accurate to say that the Bharatavakyam is no part of the drama or that it is a chorus by all the actors; in that case ‘mama’ in the Sakuntala would be inappropriate. The dramatist was to write the Bharatavakyam and it is possible that several dramas though they contained Bharatavakyam were not or could not be put on the stage at all. The Bharatavakyam, thought not an essential part of the action of the play, is still said by one of the prominent characters in the play. Avantivarman has nothing to do with the drama or the characters therein. The proper reading is therefore ‘parthivas-candraguptah.’ It is proper to hold that Cañakya, who is the dominant character of the story of the drama, recites that benediction. The poet Visakhadatta was the grandson of a sāmanta (feudatory chief) Vatśyvaradatta and the son of Mahārāja (king) Bhāskaradatta and therefore it would be a fine piece of flattery if there be an oblique or indirect reference to Emperor (Mahārājādhirāja) Candragupta in the words of the drama. The Gupta Emperor Candragupta II ruled till 414 A. D. Vide Fleet’s Gupta Inscriptions (1888) p. 15 and JBORS Vol. 30 pp. 1-46. If the poet flourished under him the drama was composed about 400 A. D. Taking Avantivarman as the king meant in the Bharatavakyam (which is very unlikely), the drama must have been composed in the latter half of the 6th century, as Avantivarman took a great part in vanquishing the Hūnas about 582 A. D. Vide I. H. Q. Vol. 30 (1930) pp. 175-178 and pp. 485-6 for a discussion on Bharatavakyam.

The Kāmadakīyanitisāra highly praises Viśnu-gupta as shown above. The date of Kāmadaka is also debatable. I showed so far back as 1911 (in I. A. for 1911 p. 236) that Vāmana in his Kāvyālakārasūtra quoted from some work not available now a half verse ‘Kāmam Kāmadakī nītirasyā rasyā divāniśam’ as an example of one variety of Vāmakā. Dr. Jolly in his haste to dispose of evidence against his pet theory treats this in a slipshod manner and gives a note on p. 8 (of Introduction) that the ‘8th century seems to be the most likely date’ of the Nītisāra of Kāmadaka. I showed that Vāmana quotes a half verse not from the Nītisāra but

H. D.—22
from some work in which occurs the statement 'the dhī (intellect of some person) indeed day and night enjoys (the reading of) Kāmandakī-nītī'. Vāmana in his own vṛtti on IV, 6.2 states that Yamakas are treated at length in a work called Hariprabodha. That work is now not available. Vāmana elsewhere expressly says that the examples he gives are mostly from others (parakīyaiśca puṣkalaiḥ). It would have been a long time before the Nitisāra became famous. A work now unknown refers to it and a half verse from that work is quoted as an example of a figure of speech by the rhetorician Vāmana (from Kashmir). This might take centuries. The Nitisāra may be centuries earlier than 800 A. D. for all we know. Kāmandaka further tells us that he looked upon Visnu-gupta as his Guru. In the Śāntiparva (chap. 123) there is a dialogue between Kāmandaka and Āṅgariṣṭa, king of Ayiga. The name Kāmandaka is thus comparatively ancient.

There is nothing to prevent us from holding that the Nitisāra of Kāmandaka may belong even to the third century A. D. I am here concerned only with showing that Dr. Jolly did not carefully consider the matter and is wrong in putting the Kāmandakīyanitisāra in the 8th century A. D. when he agreed to put Vāmana about 800 A. D. It is surprising that Winternitz also refers the Arthaśāstra to the 3rd century A.D. (p. 28 of Cal. Review, April–June, 1924). Dr. Jolly unnecessarily parades patent facts e.g. he remarks (on p. 11) that the Brhatsamhitā (chap. 78.1) contains nearly the same list of princes killed in their harem as the Arthaśāstra (I. 20. 15–17). In the first place, the list is not quite the same. But, apart from that, one would like to know what conclusion he draws from the fact that the Brhatsamhitā contains some or most cases of treachery mentioned by Kāntīlya is not clear. As he holds that A. belongs to the 3rd century A. D. it is clear that if there is a borrowing it is Varāhamihira who borrows (as the latter flourished in the first-half of the 6th century A. D.). The Harsacarita (VI) mentions these cases and several more. The Nitisāra (VII, 51–54) also mentions these cases of treachery.

The Kathāsaritsāgara of Somadeva (in the Kathāpīthā-lambaka chap. 5 verses 108–124) refers to the story of Cāṇakya having brought about the death of Yogananda and placed Candragupta (pūrvanandasuta) on the Magadhan throne. That work purports to give successfully the contents
of the Brhatkatha (I. 1. 3), avers that it closely follows the original, does not depart even slightly from it and that only the language differs and there is abridgment in it and some detail (I. 1. 10). The Brhatkatha of Guṇḍāhyya is supposed to have been composed in the Paisaici dialect about the first century A.D. It is mentioned by Bapa in Harṣacarita (Intro. verse 17) and in Daṇḍin's Kavyādarśa (I. 38). The Brhatkathāmaṇjarī of Kṣemendra (II. 216) refers to the story that Čaṇakya brought about the death of Yogananda (by magic) and placed Candragupta (described as 'pūrvanandasaṁtaḥ') on the throne.

So far I have dealt with works that name Viṣṇugupta, Čaṇakya and Kaṇṭhila singly or collectively and the dates of which though not very certain can be fixed within narrow limits. Now I shall refer to some Purāṇas which mention Candragupta and his minister Kaṇṭhila. There are five Purāṇas that have chiefly to be considered viz. Vāyu 199, 326–332, Brahmaṇḍa III. 74, Viṣṇu (IV. 24, 25–33 in prose), Bhāgavata (XII. 17) and Matsya (272. 19–26). The Matsya account is rather defective; Vāyu and Brahmaṇḍa agree, Viṣṇu and Bhāgavata agree. All five say in a prophetic vein that Nanda will rule for 100 years, that Kaṇṭhila would uproot the Nandas and place Candragupta on the throne, the latter will rule for 24 years, his son Bindusāra (Bhadraśāra in Vāyu) for 25 years and Aśoka (grandson) will rule for 36 years. Some mention nine Maurya kings and others mention ten kings, but all agree that the dynasty will rule for 137 years, though there is difference in the number and sequence of kings. Four Purāṇas (except the Matsya) appear to refer to Guptavāṁśa but do not name even the great conqueror Samudragupta. Therefore, it may be argued with great probability that they took their present form about 320–335 A.D. It is not necessary to enter into details here. Those interested in the Purāṇa historical traditions may refer to pages 842–861 of the fifth volume of the H. of Dh. and to a paper by Mr. H. G. Shstri in JOI (Baroda) Vol. IX pp. 387–392. The Dippavamśa, of the 5th century A.D. and a Ceylonese Chronicle, supports the Purāṇic account so far that Candragupta’s son was Bindusāra, whose son was Piyadassi (or Aśoka or Piyadassana) and that Aśoka was crowned king 218 years after the passing away of Buddha (VI. 14–15) and that Candragupta ruled for twenty-four
years (Dīpavaliśa V. 73 and 100), as the Purāṇas say. The Mahāvīlaśa (Geiger’s ed. of 1908, I. 5. 16–20) states that Cāṇaka, after killing the 9th Nanda, will anoint as king Candragupta Maniya (a Ksatriya), that he will rule 24 years, his son Bindusāra will rule for 28 years, then Aśoka, after killing his brothers will be anointed king.

It is known from Greek, Buddhist and Jain sources and Indian inscriptions that Candragupta, Bindusāra and Aśoka were historic persons. We know from Greek sources that Candragupta and Seleucus, the successor of Alexander the Great in the East, formed an alliance and that Seleucus ceded to Candragupta parts of Gedrosia (Baluchistan), Arachosia (Kandahār) and Paropamisadai (i.e. Kabul), all of which stretched up to the Indus, vide Tarn on ‘the Greeks in Bactria and India’, 1938, p. 100 and Cambridge Ancient History, Vol. VI pp. 413–14 (which gives a brief note on what Eratothenes says about this treaty). Similarly, the accounts in Matsya (272. 18–23), Vāyu chap. 99. 326–337 and other Purāṇas about Pusyamitra and his descendants and about the Sātavāhanas have been found to be substantially correct from the Sūgga Inscription from Ayodhya (E. I. Vol. 20 p. 54), Nanaghat, Nasik and other Inscriptions. There is no reason, except unreasonable suspicion and prejudice, why the connection of Kantīlya or Cāṇaka with Candragupta mentioned in the Purāṇas (as in Matsya 272. 22 and Vāyu 99. 330–1), and the Mahāvīlaśa and other early literature should not be held to be at least probable. The embellishments and fabulous trappings of the story may not be taken seriously. But the core of the story should be accepted as quite probable and should not be rejected anceremoniously. Alexander’s was not a conquest of India in the ordinary sense of the word, the sense in which Alexander conquered Persia (see Tarn in the work cited p. 131). Tarn states (ibid, p. 174 notes 2 and 3) that some writers have put forward the theory that in the treaties between Candragupta and Seleucus there was a grant by the Indian king to the Greeks of the right to intermarry in the Ksatriya-varṇa and Tarn appears to hold that Candragupta’s marriage with a daughter of Seleucus might have taken place (note 3). The Cambridge H. of India (Vol. I. p. 472) observes ‘for Seleucus the task of meeting Candragupta in war proved too great. Seleucus was content to secure a safe retirement and a gift of 500 elephants by the surrender of all the Greek
dominions as far as the Kabul valley'. This shows that Candragupta was a very capable man and therefore his cause was espoused by Cāṇakya who hailed from Gāndhāra. Dr. Chhabra (in the Woolner Commemoration Volume pp. 51–52) suggests that in the story in the Rāmāyaṇa (Uttarākanda 100–101) about the war between Bharata and his sons Takṣa and Puskala on the one hand and Śailūṣa on the other, Śailūṣa stands for Seleucus. At present there is nothing but the phonetic resemblance of the two words in favour of this idea.

It is known that Porus first fought with Alexander but later on he became reconciled to him (Tarn’s work p. 169); however, other people in North-West India fought desperately with Alexander (ibid). Alexander died in 323 B.C. It is highly probable that Parvataka mentioned as the father of Malayaketu in the Mūdārākṣasa is the king Porus who (after first opposing Alexander) had become an ally of the Greeks in Alexander’s days (Tarn pp. 46, 169). Some Jaina sources put the accession of Candragupta at 312 or 313 B.C. (vide Cambridge History of India vol. I, 1922 p. 698 and Bhattasali in J. R. A. S. 1932 pp. 273, 284). Tarn suggests that Candragupta seized Magadhā in 321 B.C. and completed the conquest of the whole of Northern India (including the countries in the Northwest) by 312 B.C. (vide Tarn’s work p. 47 n. 3). Much of this history is conjectural. One thing is quite clear that Candragupta got possession of some territory to the West of the Indus and secured some parts in the Panjab and also the crown of Magadhā. But the sequence of the several events is not clear and not beyond debate. From the Mūdārākṣasa it appears that Candragupta first secured Panjab (probably with the help of Cāṇakya and his supporters) in addition to what he got ceded by Seleucus, that Cāṇakya was most probably from Gāndhāra, as in his treatment of Vākparāśya (damage or injury by words) he says (A. III. 18. 8) ‘by that (what precedes) are explained the defamation concerning the learning of professional story-tellers and libel of the country of those who come from the country of Prājjūnaka and Gāndhāra’. As Gāndhāra is specially mentioned here from among the dozens of countries in the continent of India, it follows with great probability that he was born there or had lived there long. The story of Mūdārākṣasa shows that in the times of that author it was believed that Parvataka was killed by foul means, that orna-
ments worn by Parvataka had fallen into the hands of Candragupta (Act I just before verse 19) and verse 19 refers to five chiefs of North-west India as the most prominent among Mleecha chiefs. According to Greek sources, Porus was killed before B.C. 318 (Tarn's work p. 46). The Mudrarakṣasa opens when Candragupta had recently occupied the Magadha throne. In Act II of the Mudrarakṣasa we read (before verse 14) that Kusumapura (the capital of Magadha) had been invested by the army of Candragupta and Parvatesvara which consisted mostly of Sakas, Yavanas, Kiratas, Kāmbojas, Parasikas and Bahlitas and supported by the counsels of Cānaka. This means that for securing the capital of Magadha soldiers from the Northwest of India had been brought by Candragupta and Parvataka and Cānaka had the leading part in that. In Act III after verse 24 Cānaka says to Candragupta, 'we have recently secured the kingdom of the Nandas' and in Act IV, 14 Rākṣasa himself tells Malayaketa that the Manuya has recently become king. It seems that Candragupta first gained provinces in Northwest India and then secured Magadha. Besides, in Act IV (before verse five) Malayaketa says that it was the tenth month after his father's death. That shows that within a few months of Parvataka's death, Candragupta had recovered the throne of Magadha and then engaged in a feigned quarrel with Cānaka about Kaumudimahotsava in the capital. A short time before the false quarrel Malayaketa had left the capital. Hence, according to the Mudrarakṣasa, Candragupta came to the throne about 317 B.C. if we accept the identity of Parvataka and Porus (who died in 318 B.C. according to Tarn.). The Cambridge History of India (vol. I, p. 470) holds that the Mudrarakṣasa dates probably from the 7th century A.D., and that 'we need not question its evidence'.

In the Kādambari of Bāna (first half of 7th century) we have a striking reference to Kauṭilya's work as a cruel work because it mostly contains advice that is 'very wicked'. This shows how Kauṭilya's work had already become unpopular in North India (before the first half of the 7th century) on account of its vigorous advocacy of the doctrine that the end justifies the means! This explains to some extent the paucity of

161 किवा तवं सांवते वेत्तामतिस्वरूपप्रायोपदेशाव्यूणां कौटियशाश्वं प्रमाणम्।
आद्यव्री p. 109 (Peterson's ed.).
the mss. of the Arthasastra in the whole of India, particularly in North India, from where so far only a fragment of a ms. of the work has been recovered. The Matsyapurana (7.63) contains a story in which the speaker (Indra), who is supposed to have interfered with the womb of Diti that contained 49 foetuses and then made them Maruts, is made to say that he committed a wicked deed following the precepts of Arthasastra. 162 This is probably a reference to the Kautilya by the author of the Matsya-Purana in the present state of our knowledge. If this be accepted the Arthasastra would have to be pushed back at least some centuries before 250-300 A.D., the probable date of the Matsya, as demonstrated in H. of Dh. S. Vol. V. pp. 852, 854.

The extant Arthasastra itself claims that it is a work of Kautilya. (1) This Shastra (book), that is easy to learn and to understand, that is definite as regards its essence, meaning and words, that is free from prolixity in matter has been composed by Kautilya; (2) Having gone through all shastras one after another and having secured (knowledge of) the practice (in such matters), Kautilya composed these rules about edicts for the sake of kings (II. 10.63). In the very first sentence of his work he states 'this one text-book on the science of polity has been composed mostly by collecting together (the teachings) of as many treatises as have been established by ancient teachers for securing the acquisition and protection of the earth (realm); (3) 'This Shastra (text-book) has been composed by him who, in resentment quickly raised (re-arranged or regenerated) the science of Politics, the weapon (to strike down enemies) and the earth that had fallen into the hands of the Nanda kings. These three passages along with the occurrence of the words 'iti Kautilyah' 163 about

162 अर्थशास्त्र समास्थाय मवेन्द्र दुष्कृतं हि। मत्स्यः 7.63.

163 सन्तुष्टाभिवेशेऽ तत्स्वयंपत्तिनिधित्तम्। कृतियैन कहे शास्त्रं विपुलाधिमध्यविस्तरम्। अर्थशास्त्रः I.1.19। सबंवशिश्रूणयननत्रम् प्रयोगमुपलभय न। कृतियैन नरेन्द्राधि शासनस्य विधि: कहतं।। अथ. II.10.63। येन शास्त्रं च शास्त्रं न नन्त्राकुपता च भू:। अस्ययोगरुपताया । तेन शास्त्रमिदं हरम्।। XV.1.73। नरेन्द्राधि may have been purposely used in two senses (1) for kings in general, (2) for the King (i.e. for Candragupta). For the 3rd śloka quoted compare Kāṇḍaṇāka I.6 quoted above. The word 'uddhita' is used in three allied senses here; with (1) remodelled (with şāstra), (2) raised (with şāstra) and extricated or saved (with bhūḥ).
eighty times and the testimony of comparatively early works and authors like the Mudrārāksaṇa (5th or 6th century A.D. probably), Bāna (first half of 7th century A.D.), the Daśakumārakacarita make a very strong case for holding Kauṭilya as the author of the work on Arthasastra.

At the end of the whole work we find a verse which means on seeing the numerous divergent views of the commentators on the Śāstras (other text-books on politics), Viśnugupta himself composed (a work) containing both sūtra and bhasya. This verse is not composed by Viśnugupta but by some one else. It does not mean that the Arthasastra has sūtras and bhasya thereon. It means that the work includes the form and merits of both sūtras and bhasyas thereon i.e. it is very brief when that quality is required and it contains detailed expositions when they are required. He knew that sūtras must above all be ‘alpāksara’ (concise) and a bhasya must explain the meaning of the words of the sūtra and add expository material. Vide H. of Dh. Vol. V. p. 1182, notes 1926–27 about the characteristics of sūtra and bhasya. The aphoristic style (in K. A.) may be seen in such passages as I. 2, 1–10, I. 3, 1–15, II. 10, 13–20, III. I. 6–11; the expository style may be seen in VII. I. 32, V. 5. 7 and long sentences in I. 21. 7, VII. 15. 12, etc. Johnston in his ‘two studies in the Arthasastra of Kauṭilya’ in JRAS for 1929 (pp. 77–102) states that the Laṅkāvatārasūtra was translated into Chinese in 443 A.D., that therefore the main body of the work is not later than 4th century A. D. and that (p. 87) in verses 813–7 the pāśis are announced in the following order viz. Pāṇini, Kātyāyana, Yājñavalkya, Vālmiki, Masurākṣa, Kauṭilya and Āśvalāyana. Yājñavalkya is most probably the sage of the Brhadāraṇyaka Up. Most of the others belong

164 त्र्या विप्रतियलित वहुत शाखेयु भवक्षराणाम। सवबेव विष्णुभद्रकरक सुत्रं 
च माधवं च॥ Winternitz is mistaken in thinking (p. 16 in Cal. R. 125) that the verse is in bad metre. This is an āryā, the last pāda of which should have 15 mātrās, the last word is ‘ca’ which is short. But there is a special rule in ancient metres that the last letter in a pāda even if short may be treated as long; vide Piṅgala-chandas sūtra I. 10, Chandonuśāsana of Hema cooleda (I. 6) and Vitaratruśākara I. 9. Compare the verse आयनमयाम्...राश्च in ब्रह्म- 
हिता 13. 3 where the last letter has to be taken as equal to two mātrās.
to centuries preceding the Christian era and therefore the name of Kautilya, it seems, was known some centuries before Christ and as most of the names are those of authors, Kautilya should also be regarded as an author in this passage.

The Tantrākhyaṭikā (the earliest extant version of the Pañcatantra) which, acc. to Prof. Hertel (the editor in HOS), is certainly not later than 300 A.D., pays homage to Cāṇakya the great as one of the expounders of Rājāśāstra (verse 2). Dr. Jolly (Intro. p. 8) wants to put the date of Tantrākhyaṭikā one century later (in order to be able to say that Arthaśāstra might have been composed about 300 A.D.) simply on the ground that the collection of tales was not translated into Pahlavi till about 570 A.D. and since the collection of tales agrees closely with the Pahlavi translation. This is not a tenable argument at all. The Pañcatantra had several versions.

We do not know what version the Persian translator had before him. He may have translated from a version older than other versions available in India at that time.

Dr. Jolly remarks (on p. 10 of Intro.) that the exhortation to soldiers contained in A. (x. 3) are quite misleading. There are two verses in the exhortation (quoted below). The first occurs in the extant Parāśarsaṃñī III. 44, which is comparatively a late smṛti as shown below (under Parāśarsaṃñī). Therefore, the first verse (if it is a genuine part of the original Arthaśāstra) might have been borrowed by both A. and Parāśarsaṃñī from some other earlier work. The 2nd verse occurs in the Pratijñā-Yaṅgandharāyana IV. 3 (one of the so-called Bhāsa plays). There is a sharp cleavage of opinion among Sanskrit scholars as to whether all the numerous plays published as Bhāsa’s are the works of the ancient Bhāsa who is praised even by Kālidāsa. The present author holds that almost all the published plays attri-

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164a संहय दर्षेण बृजाद्र तुर्येन्नमोठसिः, भविः। तह भोगसिंह सामीय, मयाम्बैति। परोभिमतितः। ‘हिरी’। वेद्विद्वन्यन्य-सामार्थायतनं वस्मानमः।। 108 चषुः चषुः ‘सा ते गतिः हृदयादिः।। हिरी। अयाश्च श्रेयस्त्र भवन।।। बाण यज्ञ-साधन स्वस्थान स्वस्थान विषयः वस्मान। पारशुरायेथ यान।।। श्चेष्ट तानम्यतितानिश्च शराः।।। यापाण ववुदेव वरिष्ठकतः।।। नवं शरां विहितय शुष्कस्त।। कर्म-कौशलोदयम्।।। 109 तवस्म या भुजार्रेव गतिः हृदयादिः हिरी।।। अयाश्च श्रेयस्त्र भवन।।। अर्थवाक्य N. 3.27-31; compare शास्त्रिवधः 78. 31 त्रिन्योक्तजिन् = स्मयोधीरांगितानृतातत्विकूल।।।-and vade मनु VII. 89.
buted to Bhāsa are not the works of the ancient Bhāsa. Besides, the verses ‘yān yajñasāṅghaiḥ’ and ‘navam śrāvam’ are preceded by the words ‘śṛṇvantu atrabhavantah’ in the speech of the gātravānukā in the play. So, he appears to be quoting from another source. Further, the Pratijñā shows acquaintance with Arthaśāstra.165 Besides, the king’s exhortation has ‘iti’ at the end of X. 3. 27. The passage ‘vedeṣvapyanusrūyate ... ... hantavyaḥ’ has iti at the end and there is īli at the end of the two verses also. The passages (x. 3 29-31) seem to be later additions and there are three itis instead of one in the supposed exhortation of the king. Therefore, if the two verses occur in the A. they are both quotations and further they may have been taken over by the Parāśara Smṛti and the Pratijñā from the Arthaśāstra. Sten Konow in ‘Kauṭilya Studies’ (Oslo, 1945, pp. 1-71) ‘sees no serious objection to the theory of Bhāsa borrowing from Kauṭilya’ (p. 6). Dr. B. M. Barua in Bhārata-Kaumudi vol. I. pp. 85-119 (paper styled ‘Arthaśāstra, a blend of old and new’) seems to hold that both verses in A. X. 3 are traceable in the plays of Bhāsa (p. 99) but he does not condescend to tell his readers in what drama of Bhāsa the first verse ‘Yān yajñasāṅghaiḥ’ occurs. Dr. Jolly also (Intro. p. 10) is vague about these two verses. He does not state from what play the verse ‘Yān yajña’ is taken. The first verse ‘Yān yajñasāṅghaiḥ’ with slight variations is quoted from Viṣṇudharma by Hemādri on Vrata-kānda vol. II p. 971 (and as stated above it occurs in Parāśara Smṛti also). It is remarkable that even Keith on p. 491 (in B. C. Law Felicitation Volume Part I), vaguely says ‘In A. (X. 3) are to be found two verses which apparently are taken from Bhāsa’. He never bothered to tell his readers in what play the first verse occurs, just as Dr. Barua and Dr. Jolly do. This is a good example of how sweeping assertions are made by even experienced scholars.

Among the circumstances for rejecting the thirteen Trivandrum plays as the works of the famous Bhāsa, a predecessor of Kālidāsa, may be mentioned the following: (1) the plays

165 FRONTISPIECE V is ‘अर्थशास्त्रमुग्धभाली ज्ञेष्ठो गीताक्ष: मुतः। गायनव-मेसी व्यायमशाली वायनगृहकः।। गुण seems to refer to the भाष्य in अर्थशास्त्र VII (अभिकरण).
have come down anonymously; (2) verses ascribed to Bhāṣa in several anthologies are not found in the thirteen plays; (3) even verses quoted from a play called Svapnavāsavadattā are not found in the Svapnavāsavadattā of Trivandrum; (4) that out of thirteen plays five are only one act plays not fit to be called Nātakas at all. Vide a paper in Calcutta Review for 1924 (October–December) pp. 339–349. Several scholars have placed Bhāṣa at the end of the 2nd century A.D. e.g. Sten Konow (in E. Kuhn Presentation vol. 106 ff. and Losny in J. O. I., Baroda) vol. XIII No. 1 p. 48. This does not affect those who hold that A. belongs to about 300 B.C.

One question about Candragupta may be briefly mentioned here. Purāṇas give confused accounts, Matsya (272. 26) and Vāyu (99. 326–27) state that the kings after Mahāpadma will be born of Śūdra women. But Vāyu states that Mahānandi's son from a Śūdra wife will be Mahāpadma. That means that Candragupta was deemed at the time of the Purāṇas to be the son of a Kṣatriya from a Śūdra wife. The author of the Mudrārākṣasa (whether he belonged to the 5th century A. D. or 6th or later) came long after the Purāṇas, was permeated by Paurāṇic lore and therefore he generally uses the word 'ṛṣala' (which means Śūdra in medieval Sanskrit works) with reference to Candragupta when speaking of him personally, but in his absence he several times employs merely the word 'Candragupta' (as after I. 12. 14) or Ṛṣala (just before I. 10). In II. 18 just before approaching king Candragupta occupying the throne Cāṇakya speaks of him as 'ṛṣala-tena Ṛṣeṇa rājñām' (ṛṣala, the best of kings). There is absolutely no evidence to hold that the kingmaker Cāṇakya called him 'ṛṣala'. It is the dramatist saturated through and through with Paurāṇika ideas that Kṣatriyas ceased to exist after the Nandas, who applies the word Ṛṣala to king Candragupta. But it must be emphasized that the Mudrārākṣasa also shows that Nandakula was the pitṛkula of Candragupta, acc. to Rākṣasa; vide the words 'Nandakula-manena pitṛkulabhūtam ghatitam' (after IV. 12) and V. 19 'Mauryosau Svāmiputraḥ.' It is to be noted that in the Mudrārākṣasa Cāṇakya refers to Candragupta as 'Vatsa' also (just before I. 19). Frantic efforts have been made by some writers (e.g. by Mr. Govind Pai in Gode com. volume part III pp. 141–150, particularly p. 146, by Mr. K. C. Seth in I. H. Q. Vol. 13, pp. 641–653, and by H. K. Deb in I. H. Q.
Vol. 8, pp. 466-479) to explain away the word ‘Vṛṣala’ in certain ways such as holding Vṛṣala as the Sanskrit equivalent of the word Basileos (Basileus) occurring on the obverse of the coins of Menander and Demetrius (who became king in 190 B.C.; vide Cambridge History of India, Vol. I. pp. 586, 588). But this is a vain effort and has not been accepted by many scholars. The Chamberlain’s words on the simple furnishings of Čāṇākya’s abode (Act III before verse 16) ‘to him His Majesty Candragupta is a mere Vṛṣala and rightly so’ indicate in what sense the word Vṛṣala was applied to Candragupta by Vv.ākhadatta in the Mātrirākṣasa or was understood by the Chamberlain. It should be noted, however, that the word Vṛṣala occurs in Rg. X. 34. 11 and is applied to the gambler (‘so agner-ante Vṛṣalaḥ papāda’). Here Vṛṣala seems to mean ‘a miserable or unhappy person’. In the Rgveda ‘la’ is affixed to some words as indicating endearment or sympathy e.g. the word ‘śisula’ in Rg. X. 78. 6. Several papers have been written on the origin of Candragupta such as in B.C. Law presentation Vol. pp. 595-610, by Dr. A. Ghosh in I, H. Q. Vol. VI pp. 271-283 (which rebuts Śūdra origin), and by Dr. R. K. Mukerjee in Woolner Commemoration Vol. pp. 93-99. Rāksasa speaks of Candragupta as Manrpayuta in the drama (Act II. 7) but ‘Kulahīna’ and in VI. 6 he calls him Vṛṣala which word in the context means nothing else but Śūdra (his words being ‘gatā śighreṇa śrīrvṛṣalām-averageva vṛṣali). The difficulty is that we have no contemporary record about the status of Candragupta (i.e. about 320 B.C.). The views of ancient sages differed. Vasistha (I. 25) expressly states that some allowed even a dviṣa to marry a Śūdra woman but without the use of Vedic mantras. Manu III. 13 (latter half) who allowed a Kṣatriya to marry a woman of his own varṇa or a vaiṣya or a Śūdra woman condemns in III. 14 such marriages. It is possible that in the 4th century B.C. a Kṣatriya could validly marry a Śūdra woman. Kaṇṭhīya provides (Arthaśāstra III. 6. 22) that in the case of Brāhmaṇas the son born of a Śūdra wife should receive one-third of the deceased father’s property as his share and a Śapiṇḍa as heir shall receive two-thirds for the purpose of offering the oblations to the deceased.

The Anuśāsanaparva says ‘tisro bhāryā brāhmaṇasya dve bhārye kṣaṇiṣyasya tu tathārthamapi śūdrā svaṁ-netyā-hurapare jānāḥ’ (44. 11-12).
A learned Astrologer named Viṣṇugupta is mentioned by Varāhamihira in the Brha-jātaka in two places (VII. 7 and XXI. 3). In the first reference is made to the views of Viṣṇugupta, Devasvāmin and Siddhasena about the length of life a man may enjoy based on certain horoscopic indications. On VII. 8 Utpala, himself a great astrologer, remarks that the two verses (VII. 7 and 8) do not appear to be Varāhamihira's, but Utpala explains them. In XXI. 3 Varāhamihira refers to the view of Viṣṇugupta that Satyaacarya held that Aquarius as the rising sign in a man’s horoscope does not betoken good throughout that man’s life, while the Yavanas held that it is the Kumbhadvādaśāṃśa at birth that forbids evil, while Viṣṇugupta challenged both those views. On XXI. 3 the commentary of Utpala (as printed) ascribes the view to two viz., Viṣṇugupta and Cāṇakya, while the com. on VII. 7 states that Viṣṇugupta’s another name was Cāṇakya. Apart from this confusion probably due to scribes, it has to be said that the astrologer Viṣṇugupta must be entirely different from the author of the Arthasastra, since the Arthasastra appears to ridicule consulting astrology too much in IX. 4. 26, which means ‘the (coveted) object (or goal) slips from the foolish person who continuously consults the stars, for the object is (the auspicious or favourable) constellation; what will stars do’? Besides, the system of Rāśis is comparatively a late matter in Sanskrit works. In his extensive work Kautilya nowhere refers to Rāśis (signs of the Zodiac), much less to their influence on human beings. Many renowned persons bear the same name. We have Candragupta Maurya as well as two kings of the Gupta dynasty called Candragupta. Similarly, there may have been two or more Viṣṇuguptas. Utpala, the commentator of the Brha-jātaka, composed a commentary (vivrti) on the Yogayātra of Varāhamihira. On many passages of the Yogayātra Utpala quotes the Arthasastra as ‘Cāṇakya’s’.

166 For example, on folio 89 (of the ms. in the Bombay Asiatic Society’s Library of the वैधानिक (वैधानिक) we find ‘वैधानिक आह | स्थानमात्रांम्- 
मुक्ता चेतासनस्वाष्ट्रः’ (अर्थ ७. ४. २.) Again on 8a ‘वैधानिक
आह परार्पण संभवः’. This occurs in अर्थ ७. १. १०. On योगयात्रा 
XII. 4 where the word धम्मविवास्त्रण occurs Utpala explains 
(folio 78a) ‘अर्थविवास्त्रण धम्मविवास्त्रणस्तलिनि’. 
Utpala, a Kashmirian, flourished before 850 A. D.; vide the present author's note in Journal of Asiatic Society, Bombay, New Series Vol. 33 (1960) pp. 147-149. The Sārāvali of Kalyāṇa-varman (Nir. ed. 1928), who is earlier than Utpala, but later than Varāhamihira, also cites certain astrological views of Cāṇakya in Chapter 6.3 and 47.45. In the latter passage the view that is cited as Viśnugupta's in the Brāhajjātaka XXI. 3 is cited as Cāṇakya's. As the far-famed Arthaśāstra Viśnugupta was known under two more names (Cāṇakya and Kauṭilya) at least from the 5th or 6th century A. D., the date of the Mudrārakṣasa, Viśnugupta the Astrologer is cited also as Cāṇakya in the Sārāvali.

In Kern's edition of the Br. Saṁ. (II.4 after prose passages) a certain verse quoted in the note occurs preceded by the words 'uktam ca cācāryaviśnuguptena', thereby showing that Varāha quotes a verse of Viśnugupta with acknowledgement. In the edition of M. M. Sudhakara Dwivedi the sloka is preceded by the commentary (of Utpala) "uktam ca cācāryaviśnuguptena tathā hyāha 'apyaṁavasya." As this verse refers to Kōla as a deity it is probably taken from an astronomical, mathematical and astrological work. Probably, it is the same Viśnugupta who is quoted in the Brāhajjātaka.

One of the arguments of Dr. Jolly is that many passages of the Arthaśāstra, particularly from the 3rd and 4th adhikaraṇas on Dharmasthiya and Kaṇṭakaśodhana (i.e. roughly civil and criminal law) recur almost literally in the Śrīmī of Yājñavalkya, Nārada, and Manu; and he holds that K. was acquainted with the whole body of Dharmāśāstra literature much as we now have it (pp. 12-20). Then he examines Vatsyāyana's Kāmaśūtra in relation to Arthaśāstra and holds that there can hardly be any doubt that the Kāmaśūtra was deeply influenced by the Arthaśāstra (p. 24). That proposition has been accepted by all those who have written on this

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167 कुम्भोदयो न शतो त्यस्विचो सत्यस्व तत्त्वो सत्यसम्पत्ति। यवसेवनापि तथा
चाणक्यो वदति नो वर्णं कर्म || सारावलि 47.45. This is a paraphrase of
उद्यानतक XXL 3.

168 उर्क चाणक्यविगुणः । अव्याख्यातथ पुर्वः । प्रततरं कदचिदाद्यवेदनिलिनिगुणसंवेदन
वल्लभेण पारसः । न लघू कालयुक्तायमाणिकसं गन्त्वेत|दशविद्रविमेल्लिकाः।
सारिणी पारसः || उद्यानतक II. 4 p. 5 (ed. Kern.)
subject. But he tacks on another proposition that 'no long interval of time can have passed between the composition of two such cognate productions'. Jacobi does not agree with this at all and the present author also cannot agree with this dictum of Dr. Jolly, for which there is no authority except his own (the dictum that between two cognate productions no long interval can pass). And even the date of the Kāmasūtra as 4th century or so (Dr. Jolly's Intro. p. 29) may be regarded as later by at least a century or more. As regards comparison with the Štrūtis, Jolly puts down 33 passages (on pp. 12-17). Out of these 20 are from Yājñavalkyasmrī, only 4 from Nārada, 3 from Manu, two from Viṣṇu and one each from Baudhāyana, Kātyāyana, Vyāsa. Excepting the passages from Yāj. and Nārada the rest are so few that no scholar (who is not already prepossessed in favour of it) will agree that they are enough to hold that Kauṭilya is the borrower. Dr. Jolly himself had doubts even about Yāj. as he says (on p. 18 of Intro.) 'It is true that some facts seem to point the other way, so that Y. instead of K. (Kauṭilya) would have to be regarded as the borrower, either directly or through the medium of a common source'. It will be shown later on that the Smṛti of Yāj. should be held to be the borrower and presents far greater development of juristic provisions than the work of Kauṭilya. Keith, without himself examining the data, holds that Dr. Jolly has proved that Yāj. was used by Kauṭilya and that the evidence is conclusive (at p. 494) of Keith's paper in B. C. Law Felicitation Vol. I. pp. 477-495). This is like one blind man following another blind man (as said in the Mūḍākopanisad I. 2. 8).

Both Dr. Jolly and Dr. Winternitz rely on the Indica of Megasthenes (while admitting that both M. and K. agree on many points) to show that great divergences exist between the Kauṭiliya and the account left by Megasthenes. There are great infirmities as regards the work (Indica) itself. The original work of Megasthenes has not come down. Only fragments of his work are available. McCrindle (on 'Megasthenes and Arrian' (1877) states at p. 19 'since Strabo, Arrianus and Diodorus have directed their attention to relate nearly the same things, it has resulted that the greatest part of the Indica has been completely lost and that of many passages, singularly enough, three epitomes are extant to which a fourth is added by Plinius'. Therefore,
absence of certain matters in his account cannot be used as an argument at all. How can one know what was contained in what has been lost or was not contained. An argument from silence is not strong and often bad enough but in this case it is much worse (it really is no argument at all). Besides, the period of M's stay in India is uncertain. The Cambridge History of India Vol. I. (Ancient India) p. 472 remarks 'M. resided in India for a considerable time and perhaps on more than one occasion at the court of Pataliputra. The dates of his mission must be later than the campaign of Seleucus (circa 305 B.C.) and earlier than the death of Candragupta (297 B.C.) but the time is otherwise undetermined.' Prof. Winternitz in Cal. Review (for April–June 1924) states on p. 19 that Megasthenes came to India as ambassador to Candragupta's court in 302 B.C. i.e., he resided in India at the most four years. This means that M. stayed at the court of Pataliputra only for a few years. There is nothing to show whether he had learnt Sanskrit or any other Indian language like Pali.

We should not and cannot totally brush aside the Mudrārākṣasa, Candragupta and Parvata, the Nandas and their elimination, Candragupta having employed foreign soldiers and gained large territories in North-west India and even to the West of the Indus river are accepted by almost all scholars. The drama also states that Rākṣasa, the former minister of the Nandas, was induced by Kanṭīlya to accept the post of chief minister under Candragupta and he himself retired from the political field. One has often to wonder at the ways of some Western scholars of the 20th century. They themselves show that Megasthenes reported matters as existing in India which were quite untrue. Dr. Jolly glosses over this in the following words (Intro. p. 38) 'the numerous and glaring discrepancies between Megasthenes and Kanṭīlya are no doubt to some extent due to the idealising tendencies of the Greek writer.' M. does not speak of the four varnas, the most distinguishing characteristic of Indian Society for several centuries before him, but speaks of seven classes in the Indian society of his times (fragment I. p. 40–44 of McCrindle's tr., ed. of 1877). M. states that Indians keep no slaves, that agriculturists have a privileged position in that they are exempt from military service and are never to be molested even in times of war, that Indians never took wine except at sacrifices, that Indians do not put out money at
usury (Fragment XXVII B. McCrindle's Tr.), they have no suits about pledges and deposits (Fragment XXVII c.), that the Indians have no written laws and are ignorant of writing (Fragment XXVII.), that no private person was allowed to keep a horse or elephant. It is unnecessary to multiply examples. Dr. Jolly himself is constrained to observe (on p. 40 of Intro.) as may be seen from these examples, the idealising tendency in Megasthenes greatly impairs the trustworthiness of his statements.' This is the view of a favourable critic about the positive statements made by M. Prof. A. B. Keith agrees with Dr. Jolly in this appraisal (B.C. Law Felicitation Vol. I. pp. 477–495). To describe the false reports he makes as due to his idealising tendency is a euphemistic way of saying that M. told lies, whatever his object might have been. If this is the state of things in the matter of his positive statements, how can any conclusion be drawn from his silence on this or that point or fact? Prof. A. B. Keith says that M. does not mention by name Kautilya or Čāṇakya (p. 486 of his paper mentioned above) and insinuates that he was non-existent. As a matter of fact the fragments of M. hardly ever mention the name of any prominent Indian individual at the Pātaliputra court or in the country, except that of Sandracottos (king Candragupta). Keith admits this (p. 487 of the paper noted above). Therefore, non-mention of Kautilya or Čāṇakya by M. is worthless as an argument. How non-mention is often worthless as an argument may be illustrated by a striking example. Aśoka in his numerous inscriptions nowhere mentions his great progenitor Candragupta (grand-father of Aśoka). But both are mentioned several hundred years later in the inscription (Junagad) of Rudradāman (in 150 A. D.). Besides, it has been shown above that M. came to India during the last years of Candragupta's reign. If we accept the story of the Mudrārāksasa, Kautilya or Čāṇakya was connected only with the early years of Candragupta's career. By the time M. came to India, Kautilya might have been living in a hermitage or might have been dead.

It is really surprising how even a veteran and studious scholar like Dr. Jolly cannot have the candidness to say that, in view of the unanimous Indian traditions preserved in Sanskrit works (such as the Purānas, Nītīsāra, Tantarākhya-yikā, Mudrārāksasa, Kādambari, Daśakumāracarita) and in
Jain and Buddhist literature, it is quite possible that Kauṭilya may have been a real person and might have had something to do with Candragupta. Not only does he not do this but proceeds to say ‘it might indeed be questioned whether the prime minister of Sandrakottos is not a figure of pure mythology, as he is not mentioned in the Greek reports concerning Sandracottos and as Hemacandra relates very marvellous stories about him.’ The first part (about non-mention by Megasthenes) has been dealt with above. (pp. 183–4) Hemacandra flourished a thousand or more years after Kauṭilya and, if he gives marvellous stories, the task of the scholar is to separate the chaff from the solid grains. Marvellous legends about prophets and great men have been told in all religious books, and so-called histories in all lands. Marvellous stories are told in the Pali Jātakas and other works about Gautama Buddha, but nobody denies the existence and mission of Buddha. Dr. Jolly further says that the minister Rāksasa (i.e. the peculiar name only, I hope) is probably a myth, why should not Kauṭilya be mythical as well. A king requires a minister or ministers. The Nandas must have had a minister or ministers and one of them might have been dubbed Rāksasa for various reasons. Supposing the name was wrongly given, there is nothing mythical about it. Rāksasa occurs not only in the Mudrārāksasas, but it also occurs in the Pāncatantra III (verse 138) p. 65 of Bühler’s ed. of 1891 (kūṭalekhvair–dhanotsargaiḥ–dūsayet śatru–paksajām it pradhānāparsam–yadvad–Viṣṇuguptena Rāksasah”). Dr. Jolly, after having written many things (generally one-sided) becomes aware that it is the contents of the work that matter most and then begins to consider this in a slipshod way on pp. 34–41. On p. 43 Dr. Jolly reverts to the non-mention of Pātaliputra in the Arthaśāstra. As stated above, non-mention would have hardly any bearing on the question of the authorship of an extensive Arthaśāstra. Here also one matter for consideration is as follows: As said above, Kauṭilya was probably connected with the early career of Candragupta. He therefore wrote the Arthaśāstra for his king (‘Narendrārthā’ in II. 10). At first, his kingdom was not very large and was unsettled. Therefore, he composed a long section on superintendents (Adhyakṣaprācāra). From that section it appears that he was an experienced administrator and not a mere pandit, as Keith said in (JRAS, for 1916 at p. 135), as Winternitz is pleased to remark (in Cal.
14. The Arthaśāstra of Kautilya

Review 1924 p. 17) and as Dr. Jolly echoes this description (Intro. p. 47). Johnston in JRAS for 1929 p. 101 holds that Kautilya must have been an experienced and practical administrator.

Winternitz (Cal. Review for April–June 1924) on p. 18 is sceptical about Kautilya's authorship of the Arthaśāstra chiefly on two grounds; firstly, the words 'iti' Kautilyah occur about 80 times and therefore the reference is to a school and not to a single individual. Some Western writers often indulge in categorical statements about matters Indian on scanty data. We have the examples of Baudhāyana (a. of a Śrāuta and Dharmasūtra), Jaïmini (author of Pūrvaśīmāsūtra), Bādarāyaṇa (of the Vedāntasūtra), Vātsyāyana (author of Kāmasūtra) citing their own names in their works. Vātsyāyana is a gotra name. The famous poet Bāṇa speaks of his ancestor as 'babhūva Vātsyāyana-gotrasambhavah'. The second ground is the same that Keith advanced in JRAS for 1916 p. 135 viz. that Kautilya means crookedness. How can an author call himself crookedness incarnate? Vide Cal. Review 1924 p. 18. Here again a little knowledge is a dangerous thing. Kautilya is a gotra name. Winternitz appears to have known only one meaning of the word. Just as Bhāradvāja often mentioned in the Arthaśāstra is a gotra name, so is Kautilya (as shown on p. 91 of the first edition) and as shown above from the grant of Bhāskaravarman of Kāmarūpa in the first half of the 7th century A.D. in E. I. vol. 19 pp. 115–7 and 248–250, which only confirms his ancestor's grant. Moreover, the Pravara–sūtra of Baudhāyana Śrāutasūtra (Dr. Caland's ed.) includes Kautilya in the Yaska group of gotras (vol. III p. 421). Besides, the Matsya purāṇa (Ānan. ed.) when dealing at length (in chapters 195–202) with gotras and pravaras mentions in chap. 195.26) Kautilī as a gotra name under Bṛguvaṁśa. Therefore, these grounds put forward by Keith and Winternitz are worth nothing.

Another example of easy-going attitudes and want of caution even among some veteran Sanskrit scholars of the West may be mentioned from Dr. Jolly's Intro. to his edition of K. (p. 11). He refers to the fact that Medhātithi on Manu adduces two passages (on VII. 191 and 205) from a work spoken of by him as Samānatantra (which can be traced to the Arthaśāstra X. 5, last verse and VI. 2. 7). Dr. Jolly is so
coxsure that he at once jumps to the conclusion that the Arthaśāstra was surnamed Samānatantra, does not even use the words 'it is possible' and refers in support of his dictum to the words 'samānam pūrveṇa', that occur several times in the Arthaśāstra; (vide e.g. I. 11. 10–12, XIV. I. 26). All that those words mean is 'the rest need not be expressly stated but that some words or phrases already occurring in a previous sentence or part are to be understood as meant here also.' Samānatantra is a technical term in the Nyāyasūtra I. I. 27–31 and Vātsyāyana-bhāṣya. Tantra means 'siddhānta' (tāntram pradhāne siddhānta' as Amarakośa says) i.e. a system of thought or philosophy. A siddhānta may be one of four kinds, viz. (1) Sarvatrantra, (2) Pratitrantra-siddhānta e.g. certain dogmas (such as Prakṛti, Puruṣa in Saṅkhya) are common to Yoga i.e. to two systems (though in other matters they differ as the Yoga system does from Saṅkhya) and are Samānatantra. The 3rd is 'adhikaraṇasiddhānta' and 4th is abhyupagama-siddhānta. The Manusmrīti insists on Dharma (spiritual and moral good) as the principal matter (or goal) and treats artha (material good or well-being) and Kāma (pleasures of sense) as inferior and calls upon all to give up Artha and Kāma that are opposed to Dharma (Manu IV. 176). On the other hand the A. (that is meant for the benefit of rulers ('narendrārthe' as he says) emphatically states 'Artha alone is supreme, for Dharma and Kāma depend upon Artha' (I. 7. 6–7). Thus, though Manu and Arthaśāstra deal with many matters that are common to both, the principles and emphasis are different and hence Arthaśāstra may be called parallel to (though not identical with) Manusmrīti. It may be noted here that the verse 'Pradīpah sarvavidyānām' (Artha I. 2. 12) is quoted by the Vātsyāyana-bhāṣya (I. 1) only changing the last pāda into 'vidyodhese prakīrtitā'.

Some Western scholars again and again harp on the point of non-mention as a valid ground for arriving at definite or positive conclusions. Winternitz (in Cal. Revie 1924) could not avoid the temptation of pressing into service the non-mention of Kautilya in the Mahābhārata (p. 28). In the first place, Winternitz does not state what date he assigns to the Mahābhārata. Besides, various replies can be given to this useless argument. The great Epic ends upon the note of
Dharma (as the quotations below will show) just like Manu’s exhortations above. Even if Kautilya flourished before the epic there is no compelling reason why the epic should mention a writer with whom it had a fundamental difference. Other possible replies are that Kautilya was a contemporary or flourished slightly later or earlier than the Mahābhārata as we have it.

If one were to write on Western Scholars’ frequent use of non-mention* of a person or work by other works or authors as a good reason for coming to positive or definite conclusions, a volume would have to be written. But I must add one more glaring instance of this perverse tendency among certain Western writers (and the instance is very relevant here). Dr. Jolly (Intro. to A. p. 47) remarks ‘Patañjali in his Mahābhāsyā refers to the Mauryas and to the Sabhā of Candragupta but is silent about Kautilya’. The Mahābhāsyā is an exposition of the Vārtikās of Katyāyana and indirectly of Pāṇini’s sūtras; it is quite wrong to suppose that it is a general work on Sanskrit authors and Literature or a thesaurus of all literary works in Sanskrit and the names of their authors (up to Patañjali’s time). If some historical facts are stated in the Mahābhāsyā they are relevant for the purpose of explaining Pāṇini’s sūtras and their application. To take first the reference to the Mauryas: It occurs in the Mahābhāsyā on

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169 * The frequent reliance on non-mention by Jolly and Winternitz tempts me to refer to Prof. A. H. Sayce who rebukes the European scholars and especially Germans for their fondness for treating negative evidence as of great value in putting forward theories which broke down on further search (vide ‘on Aryan problem fifty years later’ in Antiquity vol. XI 1927) p. 294.

170 The words of the Mahābhāsyā on Pāṇ. V. 3.99 are; अपि इत्युच्चते। तेष्टे न सिद्धति शिवः स्मृतस्मृत: विद्यान्त: इति। क्रि ज्ञातमू। कृष्णेर्विषयवाच्ये-विभिन्ने। प्रक्षिप्यतः। भक्ताणामु न स्मातः। यास्तेत:। सर्वत्र प्रजारूपारूप मन्त्रायतः। (Kielhorn’s ed. Vol. II. p. 429). विद्यय does not everywhere (at least in the Arthaśāstra) mean ‘gold’. It is sometimes used in the sense of ‘coins or cash’. In the Mahābhāsyā passage it

(Continued on the next page)
Pan. V. 3. 99 (Jivikarthe capanye). This says that the affix Kau (ku) is not applied to images of Gods that are meant to be sold, but that are installed for gaining livelihood; e.g. an image of Siva is called Siva if it is not meant for being sold but is established for affording a living to the Devalakas (priests of the idol); while if an image of Siva be meant for sale, it would be designated Sivaka, but would not be applicable to idols established by Maurya kings for collecting gold or cash (from the offerings placed before the images).

Besides, the plural ‘Mauryaih’ is used. That is most important. There were nine or ten Maurya kings, who ruled in all for 137 years (vide p. 171 above). Therefore, reference is not to Candragupta at all but to his descendants after Asoka, the last of whom was ultimately liquidated by senaṭi Pusyamitra and whose doings Patañjali might have personally known or heard because he was very near in time. There is no occasion or necessity to bring in Kauṭilya here. Then a word must be said about Candraguptasabhā. On Vārtika 7 of Pan. I. 1. 68 (read with Pan. II. 4. 23 ‘sabhā rājāmanusyapūrva’, we get the neuter gender for the compounds ‘inasabham iṣvarasabham’, but we have Rājasabha (not rajasabham), Pusyamitrāsabhā and Candraguptasabhā) (and not Candraguptasabham &c.). Here the question is one of pure grammar. It may be noticed that Patañjali mentions the Sabha of the founder of the Mauryas and also of the destroyer of that dynasty (viz. Pusyamitra). Asoka was the greatest of the Mauryas, but owing to his Buddhist proclivities he was probably persona non grata with Patañjali. Following the logic of Dr. Jolly, Asokasabha not being mentioned in Patañjali it could have been argued that Asoka did not exist or at least there was no Asokasabhā. His Inscriptions and Buddhist works

(Continued from the previous page)

means ‘cash or revenue in cash’. For example, the Arthasastra uses it in that sense e.g. in ‘bhutayuddhārāṇa rājāṣṭhānaṇa chaṣaṇa bhāgavey prakāramma: II 13. 6; nubhūr hiranyamitramahayasaṃ jñāna tuvaśita’ I. 19. 12; āhāramaṇaṇa: I. 13. 36; sadasamaṁyuddhahariṇaḥ sabhāḥ: III. 16. 39; sadasamaṁyuddhahariṇaḥ śrvanaṃyuddhahariṇaḥ śravaṇaṃyuddhahariṇaḥ duśthānav: pāthavasādyāḥ saṃyam: सतास- द्राद: III. 17. 3. In this last both hiranya and surarṣa are used; therefore surarṣa means ‘gold’ and ‘hiranya’ should mean ‘coins or cash’.
vouch for his existence. Well then, the Purāṇas, Jain and Buddhist sources vouch for the existence of Kautilya and the A. itself proclaims that it is Kautilya's work; besides, writers from the third century A. D. at least onwards mention him. Why should not all Western scholars agree on this probability at least? Many of them treat Kautilya as if he were in the dock and regard themselves as advocates for the prosecution and eager to condemn and annihilate him. I can gauge or surmise the motives of some at least of them. But it is not necessary for my purpose here to dwell on them.

A. B. Keith (in J. R. A. S. for 1916 pp. 130-137) states that it is perfectly possible that the Arthasastra is an early work and may be assigned to the 1st century B. C. while its material is older (p. 137). He, however, held that the verse 'Yena sāstram ca sāstram ca' (at the end i. e. in XV. 1. 73) is unlike a statesman and very like the product of a follower who desired to extol his master. This is purely one man's subjective idea about what a person should have done (who flourished two thousand years before him). Jacobi (who assigns Kautilya to about 300 B. C. in I. A. Vol. 53 pp. 128-136) and others do not accept Keith's remark at all. Keith (on p. 136 of JRAS for 1916) says that Kautilya means falsehood. This is not accurate. Kuṭila means 'bent or crooked' as the Amarakośa says and as the Vārtika 'Anavanakauṭilayor-itī vaktavyam' on Pāṇ. I. 3. 66 and Patañjali indicates (Kielhorn's ed. Vol. I. p. 290). In 1945, however, Keith appears to have changed even his first response to the publication of Kautilya's work and published a paper (in B. C. Law Presentation Vol. I. pp. 477-496) remarkable for its acid and supercilious tone, where he observes 'there is no trace of a commanding intellect in the actual work before us (p. 486) and that Arthasastra does not exhibit any qualities of the type of Frederick the great, Madhavacārya, Todarmal, Richelieu, Warren Hastings, Woodrow Wilson, Lenin and Churchill.' Dr. Jolly also (Intro. p. 33) sings the same tune, when he writes 'this however appears to be certain that his work is the outcome of a long period of literary activity in the field of polity rather than the production of a creative genius, another reason for not fixing its age limit too high'.

Many scholars have contributed papers showing the indebtedness of Kālidāsa, Bhavabhūti and others to the Arthasastra. For example, vide Kunhan Raja Felicitation
Vol. pp. 48-54 and Proceedings of the 13th All India Oriental Conference, part 2 pp. 102-108 (Dr. Raghavan) for Kālidāsa's indebtedness to Kauṭilya). No scholar (except Dr. Pran Nath) puts the Arthāśāstra later than the 3rd century A.D. and most scholars place Kālidāsa between 350 to 450 A.D. Therefore, beyond serving to check or corroborate the text of A. such articles are not of importance in this section and so these matters need not be dwelt upon here.

From comparatively ancient times Cāṇakya alias Kauṭilya or Visṇugupta has been credited with the composition of a work on Arthāśāstra. The Kāmandakīyanitisāra⁷¹ pays a glowing tribute of praise to Visṇugupta, who, single-handed, brought about the downfall of Nanda, bestowed the earth on Candraṅgupta and distilled from the ocean of Arthāśāstra the quintessence, his work on politics. Kāmandaka further tells us that he looked upon Visṇugupta as his guru.⁷² The Tantrākhyaṇīkā (H. O. S. vol. 14) which is certainly not later than 300 A. D. pays homage to Cāṇakya the Great as one of the authors of treatises on Politics.⁷³ Daṇḍin in his Daśakumāra-carita (section VIII, p. 131, 2nd edition B. S. Series) says that the teacher Visṇugupta compressed Daṇḍaniti for the sake of the Maurya king into six thousand ślokas and quotes passages from Cāṇakya.⁷⁴ Bāna associates the work of Kauṭilya with harsh and cruel expedients. The Pañcatantra identifies Cāṇakya and Visṇugupta and speaks of Cāṇakya as the author of Arthāśāstra.

⁷¹ यस्याभिवचक्वच्चब्रजमन्त्रमन्यत्वमानसुपुर्वोत्पत्तिः समस्तवयो नामस्तत्वः।
एकाको मन्त्रस्वात्यं शक्तिशालिप्रपावं। आज्ञाय तुष्टद्राय चन्द्रगुप्तमध्याय
मार्गनीयम्। नीतिवा भारतेन ध्रुमवर्त्साब्रम्भवायेः। समुदद्राय: नमस्तसेऽविणू
गुमाये वेशेः। कम्भ. I. 4-6.

⁷² ‘विश्रान्यतां एवं इति नो मुख्यान्तम्।’ कम्भो II. 6: ‘वत्तम एव प्रिणा इति कैविटयः।’ कौटितीय I. 2.

⁷³ मनोव बाचस्तवेऽ भुक्ताय पराग्राय समुताय। चालकन्याय च महते नमुनस्तु
मुखाक्षरसुन्तस्। II verse 2.

⁷⁴ ‘इत्याभिवचक्वचाविण्यूपम भौर्यापव पद्यभिः: शक्तिकिंवेश: संख्या।’ दश
कुमारो VIII: संसारसाग चालकन्या: ‘विचारानुवत्तिन्त्वोद्वक्याः अपि प्रिम्या
व्रप्तिः। विलोक्या अपि न्यूनकर्त्तराय द्वेयभूतवर्णेऽभृत्वः’ दशकुमार VIII. Compare
कौटितीय V. 4 verses at the end.
(vide part I. p. 2 ed. by Kielhorn, part II. p. 65 and part III. 50 ed. by Bühler). Kautilya figures very largely in the Purāṇas (vide Pargiter's 'Dynasties of the Kali age' pp. 69-70 and Viṣṇupurāṇa 4. 24. 26-28). He has a prominent place in the Brhatkathā of Guṇāḍhya as appears from the works of Kṣemendra and Somadeva. The Mṛchhakāṭika (I. 39, B. S. series) refers to Cāṇakya. The Mūdrārakṣasa identifies Cāṇakya and Kautilya and suggests the derivation of the latter name from 'Kuṭila' (crooked). Some of the above items of information are supported by the personal references contained in the Arthasastra itself. At the end of the first adhikaraṇa Kautilya is said to be the author of the Śāstra and at the end of the 10th chapter of the second adhikaraṇa Kautilya is said to have laid down the rules for royal edicts for the sake of the king.  

The last verse tells us that he, who impatiently wrested the earth from the Nanda king, composed the work and after the colophon a verse tell us that, seeing the differing interpretations of bhāsyakāras on the Arthasastra, Viṣṇugupta himself composed the sūtra and the bhāṣya.

Kautilya gives his own definition of Arthasastra in Adhikaraṇa XV. 1. It means 'means of the subsistence of men are artha (wealth) i.e. the earth (land) inhabited by men.' The science which is the means of gaining and protecting that earth is the science of Artha (Politics) (Manuśyaṁ vṛttir-arthaṁ manusyaṁ bhūmirṛtaṁ; tasyaṁ prthivyā labhapālanopāyaṁ śāstram-arthasastram-iti). The Kautiliya appears to employ the word Nitiśastra in the sense of Arthasastra in V. 4. 3 (anātmavān hi nitiśastraḍaṇḍaṁ-anarthyasamyojādva prāpyāpi mahād-aiśvaryaṁ na bhavati. The very first sentence of the Arthasastra foreshadows the definition of the term in XV. 1 viz. 'this single (treatise) on the science of Politics has been composed mostly by bringing together (the dicta of) as many treatises on the science of

175 सुधामहरुकिँचिं तत्त्वाक्षरदनिधितम्। कौटिल्ये इत्य शास्त्रे विमुक्तमन्यविष्ठतम्॥
कौटिल्ये I. 1। स्वप्रवार्मप्रक्षम्प्रक्षम प्रेमोयुक्तम्बवेत् । कौटिल्ये नरस्त्रायं शास्त्रन्य विवेचः इत्य।॥

176 येन शास्त्रे च श्रेष्ठं च नम्नराजरत्ना च भुत्। अमवः गृहस्त्वान्तायं तेन शास्त्रमिदं
इतनम्॥ द्वेषा विश्वासिति बुद्धया शास्कं भाष्यकाराणम्॥ लक्षमेव विधुवयते
कार सुरं च भाष्यं च.॥

H. p.—25
politics as have been composed (established) by former teachers for the acquisition and protection of the earth'.

The first question that arises for consideration is the authenticity of the work, that is, the question whether it can be the work of the famous minister of Candragupta Maurya, who was a contemporary of Alexander, and who must therefore have flourished about 320 B.C. This question very largely depends upon the age of the work. But other considerations, more or less of a subjective character and depending upon the absence of certain things from the Kautiliya, must be dealt with first. Jolly, Keith and Winternitz hold that the extant Kautiliya is not the work of the Maurya minister. One argument, viz. that a person like Caukṣyapa who had to build a vast empire such as that of Candragupta and who was bent down with the cares of the empire could not have found time to write such a work, may be brushed aside as entirely futile, being a purely subjective argument. Some persons may say that he could have found time, just as Sāyana and Madhava could find in later days, to write such a work in the midst of all cares, while others may deny the possibility of such a thing. Similarly, most of the arguments from the silence of the Kautiliya are also quite unconvincing and lead to no certain and universally acceptable conclusion. The non-mention of Pātaliputra or of the empire of Candragupta is of very little use in deciding the question of the authenticity of the work. The argument of Stein and Winternitz that in Megasthenes' account of India no great person named Caukṣyapa or Kautiliya appears and that the former's account of the condition of India does not tally with that presented by the Kautiliya is of very little weight. We have no means for finding what proficiency Megasthenes had acquired in the languages of India so as to be able to hold conversation with all sorts and conditions of men. Besides, it is well known that Megasthenes' writings have been handed down in a fragmentary state and that he often spins his own yarns. Megasthenes declares the Indians to be unacquainted with writing. But no Western scholar would now subscribe to the view that writing was unknown in India about 320 B.C. Dr. Jolly himself has to remark that the idealising tendency in Megasthenes greatly impairs the trustworthiness of his statements (p. 40, Introduction to Kautiliya). This question of the authenticity of the work is bound up with the question whether it can be the work of an individual author or whether it is the product of a school.
Hillebrandt vehemently argues that it is the product of a school and Jacobi as vehemently repudiates that hypothesis. The great stumbling block according to many scholars in the way of regarding Kautāliya as the author of the work is the fact that the views of Kautāliya are cited by name about 80 times in the work itself, almost always in opposition to the views of other teachers. But there is nothing specially to be wondered at in this. In order to avoid looking too egoistic, ancient authors generally put their own views in the third person as said by early writers like Medhātithi and Viśvarūpa. It has to be admitted that the first person singular also is used by ancient writers, though rarely. Jacobi (I. A. for 1918 p. 188) and Keith are both wrong in thinking that the view of Kautāliya is criticized by Bhāradvāja in V. 6. Kautāliya states his position first and then mentions the view of a predecessor. Dr. Jolly (Intro. to Kautāliya p. 44) is wrong in his explanation of Apadeśa (in XV. 21). That word is applied to passages which mean ‘this or that author says this or that’ and the Kautāliya cites from his own work a case of the statement of various views on a certain point. These words do not at all indicate that according to the Arthasastra Kautāliya was a stranger. Apadeśa is one of the 32 tantrayuktis (devices or patterns of the tantra i.e. the system propounded in the work). It should be noticed that all the 32 tantrayuktis are exemplified from the Kautāliya itself and in illustrating the word ‘apadeśa’ in Adhikaraṇa 15 the author quotes an example (out of many in the work itself) from its first adhikaraṇa. Apadeśa seems to mean ‘a statement or declaration.’ The word Apadeśa occurs also in IV. 8. 2. The words of Dr. Jolly (Intro. p. 44) are rather misleading. He says ‘the numerous references to opinions of K. in the body of the work are in the Tantrayuktis chapter explained as coming under the head of Apadeśa’. K. is exem-

177 ‘प्रायेण प्रथमद्वारः स्वयम् परागस्वेय वृक्तेऽत् मथानिधिः; on याज्ञ. I. 2 विष्णु-रूप says ‘कि तु भगवतेव परोक्षः इत्यादि निर्दिष्टेऽत् स्व-सांसारिकवाच्यः.’

178 याज्ञ says ‘तन्त्रस्येक यस्माति तस्मात न नं मम सति यस्मातं सत्तत एवादास, and II. 133.

179 एवम्बैवत्ममासः कार्यविदितः चैत्यः; vide याज्ञ. I. 58 ( न नं मम सति यस्मातं &c.)

180 एवम्बैवक्रियायतेऽसः; ‘अन्तर्गृहिणां द्वारान्यायान्त म्यान्ति मानसः; प्रेक्षयित ‘वार्तानावाचः; विशतिमित्वमाषशनसः; यथा सामान्यामिति कृतिप्रयः;’ इति.
plifying the various devices (yuktis) that have to be employed in expounding his system. The three opinions including his own have already been stated. There are many examples of apadesa in the work apart from the one mentioned in XV (as on I. 8, I. 17. 4–22, II. 7. 11–15, VIII. 1, VIII. 3). Keith thinks (J. R. A. S. 1916 p. 135) that as Kauṭilya is derived from Kuṭila, an author will not cite his own views under such an epithet. It is not unlikely that Cāṇakya acquired the epithet Kauṭilya on account of his methods in dealing with the Nandas and that as he did so from no purely selfish motives but for ridding the country of such tyrants as the Nandas are represented to have been, he might have come to relish the name given to him by the people. It has to be noted in this connection that many of the writers quoted in the Kauṭiliya bear nicknames (such as Piśuna, Vatavyādhī, Kaunapadanta). This leads to the question as to whether the name is Kauṭilya or Kauṭalya. Hillebrandt seems to imply that all mss. employ the first form, while Pandit T. Ganapatisastri says his mss. support the latter form though in the first few pages he prints Kauṭilya. Mss. of the Kadambari, the Pañcatantra and other works support the form Kauṭilya and the Mudrārākṣasa does the same by pointedly hinting at the etymology. A com. on the Kāmandakīyānitisāra styles the Kauṭiliya as Kuṭalabhāṣya and Kuṭala is said to be a gotra. The form Kauṭalya is said to occur in an inscription at Ganesar in Dholka dated Vikrama Saṅvat 1291 (i. e. 1234–35 A. D.). Vide Indian Historical Quarterly vol. I. p. 786. It is very difficult to decide between the rival claims of the two forms, but it appears that the form of the name, Kauṭalya, is due to a later attempt to solve the difficulty of an author parading his views as those of a man nicknamed “crooked.” Whether Kuṭalar or Kauṭalya was known as a gotra rṣi in ancient times is extremely doubtful. Neither the Āśvalāyana-śrauta-sūtra (Uttarāṇa, 6th chap., 10th Kaṇḍikā) nor the Āpastamba-śrauta-sūtra (24. 5–10) mentions Kuṭala among the several gotra groups. In later works on gotras, we find the name in several forms. In the Pravaradarṣaṇa of Kamalākara Kauṭali is said to be one of the Jāmadagnya-Vatsa group of the Bhrgus (p. 156 edited by P. Chentsalrao, Mysore) and Kauṭilya is assigned to the Yaska group of the Bhrgus (p. 158). The Pravaramanjari enumerates the Kauṭilyas (p. 32, of the edition by P. Chentsal-
14. The Arthaśāstra of Kauṭilya

rao, Mysore) among the Yaska group of the Bhrigu, also among the Śrādvrata group of the Gautamas, a branch of the Āṅgirasas (p. 161) and Kauṭili as one of the Bhrigu (p. 42).

In connection with the Arthaśāstra of K. the following questions arise (and arguments on them become mixed up). I. Was there a person called Kauṭilya or Cāṇakya, who helped king Candragupta and was his minister; II. Did he write a work on Polity; III. Was the work in prose or verse or both; IV. Is the extant Arthaśāstra substantially the same work that was originally written by Cāṇakya or Kauṭilya; V. Is Viṣṇugupta mentioned in a verse occurring at the end in some mss. the same as Kauṭilya or Cāṇakya or different.

The preceding pages contain answers to some of these questions. On the available evidence there is hardly any doubt that Kauṭilya and Cāṇakya are names of the same person and that he helped Candragupta in the early part of his career (reply to question I); Kauṭilya or Cāṇakya was the author of the extant Arthaśāstra as stated in the work itself and in the Tantrākhyāyikā, Kādambari and Daśakumāracarita (reply to question II). The work was in prose with a verse or verses at the end of each chapter and sometimes in the middle also. This will be elaborated a little later (reply to question III). The extant work is substantially the same as originally written, but it is likely that some matter was interpolated later. Some portions dropped out owing to its unpopularity (evidenced by Bana) and the great lack of mss. of the work; same possible interpolations have been pointed out in several places (reply to Question IV); Viṣṇugupta is the name given at Nāmakarana and Viṣṇugupta, Cāṇakya and Kauṭilya are the names of the same person (reply to V). It has been shown that the Nitisāra ascribes the work to Viṣṇugupta, the Tantrākhyāyikā speaks of Cāṇakya as the author of a nipaśāstra, the Kādambari ascribes the Śāstra to Kauṭilya, the Daśakumāracarita identifies Viṣṇugupta and Cāṇakya and the Mudrārakṣasa gives the three names as those of the same person.

The Purāṇas are mainly concerned with the periodic creation and destruction of the world, the royal dynasties and their doings (i.e. with history) and holy places, penances, vratas, contents of the Vedas, their auxiliary lores (i.e. Vedāṅgas), the composition and number of the Purāṇas and
Dharmaśāstra matters (and much of this in a prophetic vein) and they hardly ever refer to secular works except in comparatively later Purāṇas. There is no wonder, therefore, that even when some of them refer to Kauṭilya as instrumental in uprooting the Nandas and placing a strong and capable ruler like Candragupta on the Magadha throne (that is history, Vaiśa and Vaṁśānuścarita), they are generally silent about the names and authors of secular works like the Arthaśāstra and the works of poets and dramatists like Bhāsa and Kālidāsa.

Before proceeding to discuss the age of the Kauṭilya, it is advisable to say a few words on the form, style and contents of the work. The work is divided into 15 adhikaraṇas, 150 chapters, 180 topics and contains 6000 ślokas (i.e. units of 32 letters). The work is in prose interspersed with a few verses. Each chapter has at the end at least one verse and sometimes more; for example, at the end of VII. 3 there are 15 verses, 14 at the end of VII. 18, 12 at the end of VIII. 5, 8 at the end of VII. 6 and VII. 13. Even in the middle of some chapters occur some verses, excluding mantras e.g. in I. 8 (one), II. 10 (12), II. 24 (5), V. 5 (1), VII. 5 (9), VII. 6 (1), VII. 13 (2), X. 3 (2), XIII. 4 (1), XIV. 2 (4). There are about 375 verses in all (excluding mantras, but including some obvious quotations). Almost all verses are in the Anuṣṭubh metre; there are 2 classical Upañātis in II. 9 (32-33), 5 Upañātis in II. 10, one Puṣpitagṛha in II. 12 (10); in all eight verses that are not Anuṣṭubh. Some scholars are inclined to regard the chapter on Śāsanas as a later interpolation, principally on the ground of the number of verses in it that are not Anuṣṭubhs. This is wrong. It we look to the Mahābhāṣya that quotes Kārikās and verses in metres other than Anuṣṭubh, we shall have to hold that long before 150 B.C. (the generally accepted date of the Mahābhāṣya) many classical metres had been developed; for example, kārikās in Āryā metre (on Pañ. I. 1. 57 and on I. 2. 51, on Pañ. VI. 1. 77 and VII. 1. 78 there are Kārikās in Indravajrā, on I. 4. 109 there is Vidyumālā, there is Vasantatilaka on Vārtika I on Pañ. III. 2. 26 (Kielhorn’s ed. Vol. II. p. 102), there is a Rucirā on p. 409 vol. III. There are such quotations as ‘asidvitiyos-nusasāra Pañḍavam’ (Kielhorn vol. I. p. 426 on II. 2. 26), which is a Vaiśāstaṣapada. The largest number of verses occurs in Adhikaraṇa VII (89 verses), then come Adhikaraṇa
II (71 verses) and Adhikarana I (with 46). The smallest Adhikarana is XI (with less than three printed pages and has only one verse) and the longest Adhikarana is the second dealing with Adhyakṣapracaṇa and covering nearly one-fourth of the whole work. In the absence of early works on Arthaśāstra prior to Kauṭūlya it is almost impossible to say how many of the verses in K. are borrowed or how many are his own composition. There can be no doubt that some of these verses are his own composition e.g. the two verses (16–17) at the end of I. 10, where respectively the views of the ācāryas and of Kauṭūlya (iti Kauṭīlyaya–darsanam) are set forth must be held to be his own. It may be said that some verses are quotations. For example, the verse ‘nāśya guhyam pare’ at end of I. 15, connected with his own word (‘kuruṇataśca’) in the last sentence, is a quotation. But a difficulty arises that this verse is almost the same as Manu VII. 105 and similar to Śānti 140–24. Similarly, the verse ‘Saṃvatsaraṇa patati &c.’ (Artha. IV. 7. 28) is almost the same as Śānti 165. 37, Manu XI. 180, Baudh. Dh. S. II. 1. 62, Vasiṣṭha I. 22 and Viṣṇu Dh. S. 35. 3–5 first half). In this case it is difficult to say who borrows from whom, but it is probable that Kauṭūlya borrowed from Śāntiparva or Baudh. A half verse in A. III. 14, 27 (anāhitāgniḥ śatagur-ayajvā ca sahasraguḥ) is found in Manu XI. 14, Śāntiparva 165. 9 and in Gauḍ. Dh. S. 18. 26–27, all three in another connection). A. III. 7. 1–2 (in prose) have almost the same idea and words as Manu 8. 332.

181 शतमोर्णानाहिताम || सहस्रप्रसोधीमप्पति || शै. प. सौँ XVIII. 26–27; शोकानाहिताम || शनागुरवत्व || सहस्रम् || तन्योरति कुद्रवाय्यामाहिरेद-विभारणम् || मनु XI. 14 and शामिलपे 155. 9.
The gist of all these passages is that, in the case of as brāhmaṇa’s daughter’s marriage or in case he has begun some religious rites and his means fall short, he may take (without payment) as much as is required for the purpose in hand (and not more) from a rich Śūdra or even from a person of another varṇa who has, though possessed of a hundred cows, not consecrated the sacred Vedic fires or who has not performed a soma sacrifice though owning a thousand cows. A. employs this in another connection (on 1 dāsakarmakara-kalpa) in III. 14. 37–38.

182 स्वतत्तामसल्लवप्रसन्नम् कर्म यथतताम || निरन्तरं भवन्ति स्वरं हत्वाप्यब्रवेत च यत्र || मनु. 8. 332; compare कौ. III. 17. 1–2 साहस्मन्यवप्रसन्नम् कर्म || निरन्तरे स्तेयम् अपवक्षने च. 1
are introduced with the words ‘āpiha ślaukau bhavataḥ’ and follow a quotation from or summary of a Vedic passage. Twelve verses in VII. 9 are introduced with the words ‘tatrātad bhavati’ and may be quotations. A few of the verses bear a close resemblance to verses of other works; e.g. the verse ‘prṣṭah priyahītām brūyāt’ (in V. 4) which is very similar to Mann. 4. 138. In some cases he connects verses with his own words, e.g. the words ‘kurvataśca’ with ‘nāśya guhyaṃ’ (at the end of I. 15) and the last verse of II. 25. The style of the Kauṭiliya is simple and direct. It is not concise like that of the Vedānta or Vyākaraṇa sūtras. It resembles the dharmasūtras of Gantama, Hārīta and Śaṅkha-Likhita, but is not as archaic as that of Āpastamba. According to the commentaries the several headings of the prakaraṇas are sūtras and the contents of them the bhāṣya (vide Nayacandrikā pp. 137, 143-44 &c., edited by Dr. Jolly). It abounds in numerous technical and rare terms. It is generally in accordance with Pāṇini’s grammar, though such un-Pāṇinean words as pāpiṣṭhatām (in VII. 11) rarely occur. It employs the word ‘avyaya’ in the masculine (II. 10. 19), while Pāṇini (I. 1. 37 employs ‘avyayam’.

A. employs such gerunds as ‘nistārayitvā’ in IV. 12. 38, ‘pravāsayitvā’ in XII. 4. 4 and ‘abhimantrayitvā’ in XIV. 3.45.

The whole work on account of its careful arrangement of topics and unity of design impresses one as the product of a single brilliant mind. Like a modern work it gives an exhaustive table of contents, divides the work into fifteen Adhikarāṇas, these into chapters and prakaraṇas and often refers to its own remarks in a preceding or following chapter e.g. in I. 12. 17 K. refers to spiers spoken of in Kantakasodhana (i.e. in IV 4. 3), in VII. 3. 6. (ābaliyasam vā yogam-ātiṣṭhet) he refers to Adhikarāṇa XII. which is labelled ‘Ābaliyasam’; On XIII. 1. 14 (tena parapaksam-utsāhayet-yathoktam purastāt) he refers to I. 14. 6ff; in XII. 2. 8-9 (yathā saṅghavṛtte ca vyākhyātam, yogavāmana ca yaduktam, ātmaraṣṭitake &c.) he refers to XI. 1, XIII. 2 and I. 21 respectively. The 15th Adhikarāṇa (on Tantrayuktis) contains 32 references to previous passages. The Kauṭiliya sheds such valuable light on the social, economic, political and religious life of ancient
India and contains information on so many topics that it is not possible to convey any idea of its contents in a brief summary.

The subjects of the fifteen adhikarāṇas are:— I. the discipline of the king, sciences to be learnt by him, the place of Ānviksiki and politics, qualifications of ministers and purohita and their temptations, the institution of spies, council meetings, ambassadors, protection of princes, duties towards harem, king’s personal safety; II. about superintendents of various State departments, founding villages, pastures and forests, forts, duties of the chamberlain (sannidhāta), the commissioner for revenues from forts, country, mines, roads &c.; accountant-general’s office; embezzlement of public funds; royal edicts; examination of precious stones for the treasury and mines; superintendent of gold (i.e. of coins issued from the mints); superintendent of store-house (of agricultural produce &c.), of commerce, of forests, of arms, of weights and measures, of tolls, of weaving, of liquor houses, of slaughter houses, of prostitutes, of shipping, of cows and horses, of the capital and cities; III. Administration of justice, rules of procedure, forms of marriage, duties of married couples, strīdhanā, twelve kinds of sons; other titles of law; IV. removal of thorns, protection of artisans, merchants, remedies against national calamities such as fires, floods, pestilence, famines, demons, tigers, snakes etc.; suppression of those who live by foul means; detection of juvenile crime; arrest of criminals on suspicion, accidental or violent deaths, torture to extort confessions; protection of all kinds of State departments; fines in lieu of cutting off of limbs, sentence of death with or without torture; intercourse with maidens; punishment of fine for various wrongs; V. conduct of courtiers, award of punishment for treason, replenishing of treasury in case of emergency; salaries of State servants, qualifications of courtiers, consolidation of royal power; VI. constitution of the mandala, seven elements of sovereignty, qualities of king, peace and arduous work as the source of prosperity; sixfold royal policy; threefold sakti; VII. circle of States is the field for the employment of the six lines of policy; the six guṇas (sangādi, war, neutrality, marching, taking shelter and dāvidābhāva); causes leading to the dwindling and disloyalty of armies; combination of States; sandhi for the acquisition of a friend, gold or land; an enemy in the rear; recouping of lost strength; a neutral king and a circle
of States; VIII. about रुपमान (vices and misfortunes) of the several elements of sovereignty: troubles of the king and the kingdom; troubles of men and of the army; IX. work of an invader, proper time for invasion, recruitment of the army, accoutrements, internal and external trouble, disaffection; traitors, enemies and their allies; X. about war; encamping the army, march of the army, battle-fields, work of infantry, cavalry, elephants &c., array of troops for battle in various formations; XI. concerning corporations and guilds; XII. अबलियासम (concerning the attitude or conduct of the weaker king); 183 XII. concerning a powerful enemy; sending an envoy, intrigues, spies with weapons, fire and poison and destruction of stores and granaries; capture of the enemy by stratagems; final victory: XIII. capture of forts; sowing dissensions; enticing of king by strategem; spies in a siege; restoring peace in a conquered country; XIV. secret means, strategems for killing an enemy, producing illusive appearances, medicines and incantations; XV division of this work into sections and their illustrations.

It would be interesting to say a few words separately on the chapter about judicial administration. Dr. Jolly has collected together the passages of the Kauṭiliya on judicial administration that bear a very close resemblance to the several works on ancient Indian Law (vide Z. J. M. G. vol. 67, pp. 51–90). It will be seen therefrom that there is the greatest correspondence between the Kauṭiliya and Yājñavalkya. It is

183 आवलीयसम् must be treated as one word and not as two (आ वलीयसम्); आवलीयसम् would mean 'Weaker', here a 'Weaker king'; आवलीयसम् would literally mean 'a chapter or work or practice concerning a weaker king'. It should be noticed that there are indications in the А. itself that we must take 'आवलीयसम्' as one word. For example, in VII. 3. 36 we have आवलीयसिका: काबलियसिका: दीनसिका: (these three kinds of treaties by the weak king should be entered into as practices for the weaker king). The termination इक्क is added here to आवलीय as one word. If we read as आ वलीयसम्, there are two difficulties: firstly, if आ is a more preposition we would require आ वलीयसम् (if mas.) or आ वलीय: (if neuter). Besides, Pān. IV. 3. 66 shows that आ is used in the sense of 'तस्य व्यावहार इति' and word means 'a work that explains how to become strong'. Vide Pān. IV. 3. 37.
no doubt true that many passages from Manu and Nārada agree closely with those of the Kāṇṭhilya but not to the same extent as those of Yājñavalkya. A few striking examples are quoted below.\textsuperscript{184} The question then arises whether there is borrowing and if so who the borrower is. The agreement in phraseology is so close that it must be regarded as a case of borrowing and in my opinion it is the Yājñavalkyasmṛti that borrows. The reasons are many. Yājñavalkya represents on numerous points of law a very great advance upon the doctrines of Kāṇṭhilya. Kāṇṭhilya does not contain distinct directions upon the four stages of a law suit (plaint, reply, proof and judgment) nor upon the threefold aspects of proof (documents, witnesses, prescription). Yājñavalkya goes into all these matters. The Kāṇṭhilya does not recognise the widow or mother as heir to a sonless man; Yājñavalkya does so. Kāṇṭhilya does not mention the bandhuvas as heirs; he hardly says anything about re-union.\textsuperscript{185} The Kāṇṭhilya divides the stridhana of a woman dying during her husband’s lifetime among her sons and daughters, while Yājñavalkya prefers the daughters to the sons.\textsuperscript{186} Kāṇṭhilya differs from all Dharmaśāstra authors (including Yājñavalkya) in allowing a divorce on account of mutual hatred between husband and wife (III. 3. 16 ‘parasparam

\textsuperscript{184} (a) अभियुक्तो न प्रलब्धित्वा अन्येऽक्रमः कृतसमाधिः सप्तर्थयामि... न बालि-\nयुक्तें, मविंगितोत्। कृ. III. 1-26: अभियोगसमन्वितां नैने प्रलब्धितेष्टु।\n\textsuperscript{185} (d) न्यायप्रसंस्कारोऽविनायक वा स्वयं युक्तो यवी-\ntोपपहरेत्। कृ. III. 16; न्यायप्रसंस्कारोऽविनायक हर्तीरः प्राययेनकम्। देश\n\textsuperscript{186} (e) वानप्रस्थविनियोगाणिशस्त्रायमाणिशस्त्राय-\nक्रिक्ष्य अतुस्मान्त्रायामिशस्त्राय रिक्ष्यमान्त्राय। कृ. III. 16; वानप्रस्थविनियोगाणिशस्त्राय-\nक्रिक्ष्यमान्त्राय। कमेणाभ्यासोऽविनायक प्राययेनकम्यायमैविक्षिप्तियाय। कृ. II. 137.

\textsuperscript{185} But see ‘अप्रत्यया विवक्षकार्यायः सह जीवनं पुनर्वन्दनेऽ’ कृ. III. 5. 7. This contains a reference to reunion.

\textsuperscript{186} जीवंति रति च धृतमा: पुन्ना दुःशिरसि सूर्याय विनेनुरः। अरुपाया दुःशिरः। नतभन्ति भयं। कृ. III. 2. 28; अरुपायाय भयुप्त्याय दुःशिक्षिनः। दुःशिराः प्रसुत्ता वेद्येष्यु नित्याभिमानि तत्। कृ. II. 145.
dveśān-mokṣaḥ). Kauṭilya ignores the widow or mother of a person as an heir, while Yāj. II. 135 recognises them as heirs if one dies without a son or daughter and the extant Manu-smṛti also prescribes that the mother of a person dying childless would succeed as heir to him and if the mother also be dead the father’s mother would inherit (IX. 217). It is not necessary to multiply examples. It goes without saying that Yājñavalkya represents a far too advanced stage of juristic principles than the Kauṭilya and so must be later than the latter by several centuries. The Kauṭilya agrees very closely with Manu also, but considerations of space prevent me from going into the points of agreement. There are however numerous fundamental points on which Manu and the Kauṭilya disagree.

Kauṭilya allows nīyoga even in the case of Brāhmaṇas (last verse of III. 6 and at the end of I. 17 about kings). Manu first speaks of Nīyoga and then condemns it (vide 9. 57–63 and 9. 64–68). As Brhaspati refers to this fact in Manu’s work, it appears that the passages condemning nīyoga were put in probably earlier than the first centuries of the Christian era. Though Kauṭilya speaks of almost the same 18 titles as those in Manu (8. 4–7) almost under the same names, there is a slight difference. Manu has no such title as Prakṛṣṇaka. Kauṭilya speaks of upanidhi and extends the same rules to Nikṣepa, while Manu speaks of the title as Nikṣepa. The ancient dharma-sūtras do not give the technical names of the eighteen titles of law, though some of them do occur therein. Vākparusya and Danda-pārusya occur in G. Dh. S. (12. 1) and Vas. (17. 61). Baud. seems to have known the term ‘Strisaṅgrahana’ (Dh. S. II. 2. 54); styea occurs in all. Gautama speaks of nidhi (Dh. S. 12. 39). Manu positively says (9. 155) that the son of any member of the first three vṛṇas from a Śudra woman does not inherit his father’s wealth (though the preceding verses 151–154 seem to lay down different rules), while Kauṭilya allows such a son a share when there are sons born to a Brāhmaṇa from wives of higher castes or one third when he has no other sons (III. 6. 22). Manu expressly mentions the mother and paternal grandmother as heirs (9. 217), while Kauṭilya appears to

187 बृःम्घातिसं श्च श्रि निषेधः स्मयोऽवत्; vide कुःकृक्तं मनू 9. 68 for the whole quotation.
ignore them. Manu prohibits the remarriage of widows (V. 161-165), while Kautilya allows not only widows to remarry, but also wives whose husbands have not been heard of for a year or more according to circumstances (III. 4. 37-38). Kautilya allows a wife to desert her husband, if the latter is of a bad character, has become a traitor to the king, endangers her life or has become an outcaste or impotent (last verse of III. 2). Kautilya further seems to have allowed divorce which is unknown to any other known lawgiver, but he bases it only on the ground of mutual hatred and says that a marriage in the approved forms cannot be dissolved (III. 3. 19). Manu is very harsh upon gamblers and asks the king to suppress gambling and banish gamblers (9. 221-224), while Kautilya only brings gambling under the control of the King for the purpose of detecting thieves &c. (III. 20. 2). Manu first allows a Brāhmaṇa to marry even a Šudra woman and then condemns such a thing (III. 13-19), while Kautilya does not condemn such unions. These divergences and others lead us to conclude that the Kautilya is much older than the extant Manusmṛti, which is in many matters carried away by puritanic zeal, while its older portion is more in harmony with the spirit of the Kautilya. Therefore, the Kautilya is long anterior to the time when the extant Manusmṛti took its present form. The Kautilya refers to the opinion of the Mānavas in five places. Two of the views ascribed to the Mānavas by Kautilya are the same as those which Kāmandaka (II. 3 and XI. 67) ascribes to Manu. According to the Mānavas, the vidyās to be studied by a prince were three, viz. trayī, vārtā and daṇḍaniti, what is called anvīkṣī being but a branch of trayī; and the council of ministers was to consist of twelve. The Manusmṛti (7. 43) appears to regard the vidyās as four and lays down (7. 54) that the Council should consist of seven or eight sacivas. Bühler and others on account of this difference in the views of the Mānavas and the Manusmṛti thought that Kautilya was referring to the Mānavadharma-sūtra. In my humble opinion the evidence for the existence

188 नीचवच परदेश। वा प्रमिती राजक्रियाः। प्राणाभिन्नता पतितस्यायमः। श्रीबोधि वा पतिः॥ कौ। III. 2. 48.

189 अमृत्यु भूतक्रियासम्वर्ती भायो। भाष्यायः भवन। परस्पर्षदुःसाम्यः। अमृत्यु धर्मविवाहानाम्यति। कौ। III. 3. 15, 16, 19.
of a Mānavadharmaśāstra is practically nil, as detailed above in section 13. From the references to Svāyambhuva Manu and Prācetasa Manu contained in the Mahābhārata, particularly in the Śānti and Anuśāsana parvan5 it appears that there were two works in verse on dharma and politics attributed to these two or there was one work containing both. These works were subsequently recast as the Manusmrī. It is therefore that some difference is noticed between the views ascribed to the Mānavas and the extant Manusmrī. Besides, there is no real conflict in the matter of vidyās. The Manusmrī does not positively say that the vidyās are four and not three; it simply says from whom truyā and the other three are to be learnt (VII. 43). The Manusmrī (in 7. 60) allows more ministers than seven or eight. It is possible that in recasting several changes were made. The third opinion of the Mānavas quoted by Kauṭilya is about the fine to be imposed upon officers of the State occasioning loss of revenue (II. 7). The other two views of the Mānavas quoted are concerned with the fine to be imposed on false witnesses and for forcible seizure of jewels\textsuperscript{100} & c. It must be admitted that in the extant Manusmrī there is nothing exactly corresponding with these views. But from this fact no one conclusion alone can be drawn. There may be a mistake in quoting, or there may be interpolations, it may be that some of the verses in the original Manusmrī have dropped out or that the Kauṭilya is quoting not the Manusmrī itself, but the views of works based on or explanatory of Manu. It is noteworthy that Brhaspati\textsuperscript{191} contains a verse very similar to the views on the sāhasa attributed to the Mānavas. We shall see below that Brhaspati's work was more or less a supplement of Manu. The only authors or schools, besides the Mānavas, cited by name in the dharmasthīya section are the Bārhaspatyas and the Aṇānasas. It is remarkable that the well-known and ancient Dharmasthātrakāras like Gautama, Āpastamba, Baudhāyana, Vasistha, Hārīta are nowhere quoted by name. It is noteworthy that in the dharmasthīya section the Kauṭilya several

\textsuperscript{100} कृतसाक्षिणो यमर्षमभुनः कृपुभूते वा नायकवेयथाधिरुष द्वे स्मृतिः मानवः: ।
\textsuperscript{191} वृहसप्ति quoted in व्यवहारमयूख on साहस.
times quotes the views of ācāryas and of some others under the word "apare". Some of these views correspond closely with the discussions in the ancient dharmasūtras. One of these is the question as to whom the child belongs, to the begetter or to him on whose wife it is begotten. Kautūlya first quotes the view of the ācāryas that it belongs to the husband of the mother of the child, then says that some hold that it belongs to the begetter, while Kautūlya holds that it belongs to both. 192 It is to be noted here that both Baud. and Āp. say that according to the Brāhmaṇa texts the sons belong to the begetter, while Vasiṣṭha says there is a dispute on the point, both views being supported by ancient authorities. Gautama speaks of both views and at last (18. 13 "dvayorvā") seems to come to the same conclusion as Kautūlya. It is not unlikely that Kautūlya has in mind this discussion in the Dharmasūtras and also in Manus (9. 48-54 where the view is that the child belongs to the husband of the woman). Some of the other views attributed to ācāryas are that a woman could visit the houses of her husband's relations, of prosperous men, of village headmen, of female ascetics &c. (III. 4); that very poor men could divide even waterpots at a partition (III. 5); that the master who did not employ a servant ready to work according to agreement had to pay the wages agreed upon as if the work had been finished (compare Viṣṇu V. 157); he who forcibly confined a man or woman or who by force released another from imprisonment was to be fined between 500 and 1000 (III. 17. 10); that disputes of a remote date shall not be complained of and that he who is the first to complain wins, since one runs (to court) as one cannot bear the pain (III. 19. 19); that in a complaint by one gambler against another, the successful party has to pay the fine called pūrvasāhāsa and the defeated party the fine called madhyasāhāsa (III. 20. 3).

The foregoing discussion about the dharmasthīya section shows that in the sphere of the administration of justice, Kautūlya is far in advance of the dharmasūtras of Gautama,

192 पररथम् बीरभुद्वार्क्ष्यो क्षेत्रशंकृतः इशाचारीयः। माता भक्ता यद्य रत्तस्तथापथ्याः
मिलिकृतः। विद्यमानभवणिमिति कौटिल्यः। बौद्धः अः सू. III. 7. 1-3. Compare बौद्ध घ. घ. 18. 9-13, बौद्ध घ. घ. II. 2. 34-36, आप. घ. घ. II. 6. 13.
5-6 (where the same three verses as in Baud. occur), बुशिण 17. 6-9.
Āpastamba and Baudhāyana and so is later than these (though in certain matters such as the rights of women to succeed to males he closely agrees with Gautama and Āpastamba), while he is earlier than the extant Manusmṛti (though not earlier than the oldest kernel of the Manusmṛti) and very much earlier than Yājñavalkya.

The Adhyakṣaprācāra (adhikarana II) contains much original matter, though adhyakṣas were known before Pāṇini and although Manu VII.81 provides that the king should appoint various clever adhyakṣas, no work gave an elaborate treatment of the work they were to do. Similarly, though Manu (IX.252–53) emphasizes that the king should suppress kāṇṭakas, there is hardly any treatment in Manu of that topic. All matters dealt with in some chapters of this section IV do not deal with criminal matters but rather unsocial or reprehensible matters. K. is conscious of this in IV.1.65. ‘The king should prevent from troubling the country those who are really thieves but are not known as thieves such as traders, artisans, actors, mendicants, jugglers and others’. This shows that Kaut. was a very capable administrator. He mentions about twenty-five departments and the adhyakṣas over them. The most important adhyakṣa was the Samāhārī (Revenue Commissioner) in II.6 and 35. Other important officers were the Pradeṣṭās (Magistrates) (IV.1). Three of them were of the rank of ministers and were charged with the work of suppressing criminals or undesirable persons. A. provides (in IV.9.1) that the Samāhārī and the magistrates (pradeṣṭāraḥ) should check the heads of departments and their subordinates and in (IV.3.16) provides for the punishment by fines of judges (Dharmasthas) if they threaten, upbraid or drive away a litigant or are guilty of other misconduct (IV.9.13–16). K. also provides for the punishment of magistrates in IV.9.20. K. shows great originality and makes elaborate provisions for the several departments of the State and his section on Adhyakṣas occupies a little less than one-fourth of the whole work. It should be noted that from II.10 p.48 up to III.3. p. 101 and again from III.20. p. 129 to V. 5. p. 160, K. makes no reference to divergent views at all.

The question of the date of the Kauṭiliya can be settled only approximately and for that we have to rely only on the internal evidence. ✶ The external evidence does not carry us far;
we can only say that the Kauṭiliya is certainly not later than the 2nd century A.D., since Kāmandaka, the Tantrākhayāyikā and Bāna, speak of it with admiration. No one claims it to be earlier than 300 B.C. Even Keith who assigns it a late date and cannot place it earlier than 100 B.C. at the most has to admit (J. R. A. S. 1916, p. 135) that for a precise date we have no real ground.

The Kauṭiliya quotes five schools by name: Mānavāḥ (five times), Bārhaspatyāḥ (6 times), Auśanasāḥ (7 times), Pārāśarāḥ (4 times), Āmbhiyāḥ (once); and the following individual authors; Kātvāyana (1), Kiñjalka (1), Kauṇapadanta (4), Ghoṭakamukha (1), (Dirgha) Cārāyaṇa (1), Parāśara (2), Piṣuna (6), Piṣunaputra (1), Bāhudantiputra (1), Bhāradvāja (7, once as Kaṇiśka Bhāradvāja), Vātavyādhi (5), Viśālakṣa (6). He either differs from all these authors or they differ from each other in all the places where they are cited. All the individual authors (except Bāhudantiputra) that are cited only once occur in V. 5. 11 on the same page. Kauṭiliya quotes the views of Ācāryas about 53 times and in all cases (except in VII. 11, 37–38) he negatives their opinions. The word ‘Ācāryaḥ’ means all or the great majority of the ancient authors on a sāstra collectively. Vide the author’s paper on ‘the meaning of Ācāryaḥ’ in BORI. Silver Jubilee Vol. 1942, pp. 206–213.

Kauṭiliya is cited 83 times against some author or other (except in three cases viz. in III. 4. 36, VII. 15. 11, XIII. 4. 5). It is clear from A. that a difference is made by it between schools (such as the Mānavāḥ &c) and individual authors. It has been shown above that works on Arthaśāstra composed by Brhaspati and Uśanas existed before the Mahābhārata and the Droṇaparva (7. 1) speaks of ‘Mānavi Artha-vidyā’. If the work had been the product of a school, then instead of ‘iti Kauṭiliyāḥ’ we would have had the words ‘iti Kauṭiliyāḥ’ or ‘Kauṭiliyāḥ’. Besides, those learned scholars (like Dr. Jolly, Keith and Winternitz) who assign the work to the 3rd century A.D. are quite unable to point to any person who could have been the author of the work in the 3rd century A.D. There is no Āṇākya or Kauṭiliya who is known from inscriptions or literary works or traditions even as having flourished in the 3rd century A.D. and having been a great writer on Arthaśāstra. The Arthaśāstra employs the word ‘aṭare’ also in III. 7. 2 and the word ‘eke’ twice in IX. 1. 28 and 30.
The Kāmasūtra of Vātsyāyana mentions a Ghoṭakmukha and a Cārāyana. Whether they are identical with the authors cited by Kautilya is extremely doubtful. The Mahābhārata mentions among writers on Daṇḍaniti the following who occur in the Kautiliya also:—Bṛhaspāti, Manu, Bhāradvāja, Viśālākṣa, Śukra (the same as Uśanas) and Indra (probably Kautilya’s Bāhudantiputra), whose abridgment of Brahmā’s work is called Bāhudantaka in the Śāntiparva (chap. 59).

According to the Nayacandrikā, Piśuna, Bhāradvāja, Kaunapadanta and Vātavyādhi stand for Nārada, Dronācārya, Bhīṣma and Uddhava respectively (pp. 73, 69, 74, 91).

The Mahābhārata mentions other writers on politics, viz. Gaurasīras, Kaśyapa, Utathya, Vāmadeva, Vasuhoma, Kāmanda-kā (Śāntiparva 123. 11) and a few others which are not found in the Kautiliya.

The Kautiliya knows the four Vedas, the charms and incantations of the Atharvan, the six āṇgas, includes under Itihāsa, Purāṇas, Dharmasāstra and Arthaśāstra; it knows the Sāṅkhya, Yoga and Lokāyata193 schools of thought. It mentions Manhurtikas, Kārtantikas (astrologers), Jupiter and Venus. It refers to dhātuśāstra (Metallurgy). Sanskrit was the official language and in the Śasanādhikāra it mentions such guṇas of composition as mādhurya, audārya, spsaṭatva, which show the beginnings of the Alāmkāra-sāstra. There is nothing to wonder at in this. In the second century A. D. we have the inscription of Rudradāman, which enumerates the guṇas of Kāvyā. The Kautiliya does not mention edicts on stone or copper. It refers to Vaiśikakalājāna (II. 27. 28). The Kautiliya closely agrees with the Kāmasūtra in several respects, and the two works contain several identical passages (such as the list of kings that fell victims to intrigues and about trīvarga). Keith argues from this that the Kautiliya and the Kāmasūtra are not separated by a long interval and that it is a late work. Dr. Jolly also is of the same opinion (p. 24 Intro. to Arthaśāstra). If the Kāmasūtra held up the Kautiliya as its model, then the two works would certainly look very much alike. There are points of

difference between the two works, e. g. they differ in their attitude towards flesh-eating and the Kāmasūtra speaks of planetary influence and lagna, while the Kautūliya is silent on these points and only condemn in general terms the consulting of stars. We must note here that Kautūliya (IX. 4. 26) speaks of consulting nakṣatras, which were known from the earliest Vedic period and some of which were looked upon as auspicious for sacrificial purposes even in the Śatapatha Brāhmaṇa (S. B. E. vol. 44, pp. 1-2) and the Śrauta and Gṛhya sūtras. The Kautūliya follows the Vedāṅga Jyotisā in the system of a yuga of five sāṃvatsaras, in prescribing two intercalary months in a yuga and in saying that at the end of one aṅgā the variation between the length of the day or the night comes to six muhūrtas (vide II. 20. 66). Keith argues that the ślokas in the Kautūliya are more classical than even those of the Rāmāyaṇa and that it contains correct Triṣṭubh stanzas which are wanting in the Brhaddevatā (a work of the 4th century B. C.). But this argument can produce no impression on those scholars who ascribe the Rāmāyaṇa to the 5th century B. C. or earlier. Nor is the date of the Brhaddevatā beyond the pale of discussion. There is no consensus of opinion among scholars as to the exact time when classical ślokas and correct Triṣṭubhs first came into vogue. It is to be noted that the Kautūliya defines pada as varṇasaṅghāta and not as in Pāṇini (suś-tīṇantam padam).

Among the countries and peoples frequently mentioned by Kautūliya, several are interesting. He speaks of silks from the land of the Cinas and blankets from Nepal. Keith says that the name Cina, being derived from the Thsin dynasty in China (which began its rule in 247 B. C.), would show that the Kautūliya could not have been composed about 300 B. C. No one however knows how the word Cina was derived and besides as Keith admits the passage may be an interpolation.

Many scholars have misunderstood the word ‘cina’ occurring in II. 11. 114 ‘tāyā kauśeyam cinapaṭṭāsca cinabhū-mijā vyākhyaṭāh’. ‘Cina’ here does not mean what is modern China at all. The Sabhāparva (Arjuna’s conquests) chap. 26 (verses 7-8) states that Arjuna invaded Prāgjyotisa (i.e. Kāmarūpa), the king of which was Bhagadatta, who was

194 तथा कौशिक जीनप्रदाय जीनभूमिज्ञ व्याख्याताः। कृ. II. 11. 114.
supported by Kirātas, cīnas and other soldiers from countries bordering on the sea (sa kirātaśca cīnaiśca vytaḥ Pragyotisobhavati anyaisa bahubhir-yodhaiḥ sāgarānupavāsibiḥ ). That is, the Cīnas spoken of in this passage were in modern Assam. Besides: this one sentence in A. might have been interpolated in later times. Moreover, kings are named after countries (e.g. a king of Magadha is called Māgadha), but a king hardly ever gives a name to the country he rules at least in historic times. Besides, in Udyogaparva (86, 10) Dhṛtarāṣṭra is made to say that he would present to Kṛṣṇa deer skins from Cīna. That is, Cīna was a country abounding in deer skins also. Jacobi (in I. A. Vol. 53 at p. 133) does not accept the theory that the name China was derived from the name Tshin (247 B. C.).

As regards the home of Kauṭilya or Cāṇakya there is some divergence of views. Jolly (in Intro. p. 43) remarks that 'the geographical horizon of the author on the whole points to a southern rather than to a northern home' and for supporting this opinion he relies only on two circumstances, viz. (1) the only known mss. of the Arthaśāstra exist in the South and (2) in the discussion of trade routes (VII. 12) the route to the South is declared to be preferable because the commodities of shells, diamonds, gems, pearls and gold are more abundant there. Both these grounds are worthless for supporting Jolly's conclusion about Kauṭilya's home. Northwest and North India were harassed for many centuries before and after the Christian era by frequent invasions of Persians, Greeks, Śakas, Hūnas and others; therefore the copying of mss. was neglected. Mss. of many works of authors from North India were found not in North India but only in South India. The Vākyapadīya has been quoted above (p. 76 n. 102 c.) to show that the Mahābhāṣya was restored from mss. that existed in the South. Vide above. The mss. of the Kāvyā-laṅkāra of Bhāmaha (a Kashmirian), were found in the south and were published first in the South. The 2nd ground is based on a misconception. Daksināpatha ordinarily means 'the Southern countries' (generally south of the Narmadā).
For example, that word occurs in the Nanaghát cave Inscription (about 200 B.C.) in A. S. W. I. Vol. V. p. 60, in the Mahābhāṣya of Patañjali (Kielhorn’s ed. Vol. I. p. 73), where it is said that the word सरसी is used in Daksināpatha for large lakes. The Inscription of Rudradāman (at Junagad) speaks of Śatakaraṇi as Lord of Daksināpatha. Rhys Davids in ‘Buddhist India’ (p. 22) states that the name occurs in one of the oldest Buddhist documents viz. Suttanipāta 976. The Matsyapurāna (15. 28) speaks of the river Narmadā as ‘Daksināpathagāmī’. But in the above passage in the Kauṭiliya the word Daksināpatha is not used in the sense of a region, but probably in the sense of ‘trade route to the south’. Kauṭiliya preferred Daksināpatha, not because it was his home, but because it yielded valuable commodities and more taxes for the State treasury and because his main thesis was that in polity ‘arthā’ (material good, wealth) is the most important matter. It has already been stated above that he was from Gāndhāra (as he mentions that country in the matter of the defamation of a country). This is further corroborated by his statement about fermented liquors of various kinds in II. 25. In II. 25. 16 he names ‘medaka, prasannā, āsava, ariṣṭa, maireya and madhu’. Then he refers to their preparation. The Madhu kind of wine is produced from the juice of grapes and their designations are derived from the place of origin such as Kāpiśāyana and Harāhūraka. Pāṇini IV. 2. 99 derives ‘Kāpiśāyana’ from Kāpiśi which was an ancient city in the Kabul valley. Vide E. I. vol. 22 p. 11 for a Kharoṣṭhī inscription on a Begram bas-relief where Sten Konow states that Kāpiśi is ancient Beigram on the confluence of Ghorband and Panjshir rivers. A. in II. 25. 22 says that the maireya wine is prepared from a decoction of the bark of meṣaśṛngi with the addition of jaggery having a mixture of long pepper and black pepper as mixed with triphalā (the three myrobalans). This shows that maireya had many ingredients. Pāṇ. in VI. 2. 70 ‘aṅgāṇi maireye’ prescribes the accent when Maireya is

196 मेरेक्रेसबासवारिष्टबेदेयभन्दूता ; इ...... मेलुद्वित्वकर्त्यभाष्य शुद्धी वा मेरेय...... निफलानुथली वा मेरेय ता गुड़ुद्वित्य वा संवैथ निकायस्मादिरुपात्दशाय गुड़ुकाराय मधु। ततुप्पेक्षा व्यावहारण वार्तिविशने हार्दुरकमिति। अर्थ। II. 25. 16, 22-25. For the meaning of व्यावहारण here, compare Pāṇ. IV·3. 66 ‘तत्त्व व्यावहारण इति व्यावहारणविभागम्’. क्षरितांवी on ‘ममिति कम्यवेच’ व रूपान्तिर्म निर्णयितां, ‘स्वादुसा मर्याद हेतु (क्यों? ) हार्दुर्देव काविश्वन च’।
compounded with its ingredients (as in Madhumaireya). Intoxicants from grape juice were made in many parts of India. Since Kautilya mentions only two places on the northwest of India, it is reasonable to infer that he came from those parts. Jayaswal in JBORS, vol. II, pp. 79 (note) identifies Harahuraka with Arachosia (for which see above p. 172).

In The geography of Kautilya by Harihar Trivedi in I. C. vol. I pp. 247–261 an attempt is made to identify the countries from which according to the A. (II, 11) pearls and diamonds came, but most of it is conjectural and the names of countries and districts have changed during the last 2200 years. Cunningham (in Ancient Geography of India, ed. of 1924 on p. 22) says that Pliny mentions the district of Kapise, its ancient capital being Kapisa, which was destroyed by Cyrus and Ptolemy places the town of Kapisa amongst the paropamisades, 'north of Cabul'.

In Lama Taranath's History of Buddhism translated into German by A. Schiefer (St. Petersburg, 1869) some reports about Cāṇakya are given. Taranath was born in 1575 A.D. (1573 A.D. acc. to some) and wrote his history in 1608. Portions of the German translation of his work appear in I. A. Vol. IV, pp. 101–104 and 361–66. He takes the work of Kśemendrabhadra (a Pandit of Magadh) as his basis and also relies on two other works viz. Buddhapurāṇa by Pandita Indradatta of a Ksatriya family, in which all events up to four Śena kings are recorded (i.e. this work must have been later than 1200 A.D. at least) and another ancient history by a brāhmaṇa Pandita Bhagatī about the succession of teachers. It must be remembered that Taranath wrote 1900 years or at least 1300 years after the supposed dates of Cāṇakya. On p. 1010 n of H. of Dh. Vol. V it has been indicated how Taranath's account about Śaṅkarācārya and Kumārila is of a confused character. In Chap. XVIII of Schiefer's translation (on p. 88) Cāṇakya is said to have been the minister of Bindusāra, son of Candragupta, who reigned for 35 years. In I. A. IV on p. 362 (from Taranath) it is said that Aśoka was succeeded by his grandson Vīgatāsoka, whose son Nanda ruled for 29 years and the latter's son was Mahāpadma; that is, Mahāpadma is stated here to be the son of the great-grandson of Aśoka. It would be noticed how this recital of Aśoka's descendants is altogether confused and is worth little.

The Buddhist and Jain traditions associate Cāṇakya with Gāndhāra and from the Mudrārāksasa also we learn (as
pointed out above) that the army of Candragupta when he conquered Punjab and North-west India was made up of Yavanas and others guided by Cāṇakya. The Mahāvaṁśa (V. 16–17) says that Candragupta was a Maurya and a Kṣatriya and that the Brāhmaṇa Cāṇakya, an irate person, killed the 9th Nanda and crowned Candragupta as king of the whole of Jambudvīpa (i.e. India). The commentary on that work called 'Vamsatthappakāsini' (edited by Dr. Malalasekhara Vol. I. pp. 180–81) states that Cāṇakya was the son of a Brāhmaṇa from Takṣasila, was māyāvin, had studied Niti (statecraft). These two epithets probably have the Arthaśāstra in view. The fact that Kauṭilya states (in A. II. 20. 37–38) that the difference between the longest and shortest day is 12 ghatikas clearly indicates that he was a resident of the extreme North-west of India. Vide H. of Dh. Vol. V part I, p. 538 n 785.

On the question of the age and authenticity of the Kauṭilya a vast literature has accumulated and it would not be possible to review the whole in a brief manner. It is not possible at present to state whether scholars will ever be unanimous on these two points.

There are three principal groups of writers on the question of the age of the Kauṭilya. First come those who hold that the Kauṭilya is a genuine work of Cāṇakya or Kauṭilya, that minister of Candragupta Maurya. Candragupta was king between about 321 B. C. to 297 B. C. It has been stated above that Kauṭilya was associated with the earlier career of Candragupta. Therefore, the Arthaśāstra should be held to have been composed between 320 to 300 B. C. or thereabout. When a scholar says that A. belongs to the 4th century B. C. he does not mean that it is to be placed between 399 B. C. to 300 B. C. We shall have to assign the work to a short period in that century i.e. between about 320–300 B. C. or rather between 320–310 B. C. This date for the Arthaśāstra is accepted by Jacobi (in I. A. Vol. 47 pp. 157–161, 187–195 and I. A. 53. pp. 128–136 and 141–144.), by Dr. Shamasastri in his Prefaces to his editions of 1909 and 1919 and in S. K. Aiyangar Presentation Vol. (pp. 122–6), and by Fleet, Breloer, Meyer, Jayaswal, M. M. Ganapatisastri, Dr. D. R. Bhandarkar (ABORI Vol. VII. pp. 65–84), N. N. Law, Sten Konow and several others. The present author holds that this is the correct view and he will state a little later some of the com-
pelling reasons for the same. The 2nd group of scholars assigns the Kauṭiliya to about 300 A. D. and the principal representatives of this group are Dr. Jolly (Intro. pp. 1–47 of the edition of A.), Keith (in JRAS 1916 pp. 130–137 and B. C. Law Presentation Vol. I. pp. 477–495), Winternitz (Cal. Review, April–June, 1924, pp. 1–28). The main arguments of this group have been dealt with above and rejected. No further reference need be made to their arguments. There is a third non-descriptive group of scholars who do not accept either 300 B. C. or 300 A. D. as the date of the Kauṭiliya, but put it at different dates between 300 B. C. and 300 A. D. Reference need be made only to a few of them. Dr. B. M. Barna in Bhāratakaumudi (in honour of Prof. R. K. Mookerji) contributes an article called ‘the Arthaśāstra, blend of old and new’ pp. 85–119. His conclusion is that the extant Arthaśāstra is anterior to the Junagadh Inscription of Rudra-dāman (150 A. D.) and may be placed near the beginning of the Christian era. He himself points out (on pp. 102–104) how certain phrases are common to the Kauṭiliya and the Asoka Inscriptions. He has already been criticized above about the two verses quoted in the king’s exhortation to his soldiers (pp. 177–8 above). He unnecessarily parades certain facts e. g. on p. 101 he refers to thirty-four or more Tantrayuktis in Vāgbhaṭa, Caraka and Sutrā* (all medical writers). It is

* It is unnecessary to quote all early medical writers. The Carakasaṃhitā (in Siddhāntakumāra, Chap. 12 verse 41) reads ‘asadviṃsataḥ viśiṣṭāḥ bhūṣitam tantra-yuktāḥ’ and in verses 41–45 (Nir. ed. of 1941 with Cakrapāṇidatta’s com.) sets out the names of the Tantrayuktis as Adhikaraṇa, Yoga &c., many of which are the same as in A. XV. 2 (which names thirty-two). In Jivananda’s ed. of the Carakasaṃhitā (text only, of 1896) the reading is ‘pańcastraṭiṣṭad–viśiṣṭāḥ’. Caraka, Sutrā and Vāgbhaṭa come at the end of a long period of medical studies. This is not the place to enter into the question of Indian medicine. In the Ṛgveda the word ‘bhīṣak’ (physician) occurs frequently (as in I. 116, 16, II. 33, 4, IX. 112–1, X. 97, 6). The word ‘o-ḍhī’ occurs dozens of times in the Ṛgveda and so does the word ‘bheṣaja’. Rg. X-163, 3–4 give the names for inte-tines and other internal organs. The word ‘pitta’ occurs in Atharvaveda I. 24 and Atharva V. 13, 4 states that poison kills poison (cures or eradicates poison, ‘viśa hanniṃ te viṣaṃ’). The Bhadrārṣākopaniṣad (I. 1) refers to Yakṣit and Klooman. Pāṇini knew the disease ‘piles’ (avṛṣas) in V. 2. 127) and ‘āṭisāra’ (diarrhoea) in V. 2. 129 and Vārtikas on Pañ V. 1. 38 refer to the three humours of Vāta, Pitta and Ślaṣaṃ and

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difficult to understand what conclusions one can draw from this taken with the fact of the Arthaśāstra containing 32 Tantrayuktis. It may easily be said by any scholar that the medical writers named by Dr. Barna borrowed from the Arthaśāstra, but that has hardly any bearing on the date of 300 B.C. An author may borrow passages or definitions from a work which was composed several hundred years before him. Dr. Bose agrees that Sūsruta is the borrower (p. 439) but avers (without assigning any reason) that K. preceded him by only a few decades. This is nothing but a mere guess or assertion. On Naipālakam (in A. II. 11. 100) he observes that even in the digvijayā of Arjuna in the Sahāparva (Mahābhārata) the name of Nepāla does not occur and therefore the Arthaśāstra is a late work (pp. 114–115). Scholars should always be careful and cautious, particularly in dealing with the Mahābhārata, because it is a vast work and because there are several recensions of it. But in this particular case, unfortunately for Dr. Barua, Nepāla is mentioned in the digvijayā of Karna in the Vanaparva (chap. 254. 7 ‘sa Haimavatikān jītvā kāram sarvān-adāpayat | Nepālavijayaye ye ca rājānas-tān-avājayat ||’).

E. H. Johnston (in J. R. A. S. for 1929 pp. 78–102, at p. 89 and JRAS 1939 at p. 225) says that the Arthaśāstra cannot be placed as late as 200 A.D. and that it is not likely to be earlier than the beginning of the Christian era. Similarly, Dr. Atindranath Bose in I. C. Vol. IV. (for April 1938 p. 435) favours a post-Christian date for the Arthaśāstra. He is really guilty of making an absurd use of the argumentum ex silentio. In the ‘Questions of Milinda’ (S. B. E. Vol. 36 on p. 147) there is a single sentence as follows ‘And further there was Bhaddasala the soldier in

(Continued from the previous page)

the causes or means of reducing or increasing their effects and also of Sannipāta. In Sahāparvan 11. 25 Āyurveda is spoken of as ‘āgāṅga’ and Sānti 28. 47 speaks of people suffering from the effects of old age even though they knew rasāyanas and made use of them. These references show that centuries before the Christian era Indian medicine had made great advances. Aoka’s 2nd Rock Edict states that the emperor had made provision for the medical treatment (cikitsā) of men and beasts (cattle &c.) and had caused to be supplied medicinal herbs suitable for men and animals and had ordered the planting of such herbs where they were not available.

H. D.—98
the royal family of Nanda and he waged war against king Candragupta. That sentence is preceded by the cruelties practised at that time in the words 'I have seen ten men expiating their crimes by being impaled alive and thirty, even forty, hundreds, thousands.' No Purāṇa or other ancient work speaks of Cāṇakya or Kauṭilya as a general; all that is claimed for him at the most is encouragement to others, and the use of unscrupulous means and stratagems. The sentence in the Milinda-śravaṇa is not a history of a campaign. It is only a stray sentence in a dialogue between a king and a Buddhist teacher. But the writer in I. C. IV waxes eloquent by saying that had K. been the man behind Candragupta, the historians of Alexander who wrote not solely on Megasthenes’ record, but utilized plenty of material now lost to us like Justin, Curtius, Arrian, Strabo and Plutarch would not have dismissed him with silent indifference while naming Candragupta and Nanda. The war between Nanda and Candragupta was fought about 320 B. C. Megasthenes came to the court of Candragupta later than 305 B. C. and yet he mentions no person of the Pātaliputra court or of the whole of India except Sandracottos. Some of the historians that Dr. Bose mentions (in I. C. Vol. IV) flourished about 100 A. D. (i.e., four hundred years after the war between Nanda and Candragupta). How could they, living thousands of miles away from Patna, name any person that flourished four hundred years before them, when Megasthenes, an ambassador at the Patna Court, mentioned no eminent Indian by name except Sandracottos? He speaks of the Saṅgha of the Vṛṣṇis (1.6) and the Śrēṇis (corporations) of Kṣatriyas in the countries of Kāmbhoja and Surāśṭra that lived by vārtā (agriculture and trade) and by the profession of fighting and the corporations of the Licchavikas, Vṛjika, Mallaka, Madraka, Kukura, and the Kurupaṇcālas that live on the title ‘rāja’ (XI.1). Some of these tribes such as the Licchavis, Vṛjis (Vajjis in Pāli) and Mallas are well-known from ancient Buddhist works. What is meant by ‘rājaśabdopajivināḥ’ is not quite clear. It probably means that the organisation of the Licchavis and others was on democratic lines and that there was very keen competition for the honour of being elected the chief or president of those corporations, the latter being designated ‘rāja’.

197 In the Jātakas (Fausboll vol. I., p. 504 and vol. III., p. 1) reference is made to the 7707 rājas of the Licchavis in Vesāli.
they bear the proud designation of 'rāja' but are penniless (and so can be easily employed in military service as mercenaries). We are told that the breed of horses from Kāmbhoja, Sindhu, Āraṭṭa and Vanāyu was the best and that Bāhlika, Pāpeya, Sauvira and Taitala breeds were of middle quality. The Kautūliya speaks of Mleccha tribes and tells us that among them one's own children could be sold or pledged without incurring punishment (III. 13).

There is hardly any distinctive reference to things Buddhist except one passage (III. 20) where a fine of one hundred (paṇas) is prescribed for him who invited to dinners in honour of gods or Manes a Buddhist (Śākya), an Ājivaka, a śūdra ascetic. This shows that the work was written at a time when Buddhism was yet not a wide-spread religion and had not secured an honourable place among the people. The Ājivika was a well-known sect in ancient India, said to have been founded by Makkhali Gosāla. Aśoka donated caves to the Ājivikas on Barabar hill (vide Inscriptions of Aśoka ed. by Hultzsch, 1925 p. 181) when he had been anointed twelve years as king and his grandson Daśaratha (215 B.C.) donated to them caves at Nāgarjunī hill. The 7th pillar Edict of Aśoka refers to Brāhmaṇas, Ājivikas and Nirgranthas (E. I. Vol. 20, pp. 270–272). Rhys Davids in ‘Buddhist India’ (ed. of 1950) p. 87 holds that the Ājivika order was older than the Buddhist. Makkhali Gosāla, the leader of the sect, was at first a disciple of Mahāvīra but later left him. The Vāyupurāṇa (69. 281–289) paints a dark picture about the Ājivas (or-vikās). Kautūliya says that weights should be made of iron or of stones from Magadha and Mekala (country near the sources of the Narmadā).

The verse (of A. I. 6. 12) saying that Jāmadagnya i.e. Paraśūrāma, that had brought under control the senses by giving up the group of six enemies (viz. kāma, lōbha &c.) enjoyed the earth for a long time and so did Ambariṣa, son of Nabhāga. On this Jacobi remarks (I. A. vol. 53 at p. 144) that the Mahābhārata and the Bālakāṇḍa of the Rāmāyana know nothing that Jāmadagnya ever was a king. The verse

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198 शाक्यवाजीवकादीन ब्रह्मणवजितानु देवपितुक्रेयेपु भोजयत: शत्यो दण्डः।
कौः III. 20. 16.

199 प्रतिमानायथेःमयानि मागधयेमेकल्पुत्मयानि। कौः. II. 19. 10.
in question does not use any word for ‘king’. The intended meaning is not that Paraśurāma actually ruled over the earth for a long time as king. The Mahābhārata in several places states that Paraśurāma wrested the earth from the Kṣatriyas as many as 21 times, performed sacrifices and donated the earth to Kaśyapa and the priests (vide Vanaparva, 117. 9-11) ‘trīṣaptakṛtvaḥ pṛthivīṁ kṛtvā uihksatriyāṁ prabhuh... | tato yajñena mahatā Jāmadagnyaṁ pratāpavān | tarpayāmāsa devendram-ṛtvigbhyah pradadau mahim |); vide also Ādi- 
parva 130. 61-62, Droṇaparva 70. 15-19, Śalyaparva 49. 7-10, 
where the donee is the sage Kaśyapa. The idea is that he gave up lobha (greed) which is the root of all sins (lobhamūlāni pāpāni) and, though the whole earth was his, he donated it to others several times. For doing this he must have lived long. 
Ambariṣa also is mentioned in the Āśvamedhikaparva (chap. 31) as reciting gāthās (7-12) expressing the idea that Lobha was the greatest enemy. Ambariṣa is mentioned as a great king in the Rgveda I. 100. 17. Paraśurāma is one of the seven or eight long-lived (cirajīvin) personages. Vide H. of Dh. Vol. II, p. 648 and Vol. V. p. 208n).

Jolly (Intro. pp. 34-35) refers to knowledge of alchemy and metallurgy exhibited by the Kauṭiliya, the political and economic institutions and social conditions described in A. and states that they are in a far more advanced stage than those recorded or alluded to by Megasthenes. It has been shown above what worth is to be attached to the few fragments of Megasthenes. The columns erected by Asoka about twenty-two hundred years ago are witnesses of the great attainments of the Indians of those days in chemical processes, polish, metals and even in these days modern chemists have not been able to show how that polish was made. Dr. Stein in his work on ‘Kauṭiliya and Megasthenes’ (Wien, 1922) compares the information in the fragments of M. with that in the Kauṭiliya and on the slender basis of the fragments of Megasthenes (whom Strabo called a liar) arrives at the conclusion that the items of difference overweigh the coincidences both in number and importance. He also draws attention to the word ‘Surnāga’ mentioned several times in the A. and holds that it was probably derived from ‘syrinx’.

200 ‘Surnāga’ occurs in A. I. 20. 2, V. 2. 42, VII. 17. 33, XII. 5. 16, 
XIII. 1. 3, XIII. 2. 44 and appears to mean a subterranean passage or tunnel.
a Greek word often occurring in the description of sieges in Polybius and Diodorus. Winternitz (in I. H. Q. I pp. 429-432) agrees with Dr. Stein.

In the 19th century and the first quarter of 20th century Western scholars clung to the theory that science, philosophy and arts began in Greece and that other nations merely borrowed them from the Greeks. That bubble of Greek originality in many matters has been pricked. The Greeks themselves borrowed many things from Babylon and Egypt; vide H. of Dh. Vol. V. pp. 482, 522n, 549, 594, 700 for authorities. Now Prof. Neugebauer (JAOS. Vol. 61 pp. 213-215) avers that Babylonian methods of calculation together with Greek went to India. There is no doubt that there was cultural intercourse between Babylon and the Punjab as far back as the third millenium B.C. and the intercourse was by land. Peacocks, rice and Indian sandlewood were known in Palestine under their Tamil names in the Hebrew Chronicles of Genesis and Kings. Vide H. of Dh. Vol. V. part I pp. 598-600 and notes 893-900 for further information. The Hittite and Mitanni records (of about 1400 B.C.) show that Vedic gods (such as Indra, Varuna, Mitra and Nasatya) were in their pantheon and Prof. A. H. Sayce (in Pavry Commemoration Vol. pp. 399-402) draws attention to the fact that Hittite numerals are Sanskrit and holds that in the 15th century B.C. people that lived in Mesopotamia and Asia Minor spoke Sanskrit. Therefore, the word Suruṅga might have been taken from Mesopotamia (or from Egypt) long before the Greeks had anything to do with India. Unless one can prove that a word like Suruṅga is not found at any time in documents from Mesopotamia, Egypt or other very ancient countries, to assert that Suruṅga was borrowed from Greek Syrinx is merely to jump to a conclusion without any proper evidence on the mere ground of similarity of letters or sounds.

The third question raised above (p. 197) is whether the Arthaśāstra was originally entirely in prose or entirely in verse or in mixed prose and verse as at present. Most scholars are agreed that originally it was substantially the same as now (i.e. largely in prose, with a verse or a few verses at the end of chapters (and rarely in the midst of a chapter). Prof. D. R. Bhandarkar (in ABORI. Vol. VII, pp. 65-84), while placing the Kauṭiliya at 300 B.C., holds that the Kauṭiliya was originally in verse and was later
turned into prose about the time of Daṇḍin (on pp. 77–84).
He refers to the words of Daṇḍin (quoted above p. 165) ‘iyam ...
sankṣiptā’ (which means ‘this whole science of Daṇḍaniti was abridged in six thousand ślokas’). He holds that that
meaning of Śloka (unit of 32 syllables) is most modern. Here
he is entirely wrong. Those words of Daṇḍin are taken from
the present text of the Kauṭiliya itself (I. 1. 18) ‘Sapaṅcā-
śadādhyāyaśatam sat-ślokasahasṛṇīti’. Besides, a similar
sense of śloka is found in the Kāmasūtra quoted below. There-
fore, the word śloka meant also a unit of 32 syllables at least
in the 3rd century A. D. He makes sweeping assertions for
which he adduces very little evidence viz. ‘No reasonable
doubt is permissible that there was a time when the Artha-
śāstra of K. was wholly composed in verses’ and again ‘all
the writers prior to Daṇḍin who quote from Arthaśāstra
quote verses’ and he cites a few verses. This statement is an
argument in a circle as he presumes that the verses are
quoted from the supposed Arthaśāstra in verse. Now the
verse (‘Saṁvatsareṇa patati’ in A. IV. 7. 28) occurs in Manu
XI. 180 (last pāda differing), Śānti 165. 37, Baud. Dh. S.
(II. 1. 62, Mysore Govt. edition, 1907) and Vas. I. 22 (preceded
by the words ‘athāpyudāharanti’) as shown above on p. 98. So
in Vas. it is a quotation, but the question is from whom. Manu
(in its original form) might have contained it and Baud. Dh.
S. is an old Dharmaśūtra. And therefore A. might have taken
it from Baud. or from Śāntiparva or some earlier source.
Similarly, the verse ‘Pradipāḥ sarva–’ in Vātsyāyanaabhāṣya
might have been taken in the 4th century A. D. by that work
from the present Arthaśāstra (that verse is A. I. 2. 12) at
the end of the chapter. There were no printed books in ancient
and medieval India. Verses can be easily remembered as
compared to prose passages. Verses in the extant A. are
few viz. only about 375 in the whole of it, while the prose
passages occupy at least 250 printed pages. The verses
‘Dharmaśca’ and ‘tatra satye’ (occurring in A. III. 1. 39–40) also occur in Nārada I. 10–11. Nārada might have
taken them from the extant Arthaśāstra or from the original
Manu-smṛti of which Nārada is said by tradition to be one
version. Nārada is not assigned to an earlier date than 300
A. D. But how does this go to establish that the whole of the
vast Arthaśāstra was in verse? Similarly, the verse "Deśasya jātyāh" 201 &c. (A. III. 7. 40) might have been there when the other part was in prose. A similar verse is cited as Kātyāyana’s by the Vivādaratnākara. And that verse refers to Bhṛgu, the supposed author of the extant Manusmrṭi. Prof. D. R. Bhandarkar’s is merely a fantastic assertion without any solid evidence whatever. Prof. D. R. Bhandarkar is not able to state who could have transformed thousands of verses into prose while keeping a few hundred intact, exactly when and for what purpose. Why should one who undertook such a tremendous task have done it incognito?

Another scholar who holds the theory that the A. was originally all in verse is Dr. Pran Nath (in I. A. Vol. 60 pp. 109–112, 121–123 and 171–174). He cites only 28 passages to show that they could have been originally in verse but were transformed; he cites only ten passages which become verses by the addition or removal of a word or two. The ordinary Anuṣṭubh metre is so simple that any prose passage can be easily turned into verse, since each pāda has eight syllables of which the majority (viz. five) may be either short or long. Dr. Pran Nath is singular in assigning A. D. 484–510 A. D. as the date of the A. when all others assign it to 300 B. C. to 300 A. D. only. He need not be taken seriously and may be left alone.

About the personal history of Kauṭilya or Cāṇakya we know very little. That he was an inhabitant of Gāndhāra has been pointed out above and if we trust the traditions on which the plot of the Mudrārāksasa is based, it may be said that he lived a very simple life and had no personal ambitions. He was a man of extensive reading and had studied particularly all the works composed before him on Arthaśāstra, as is expressly declared in the very first sentence. He had seen the ravages (both physical and mental) caused by foreign invasions of India and his great ambition seems to have been to see that the whole of what he calls Cakravartikṣetra should be under the strong but benevolent rule of a noble and capable king. And he composed his great work as he says (II. 10. 63)

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201 देशस्य जाति: सहस्य वर्मो ग्रामस्य धी भुग:। उद्वित: स्वतः तेनैव दायभम प्रकृत्येव। कात्यायः q. in वि. र. p. 505; compare 'देशस्यान्तिधमां कुलवां दशां शास्त्र:। पाप्तमृतमादिभि शाल्लिम्भसुज्ञान्मस्यु:। मदु दू 1. 118.
for the guidance of his favourite king (and for all kings who wanted to be powerful). He appears to have been a brāhmaṇa of the traditional type. In I. 3 he speaks of the four Vedas and also of Itihāsaveda, the six vedāngas, the four varṇas and āśramas, the peculiar dharms of brāhmaṇas (study of Veda, performing sacrifices, making gifts, teaching Veda, officiating at sacrifices and receiving religious gifts), of Kṣatriyas, vaisyās and śūdras, of householders, brahmācarīn, forest hermit and sannyāsin and he prescribes for all men common duties (in I. 3. 13) viz. ahimsā, truthfulness, purity, freedom from malice, compassion and forbearance (sarvesām-ahimsā, saucem, anasuyānārāṁsyam, kṣamā ca). Compare Manu X. 63 and Gaut. 8. 24. And he adds in I. 3. 14–17 ‘the performance of one’s special duties leads to heaven and to everlasting bliss’. On transgressing (dharma) people (who do so) would be destroyed on account of the confusion (about duties and castes). Therefore, the king should not allow people to transgress their duties, since by enforcing adherence (of people) to their respective duties he, (the king) finds joy in this world as well as after death; and again (in I.4.16) he says ‘the people of the four varṇas and belonging to their respective āśramas (the four stages of life), when protected i.e. controlled by the king with the rod (of punishment) and devoted to their proper duties and occupations, keep to the paths proper for them. He believed in the four goals of human beings (Puruṣārthas) viz. dharma, artha, kāma and mokṣa; allows to the king the option (in I. 7. 4) to devote himself to the first three equally (which are tied to one another (samam vā trivargam-anonyānubaddham). This is like Manu II. 224 (trivarga iti tu sthitih). He was in favour of the privileged position of brāhmaṇas in certain respects. He prescribes ‘in all offences a brāhmaṇa was not to suffer bodily punishment’. But on his forehead shall be made a branded

201a स्वरूपः स्वतंत्र अपरः I. 3. 14.
Brahma is said to be ‘satyam-jnānamanantam’ in Tai. Up. II. 1. Therefore, here ‘ānantya’ should be taken to mean ‘endless bliss’
i.e. mokṣa.

202 सत्याभिषेकस्त्राणिभ्रमणः I. तस्याभिषेकश्च ब्रह्मणः स्वाधीनः स्वाधीनः, अववर्गान्तनाम, सत् तथा, मनुष्यवचे कर्तव्यः, गुलितवेच्छ मंगलः, पुरुषानि सम्बन्धः। ब्रह्मणः
(Continued on the next page)
mark excluding him from dealings with others; that in case of theft the mark was to be a dog, a headless trunk in case of the murder of a human being, mark of female organ in case of violation of a guru's bed, mark of wineseller's flag in case of being guilty of drinking liquor. Such a man, after being branded, was to have his misdeed proclaimed, was to be exiled from the country or was to be settled in mines. It will be seen that in all these matters Kautālya treats the same path as the Dharmasūtras and smṛtis (like those of Manu and Yājñavalkya). Kautālya further provides (I. 2. 2 and 10-12) that there are four Vidyās (subjects of study) for the king viz. Ānvikṣikī (ratiocination), trayī (the three Vedas), vārtā (economics i.e. agriculture, rearing of cattle and trade), Daṇḍaniti (science of politics and government) and that after upanayana the king should learn Trayī and Ānvikṣikī from śiśṭas (learned people), Vārtā from Adhyakṣas (superintendents of various departments), Daṇḍaniti from (theoretical) teachers and from persons who have practical knowledge. The meaning of Ānvikṣikī (which acc. to Kautālya I. 2. 10 includes Śāṅkhya, Yoga and Lokāyata) has been discussed at great length in the H. of Dh. Vol. III pp. 46-54. Śāṅkhya is based completely on Tarka and does not even postulate God; and Yoga, while accepting the theories of Śāṅkhya, finds a place for Ṣiva, but not as creator of the world. Therefore Yoga also is to some extent Tarkavidyā. It should be noted that the meaning of the word Lokāyata changed from time to time (as shown in H. of Dh. Vol. III, pp. 46-54 and in the notes thereon). Literally, it means 'what is reached by ordinary people' (loka+āyata, long, extended). Kṣiraswāmi on Amarakośa states that Ānvikṣikī is 'tarkavidyā.' The Ādiparva (70. 40) states that in Kaṇva's hermitage there

(Continued from the previous page)
were Lokāyatikas along with students of Veda, Vedāṅgas and śāstras.\textsuperscript{203}

Similarly, in Sāntiparva (chapter 218.9) the Lokāyatamataś is said to have been expounded by Pañcaśikha, the first pupil of Āsuri, to king Janaka. The doctrines propounded are Sāṅkhya with a tinge of advaita Vedānta. Later on, the word came to mean a system in which the existence of the soul and of the other world was denied. Vide H. of D. Vol. II. pp. 358-359 and Vol. V. pp. 1205-6, and 1472 n. Kauṭilya it appears, regards Ānvikṣikī as Tarkavidyā when he remarks (I. 2. 11-12) ‘it (ānvikṣikī) explains the relative strength of these three viz. Trayī, Vārtā and Daṇḍaniti, (thereby) confers benefits on the people by reasoning, keeps the intellect steady in adversity and prosperity and brings about proficiency in thought, word and action. The Mitāksharā on Yāj. I. 317 explains Ānvikṣikī as ātmavidyā and quotes Manu VII. 43 (which he appears to have read as ānvikṣikīm ātmavidbhyaḥ, just as Medhātithi does). Kauṭ. (I. 2. 12) looks upon Ānvikṣikī as the lamp of all Vidyās (sciences), as the means of (determining) all actions, the support of all dharmas i.e. duties). He further provides that the three vidyās are based on (the proper administration) of Daṇḍa and that (the administration of) Daṇḍa when based on discipline brings Yogakāśema to living beings. Vide H. of Dh. vol. III. pp. 548-49 and vol. V, pp. 1385-86 for the meanings of Yogakāśema,

The 9th Adhikaraṇa deals with the activities of the king who wants to be a conqueror and in the very first sūtra the A. specifies the matters which he should ascertain viz. his own strength and that of the other king as regards the country

\textsuperscript{203} व्रतोपमन्वन्दिनीमात्रानिश्चितीया च शिष्य-न्यो वार्तामयकश्चय्यो दण्डनैतिक्यो बहा-प्रयोक्तन्मथ। अयस्य I. 5, 8; compare मनु VII. 43, Matsya 215. 54 (same as Manu), यां. 1. 311. गौ. च. सू. XI. 3 (समयामात्रानिश्चितियो वार्तामयमीति।)

† नानाजात्रेतु मुखौष्ठ दुष्कार्य समतादनु-नारितम्। लोकायतिकशुक्लैद् समस्तात्रदु- नारितम्। आदिपें 70. 46. The commentator Nilakanṭha explains ‘लेक्षणे प्रवृत्तन्ते र लोकायतिक्। तेषु लोकयतदेशु मुखौष्ठ।’ This is not accurate. लोकायतिक is derived from लोकायत acc. to ‘कृत- कृत्यादि समस्तालाभेत,’ पा. IV. 2. 60 and it occurs in the ज्ञातादिगण.
14. The Arthaśāstra of Kautilya

(time), season for marching on invasion &c. and (in IX. 1.18) he specifies the 'Cakravartikṣetra (the region of the sovereign ruler) viz. the region extending northwards between the Himalaya and the ocean and one thousand yojanas across (deśāh prthivī ī tasyām Himavat—samudrān-taram—udicinām yojanasahasra—parimāṇam tiryak cakra-vartikṣetram). The word 'Yojana...parimāṇam' so placed that it may be construed either with the preceding (length north—south) or with tiryak (crosswise, i.e., east to west). Some mss. read 'atiryak'. The (east to west) breadth of India varies greatly and therefore it is better to take 'Yojana' with the length. Vide H. of Dh. Vol. III pp. 66—67 about the meaning and derivation of Cakravartin for names of Cakradorhip in the Brāhmaṇa texts and Upa-niṣads and for a passage from the Kāvyamānasa for Cakravartikṣetra. The words of K. show that his ambition for his sovereign ruler was limited to the present India and did not embrace other lands such as Java to which Indian culture spread later. Cakra means wheel and is a symbol of power and dominion. The word occurs dozens of times in the Rgveda. Prayers are made to Indra for driving away the asuras with his cakra in Rg. I. 53, 9, II. 11. 20, VIII. 9. 6—9. Indra is said to have set in motion the wheel (wheel—like orb) of the Sun (in Rg. IV. 17. 14). Vide 'Dhammacakka—ppavattana—sutta (in SBE. vol. XI. pp. 146—153) for the essence of the teaching of Buddha. The Dipavaṃśa (VI. 2) says about Piyaḍassana (Asoka) that the wheel of his power rolled in the great kingdom of Jambudvīpa. Vide on Cakravartikṣetra Prof. K. A. Nilakanta Sastri in Rangaswami Aiyyangar Volume pp. 81—86 and Dr. D. C. Sircar in 'Sarupabhārati' pp. 315—325 and for the 'symbolism of wheel in Cakravarti conceptions' Dr. Wijesekara in Dr. Belvālkar Felicitation Vol. pp. 262—267 and a paper in J. O. R. (Mad.) Vol. 27 pp. 85—90 by K. V. Soundar Rajan. From the wheel (which rolls on) the symbolism of the rule or dominion over people arose.204

The Amarakośa treats Cakravartin and Sārvabhauma as synonyms and defines saṁrād as a ruler who performs the Rājasūya, who is supreme over a circle of States and who

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204 The Ādiparva remarks 'परं जातिप्रसावतस्य चक्रेण तत्सा महात्मनः || भविष्यायप्रतिहतं सन्ततं चक्रवर्तिनः ||' 73, 30.
issues orders to kings. From Vedic times Samrāṭ and Sārva-bhauma have been known. Vide H. of Dh. vol. III. pp. 63–70 for treatment.

The A. emphasizes (in I. 6) the great importance of the control of his senses by the king, which is to be attained (by the king) by giving up lust, anger, greed, pride, haughtiness and foolish venturesomeness; and gives for each of the six failings two examples of ancient kings who perished by their being subject to one or other of these six; and then provides that the whole of this science (of polity) means (is centred in) control of the senses. About the goals of human life, A. states (in I. 7. 7) that Artha (material well-being) is alone supreme (for the king); for spiritual good and pleasures of senses depend upon material well-being.

Kautilya prescribes (in I. 19. 9–24) an ideal daily time table for his king who must always be active (since if the king is active his servants become so, I. 19. 1 and 5). The day is divided into eight parts and the night also into eight parts. Supposing the day begins at 6 A. M. the work to be transacted in each of the eight parts of the day is as follows: (I) 6 to 7. 30 A. M. he should listen to the measures taken for defence and income and expenditure; (II) 7. 30–9 A. M. the king should look into the affairs of citizens and the country people; (III) 9–10. 30 A. M. he should take a bath and meals and engage in study; (IV) 10. 30 A. M.–to 12 noon he should receive gold (i.e. revenue in coins) and receive heads of departments; (V) 12 noon to 1. 30 P. M. he should consult the council of ministers by sending letters and should acquaint himself with secret information gathered by spies; (VI) 1. 30–3 P. M. he should engage himself at his pleasure in recreations or hold consultations; (VII) 4. 30–6 P. M. he should consider military plans with the commander-in-chief; and when the day ends he should engage in evening worship. The timetable for the night is as follows: (I) first 8th part of night) 6 P. M.–7. 30 P. M. he should see secret agents; (II) 7. 30–9 P. M. he should take a bath, meals and engage in study; (III) 9 P. M.–10. 30 P. M. he should lie down amidst sounds.

205 विशावविनयन्त्रितान्त्रिकाय: कामकोभलोमानमसुद्धार्थायामातः कः । ... कुस्तं हि शास्मिन्दिर्याय:। अर्थः i. 6. 1 and 3. The six are called अरियद्वर्गः (as in I. 7. 1).
of musical instruments, and (IV-V) 10. 30 P. M.—1. 30 P. M., he should sleep; (VI) 1. 30 A. M.—3 A. M. he should awaken to the sound of musical instruments, ponder over the rules of the science of politics and also over the work that has to be done by him; (VII)—3. A. M.—4. 30 A. M.—he should be in consultation with councillors and send out secret agents; (VIII) 4. 30 A. M.—6 A. M. he should receive blessings from priests, his teachers, purohita (chaplain) and see his physician, chief cook and astrologer and then after going round a cow with its calf and a bull he should repair to the assembly hall or he should divide the day and night into (other or (different) parts in keeping with his strength and carry out his duties.

It would be noticed how arduous is the work to be done by the ideal king and how his hours of rest and sleep are only four and a half from 9 P. M. to 1. 30 A. M. It may be noted that Manu VII. 216–225 and Yāj. I. 327–333 contain similar but briefer provisions about the daily time-table of the king.

In the same chapter (I. 19. 33–35) the Kauṭiliya engages in a fine metaphor, comparing the king’s work of administration with a sacrifice and states: “Endeavour is the vow, and the fee is equal behaviour (to all), his coronation is the dikṣā (initiation rite of a Vedic yajña).” He places a very high and noble ideal before kings in the words “in the happiness of the subjects lies the happiness of the king, what is beneficial to the subjects is to his benefit; what is liked by (or dear to) the king is not (really) beneficial to him, but what is dear to the subjects is (really) to his benefit. Therefore, the king, being constantly active, should regulate or manage material well-being; activity (endeavour is the root of material well-being, the opposite (of activity) is the root of calamities.

The 6th Adhikaraṇa deals with the seven constituents of the Maṇḍala viz. the king, chief minister, the country, the fortified capital, treasury, the army, ally. In VI. 1. 3–6 Kauṭiliya specifies numerous qualities that the king should possess, such as (to mention only a few) birth in a high family, being endowed with intelligence, bravery, non-enduring nature, quick despatch, cleverness. This chapter leads on to the 7th Adhikaraṇa on ‘Sādguna’ i.e. the six aspects or measures of foreign policy (viz. place, war &c) and to the 8th
(on *Vyasasana* or calamities of the constituent elements). Kaunšila's position was (VIII. 2.1, Bājā rājyaśāmī prakrtisankṣepaḥ) that the king and the ruler's kingdom is a summary (of the seven) elements i.e. they are the primary or foremost elements out of the seven (mentioned) above. If there be no ruler the country will at once be ruined, what is called *Mātasyaśāstra* will reign supreme, there will be no security of life and property, the strong will devour the weak. Similarly, if there is no country there will be no king. The other elements are necessary but of secondary importance, e.g. a king may carry on administration for some time at least without a minister and may appoint a minister when he pleases. Kaunšila himself says, 'It is the king alone who appoints the class of servants such as the councillors, the purohitas (chaplain) and others, directs the activities of superintendents of departments; when the king himself is endowed with excellence he makes the constituent elements (of the State) endowed with excellences required by each of them; what character he has, that character the constituents come to possess, since they are dependent on him as to endear and remissness; for the king is in the position of their head'. The words of K. (rājā rājya...sankṣepaḥ) may also be interpreted as stating that the king is the State, i.e. he is the most important of the seven elements. That would be a theoretical statement. He makes it clear (in VIII. 1.13ff) in what sense the king is supreme viz. that it is he who appoints the ministers and removes ministers, who arranges

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206 सुप्रणालीति हि द्वन्दः प्रजा प्रमाधेताः मुखः ज्याति। अर्थाद्युपयुच्याति। चलितयानवर्त्ति। वार्षिक 4.11-15; vide also 'सांस्कृति प्रवृत्तिः प्रजा मुमु राजानं चकरे' अर्था 1.13.3; यदि न प्रभेदार्जा द्वन्दे दशकोपनितश्रेष्ठः। शुद्ध मात्राविशेषपण दुर्योधनल्लगराः। मघु VII. 20 (कहकर) writes that this is the reading of मेघा and गोविन्दराज and he cites another reading जले मात्राविशेषन; the शास्तिपर्य वृत्ति 15.30 has जले मात्राविशेषन दुर्योधनल्लगराः।

207 मात्राविशेषिति बुधानेन्दृष्टिविशेषयस्यार्थस्य अश्लेषा सुविद्यान्तिकोषार्थस्योपकारोऽधृतेऽः। कन्तः। व्यञ्जनो वामेक जन्याविपादिन: कन्तः। ... स्माचैं सम्बन्ध... स्माचूद्दशः श्रुतीं: सम्प्रदायति। स ग्रंथोऽक्रमः श्रुत्योऽक्रमः। उपयोगी प्रमदे च नस्तेन्तरावः। नस्तेन्तराविशेषिति हि स्माचूद्दशः। अर्थशाश्व VIII. 1.13-18.
for the construction of forts, who levies taxes and who commands the army and decides upon friendship and war.

Though Kauṭilya was a brāhmaṇa of the orthodox type, he seems to have been a follower of Brhaspati, who according to the Mahābhārata (quoted above), held that there was a great difference between the code of conduct for ordinary people and that for the king. A strong ruler is absolutely necessary for the good administration of the country. Therefore, Kauṭilya sets out all kinds of sinister methods in Adhikaraṇa XIV for liquidating an enemy, such as intrigues, unscrupulous use of poison, desperadoes and prostitutes, magic and charms. His motto in this matter seems to have been that the end justifies the means. This earned for him the hatred of scholars like Bāṇa; vide above p. 174. He wanted to be thorough in strengthening the hands of the king in governing the country. The Pañcaratna says 'the realm (or gist) of politics is threefold viz. thoroughness according to Viṣṇugupta, the securing of allies acc. to Bhārgava (Uṣanas) and distrust acc. to Brhaspati.' It should not be supposed that all the sinister methods were employed by him or any one else at all times. As the Kāmasūtra says 'because a śāstra contains certain matters, it is not seen that they are actually used in practice; the matters dealt with in śāstras are all-embracing, while actual use is limited in extent'. As regards the adhikaraṇa called Apanisadikam (secret practices, poisons and magic and spells) Kauṭilya provides certain limitations. He says 'for the purpose of safeguarding the institution of four varṇas, he (the king), should employ secret practices against the unrighteous. The group of poisons such as Kalakūta should be introduced into articles used by the enemy on his body through the instrumentality of approved men and women of mleccha communities disguised as humpbacks, dwarfs, kirātas, dumb or deaf persons, appearing trustworthy as to country, dress, profession, speech and birth. It should not be supposed that Kauṭilya stands alone in recom-

208 बुधस्वरूपविशाल नमोन्निर्यातब्रह्मचर्य च।
209 न शाखामत्स्तत्त्वेन प्रयोगी हि समावेशते।
mending secret practices of poisons. The Vanaparva\textsuperscript{210} refers to the employment of secret practices to the accompaniment of mantras and muttered words declared in the Atharvaveda.

Western scholars, whose ancestors only a few hundred years ago burnt at the stake thousands of people (even though holding the Bible as their sacred book and Christ as the Messiah) who differed only on certain other dogmas, or whose highest dignitaries of the Christian Church started the institution of Inquisition and who persecuted the Jews\textsuperscript{211} for centuries, should think twice before running down in unmeasured language Kauṭilya, who, two thousand years ago, recommended drastic remedies against enemies for the safety of the country (and not for holding differing religious ideas).\textsuperscript{212} They should remember what barbarities were committed in the second world war in bombing populous cities at night and in the killing of hundreds of thousands of captives and others in gas chambers and otherwise.

Vol. III of H. of Dh. deals with theories about the origin of kingship and with the question whether and how far the king was elected (pp. 28 ff.), the theory of social contract (pp. 31–32), the divine right of kings (pp. 35–37), primogeniture and exceptions to it (pp. 41–44), necessity for the king to control his senses and cases where kings met death because of failing to curb their senses (pp. 53–55), existence of oligarchies or republics in ancient India (87–92), question whether there were in monarchies popular assemblies of elected persons (pp. 92–98), the checks and limitations on the monarch's powers set out (pp. 96–98). K. P. Jayaswal and others have made great efforts to show that the monarch in the Arthasastra was

\textsuperscript{210} बुद्धरामरामोकैकृष्ण मन्त्रमंत्रयिषार्थ: || अर्थावेदमोकैकृष्ण राष्ट्रोपनिषार्थ किया || मन्त्रजयमायुक्तालकश्च वा समवेत्तति || वनम्भ 251. 24. The subject is इति: यशवप्नः: in verse 21 preceding. जाय refers to inaudibly muttering om, Gāyatrī and similar holy texts.


\textsuperscript{212} चालव्यपूर्वस्यार्थमोक्तिनिर्देशमविभिन्नभिभिक्षु मयुक्ताः || कालक्त्वदित्वश्च: अर्थेः || देशविश्वकल्याणामविन्यासस्य: कु: ज्ञानमकृतिरत्नमुबद्धिविधिजान्यन्त्ययुक्तभ्रमन्त्युक्त्यारं: || जातिवै: || जीविषु: पुनिष्ठम परशारीप्रोपोग्याज्ञानान: || अर्थावेद XIV. 1. 1–2.
a constitutional king and not an absolute ruler. That question has been dealt with in H. of Dh. Vol. III (pp. 92-98). The present author does not agree with K. P. Jayaswal.

It is necessary to put together briefly some of the chief grounds on which the Arthasastra is assigned to about 300 B. C.

1. The unanimous tradition of numerous Sanskrit works and of Buddhist and Jain sources that Kauṭilya or Cāṇakya helped Candragupta and that he wrote a treatise on Arthasastra and the fact that no other Kauṭilya or Cāṇakya, author of a work on A. or as the minister of an ancient king, in the first centuries of the Christian era has been known so far.

2. Kauṭilya is not chary of naming individual writers, schools and ācāryas (in general). The last (ācāryāh) he mentions about 53 times and differs from them 50 times. On VIII. 4 alone dealing with calamities due to fate such as conflagration, floods, diseases, famine and epidemics he mentions ācāryas twelve times and differs from them in all cases and on VII. 9 he differs from them seven times. He mentions the following schools. Æmbhiyāh (once on 1. 17. 27), Āuṣanasah (7 times in all on I. 2. 6, I. 15. 49, II. 7. 14, III. 6. 5, III. 11. 44, III. 17. 4, X. 6. 1), Pāraśarāh (I. 8. 7, I. 15-23, I. 17. 9, II. 7. 12, III. 1. 26, VIII. 3. 30), Bāharāsātyāh (I. 2. 4, I. 15. 48, II. 7. 13, III. 11. 46, III. 17. 13, X. 6. 2); Mānavāh (I. 2. 2, I. 15. 47, II. 7. 11, III. 11. 43, III. 17. 3). Instead of Pāraśarāh, Mysore ed. of Shamasāstri reads ‘Pāraśarāh’ in I. 8, I. 15. Kauṭilya mentions the views of the following individual writers; Kaunapadanta (I. 8. 14, I. 17. 15, VIII. 3. 47); Pīṣuna (I. 8. 11, I. 15. 27, I. 17. 12, VIII. 1. 33, VIII. 3. 39), Bāhudantiputra (I. 8. 24); Bhāradvāja (I. 8. 1, I. 15. 14, I. 17. 6, V. 6. 24, VIII. 1. 6, VIII. 3. 8, XII. I. 2); Vatavyādhi (I. 8. 6, I. 17. 18, VII. I. 3, VIII. 1. 53, VIII. 3. 55); Viśalākṣa (I. 8. 3, I. 15. 18, I. 17. 7, VIII. 1. 19, VIII. 3. 24, XII. I. 5). Of these, three names viz. Pīṣuna, Vatavyādhi and Kaunapadanta appear to be nicknames. It may be pointed out that in the Śakuntala the minister of Dusyanta is said to have been Pīṣuna, which literally means (wicked or backbiter, ‘Pīṣunau khalasūcakau’ says Amara); some commentators say it is the name of Nārada. Kaunapadanta is said to be a nickname of Bhīma by the Nayacandrika and by Yogghama, Kuṇapa means a corpse and so Kaunapadanta would mean
"One having teeth that emit a nasty smell like that of a dead body". All these are mentioned in I. 8 and whenever all or some of them are mentioned, Bhāradvāja is mentioned first and the others also occur in the same order as in I. 8.

It would be noticed that none of the famous Dharmasūtra authors such as Gautama, Āpastamba, Hiranyakesin, Badhāyana, Vasiṣṭha is mentioned by the Kauṭiliya even in the Dharmasthiya and Kaṇṭakaśodhana sections and many Adhikaraṇas. Therefore, it is probable that the Kauṭiliya is prior to them in point of time or may be contemporaneous with some of them. Most of the Dharmasūtra writers are generally held to have flourished some centuries before the Christian era. In V. 5. 10-11 certain ministers are named as having left the king’s service on seeing certain signs of his displeasure viz. Kātyāyana, Kāniṅka Bhāradvāja, Dirgha-Cārayāna, Ghoṭamukha, Kiṅjalka, Piṣuna and Piṣunaputra. Piṣuna may be the same as the writer Piṣuna mentioned above. Piṣunaputra may be his son. Ghoṭakamukha is mentioned as an author in Kāmasūtra (I. 1. 4). The others also might have been authors on Nitiśāstra. Kāniṅka Bhāradvāja may be the same as the Bhāradvāja mentioned above as a predecessor in the Arthaśāstra. Bhāradvāja is one of the expounders of Rājaśāstra mentioned in Śāntiparva 58. 3. Chap. 140 (71 verses) of Śāntiparva is called Kaṇikopadesa at the end. But in the verses at the start it is said to be a dialogue between Bhāradvāja and king Śatruṇjaya of Sauvīra.

3. The Arthaśāstra was composed at a time when Buddhism had not made much progress in India and was confined to monks. The only clear and definite reference to Buddhists is in III. 20. 16, where among other matters it is provided for a Cāndāla touching an Ārya lady, for one feeding Śākya, Ājivaka and others and Śūdra ascetics at rites in honour of Gods and Manes the fine shall be one hundred panas. The Buddha’s teaching spread only among monks and had not spread far and wide till Aśoka’s reign. It secured royal favour only under Aśoka during whose reign the third Buddhist Council was held about 247 B. C. The Dipavamsa (XX. 20 ff.) expressly states that the three pītakas and their commentaries were transmitted orally (Mukhapātha) and were reduced to writing in Ceylon in the reign of Vattagāmani (29-17 B. C.). Buddhism was a State religion under Kaṇiṅka
and was in a flourishing condition in India from Kaniska's times up to the first half of the 7th century A. D. (as the Harşacarita and Yuan Chwáng's travels show). Hence if the Arthaśāstra was composed in the 3rd century A. D. as Jolly and some others say it could not have afforded to treat the Buddhists monks with scant respect as it actually does.

4. The Arthaśāstra uses the word Rājā only (not Saṃrāṭ nor Śārvabhauma) for the ruler just as Aśoka speaks about himself only as rājā in his edicts, though he appears to have ruled over the whole of India up to Mysore at least.

5. Some technical terms are common to A. and to Aśoka's edicts. A few of these may be mentioned here. Yukta (an officer) in A. II. 5. 16 (Yuktopayuktatatpurusānām), II. 8. 3, 23, II. 9. 33-34 and in Rock Edicts III and IV; Mahāmātra (A. I. 12. 4, V. 1. 5 and 15 and in Rock Edicts VI and XII and in several other places); Parisā (parisād, council of ministers) in R. E. IV (parisāpī yutte añapayissati) and A. I. 15. 47-50 and 58; Purusāḥ (subordinate officers under Yukta and Upayuktas) in A. II. 5. 16 and Pillar Edicts I, IV and VII; Pradeśṭry (in A. IV. 1. 1, a Magistrate) and Pradeśika (Rock Edict III, the exact connotation cannot be established). Some of these words occur in Pāṇini also e. g. Yukta occurs in Pāṇi VI. 2. 66, Āyukta (in A. I. 15. 10 and 13, II. 6. 20 and Pāṇi. II. 3. 40); Ākarika (a miner, A. II. 12. 20) and Dauvārika (in A. I. 12. 6, V. 3. 5, V. 6. 5 meaning 'head usher in a palace') and Pāṇi IV. 4. 69 (tatra niyuktaḥ); Pāṇini IV. 4. 70 shows that he was aware of many words ending in 'agāra' (as in 'agārāntāť-ṭhaṇ') such as Bhāndāgārika. The word 'Vyuṣṭa' in A. II. 6. 12 and II. 7. 31-33 deserves to be considered here. Pāṇini (V. 1. 97 'Vyuṣṭādibhyosu') provides for the formation of words like 'Vaiyusṭa' (meaning 'what is to be given or what is to be done at Vyuṣṭa'. The Vyuṣṭādīgana has over a dozen words. The exact meaning of Vyuṣṭa is not clear. But, occurring as it does in A. II. 6. 12 (rājavarsam, māsah, paksah, divasaśca vyuṣṭam, iti kālaḥ, after the regnal year, month, fortnight and day), Vyuṣṭa should mean time (ghaṭaṇā or muhūrta &c.) after morning or sunrise. Vyuṣṭa is a past participle from the root 'us' (1st conj. to beat) with 'vi' and apparently means the same thing as vynus (which occurs five times in Rg.) and Vyuṣṭi which occurs over thirty times in theṚgveda (as Vyuṣṭau or Vyuṣṭisu), often
in connection with ‘Usas’ (as in Rg. II. 34. 12, III. 15. 2, IV. 1. 5, IV. 45. 2, X. 41. 1 &c.) and once ‘Vyus’ in connection with both Usas and Sūrya (the Sun) in Rg. VII. 81. 2 (O Dawn, may we be endowed with food in the light of yourself and of the Sun). In the inscriptions of Aśoka at Brahmagiri, Rupnath, we see various forms like ‘vivutthena’, ‘Viyuttha, Vyutthena, and vyutthena’ and there is great divergence among scholars about the meaning.

6. A is some centuries earlier than the Yāj. Smṛti. In the first place, on many points such as succession and inheritance, Yāj. is far in advance of A. One decisive circumstance is as follows. Yāj. (I. 319-20) dealing with the regulations about royal grants of fields &c. provides that the grant should be inscribed on a piece of cloth (silken or other) or on a copper-plate. A in II. 10 (sāsanādhikāra) provides how a sāsana is to be written, but says not a word about inscribing it on a piece of cloth or a copper-plate. This clearly indicates that the Yāj. Smṛti was composed when the inscribing of royal grants or orders on copper-plates had become common while K. shows no knowledge about this method and refers only to patraka (leaf) in II. 10. 58 and in II. 17. 9 directs the suṣerinendent of Kūrya (Forest produce) to collect leaves of Tali, Tala and Bhūrja (Tālītālabhūrjānām patram). The earliest record on a copper-plate so far discovered in India is the Sohāgpur plate which records an order issued by the Mahāmatras of Śravasti and which is placed by competent scholars like Fleet between 300 B.C. to 180 B.C. (vide JRAS for 1907 pp. 509 and E. I. Vol. XXII p. 2 by K. P. Jayaswal). Another early copper-plate is the Taxila copper-plate inscription of Patika of the year 78 (vide C. I. I. vol. II p. 23).


7. In dealing with the layout of the fortified capital (II. 4) the A. makes certain interesting remarks. In II. 4. 17-20 A. provides ‘The king should cause in the centre of the capital...the construction of enclosures for Aparājīta. Apa-
tihata, Jayanta and Vaijayanta, and temples of Śiva, Vaiśra-
vaṇa, Aśvins, Śri (the goddess of wealth) and Madirā (Durgā).
He should also establish presiding deities of the dwelling
places as enumerated. The city gates should be presided over
by Brahmā, Indra, Yama and Senāpati (Skanda). Outside
(the city) at the distance of 100 *dhanus* from the moat
should be sanctuaries, holy places, groves and water dams and the
deities of the quarters in the respective quarters. . . . . The
habitats for heretics, pāṣāṇḍas and cāṇḍalas should be on
the outskirts of the cremation ground’. ‘Aparājīta’ means
‘invincible’ and ‘apratihata’ (irresistible). But here these
words stand for some god or deity. Jayanta is the son of
Indra and Vaijayanta is Indra’s palace, acc. to Amarasimha.
Jayanta and Vaijayanta may mean victorious. But in this
passage they mean some god. The Malayālam com. holds them
respectively to be Durgā (probably it reads ‘Aparājīta’),
Viṣṇu, Subrahmanya and Indra. ‘Yathoddeśam’ appears to
mean ‘as enumerated in the works of Vāstupūjā (or Vāstu-
sānti)’. Vide H. of Dh. Vol. II. pp. 833-35. The word
pāṣāṇḍa frequently occurs in A. and generally means heretic
or heretical monk. For example, in I. 18, 9 A. provides that a
prince under disfavour with the reigning king may secretly
rob the corporation of heretics of their wealth. In III. 16,
38-40 A. provides ‘in legal disputes the fines imposed
may be paid off by heretical sādhus who possess no cash nor
gold by doing penance with fasts and vows according to their
own practices except in case of Pārusya (verbal and physical
injuries), theft, forcible seizure and adultery’. Maṇu also (in
I. 118 and IV. 30) employs the words Pāṣāṇḍa and Pāṣāṇḍin in
the sense of heretical sect or monk. Ādiparva 140. 63, Vana-
parva 188. 49, Aṃśāsanaparva 23. 67 also employ the word in

(Continued from the previous page)
the same sense as in Manu. But Aśoka employs the word pāṣaṇḍa in the sense of a religious order or sect and not in a derogatory sense. In Rock edict XII he says ‘King Priya-
darsin honours all pāṣaṇṇas (pāṣaṇḍāni), all ascetics and
householders with gifts and in various modes of honour’. In
Rock Edict V. Aśoka says he appointed officers called Mahā-
mātras when he had been crowned king thirteen years and
that those high officers were concerned with all pāṣaṇṇas (all
sects or denominations) for the glorification of dhamma. This
establishes that the word pāṣaṇḍa had been in use long before
Aśoka’s time. In Kautilya’s day, in the Mahābhārata and in
Manu the word had been used in a derogatory sense. Dr. B. M.
Barua (in ‘Inscriptions of Aśoka, Part II. p. 255) holds that
‘pāṣaṇḍa’ is a corruption of ‘pāṛṣādā’. I am sorry that I
cannot agree with him. Pāṛṣad (later pāṛṣad also) is a
very ancient word. It occurs in the Rgveda (III. 33. 7) in
the literal sense (viz. crowding or sitting round). In the Br.
Up. VI. 2. 1 it occurs in the usual sense (an assembly of
learned men or of men). Pāṇini provides that from ‘Pāṛṣad’
one gets the derivative ‘pāṛṣadāya’ (IV. 4. 101) or ‘pāṛṣada’
by Yogavibhāga. It is difficult to see how from pāṛṣada
(which simply means ‘member of a pāṛṣad’) we can get
pāṣaṇḍa (phonetically as well as semantically), when it means
a heretical sect (or even any sect or denomination). The
word Pāṛṣada is employed in the Nirukta (I. 17) in
the sense of ‘Prātiśākhya’ (padaprakṛtī sarvacaranānām
pāṛṣadāni).

The establishment of the temples of Śiva and Vaiśravaṇa
(i.e. Kubera) was in vogue even in the times before the
Vārtikas on Pāṇi. and the Mahābhāṣya and the Mahābhārata.
While commenting on Pāṇi. VI. 3. 26 (devatadvandve ca) and
the 2nd Vārtika thereon (Brahma-prajāpatyādīnām ca), the
examples given by the Mahābhāṣya are Brahmā-prajāpati, Śiva-
vaishravanau, Skandaviśakhan. The worship of Vaiśravana
and Viśākhā declined later on. Therefore, when the A.
mentions them together it follows that its age may be at
least that of the Vārtikakāra (i.e. about 300 B.C.). The
Vanaparva (274. 15–17) states that Kubera is lord of wealth,
immortal, a Lokapāla and a friend of Śiva and king of
Yaksas.

8. Another indication of the age of the A. is that in III.
14. 28–33 it provides for the distribution of the fees in Agni-
ṣṭoma and other solemn vedic sacrifices (kratu) for the priests, if any, falling ill at different stages of the Soma sacrifices and mentions the Brhaspatisava. When Buddhism was in the ascendant from the days of Aśoka and Kaniśka till several centuries after the Christian era, such elaborate provisions about Vedic sacrifices like Agnistoma and Brhaspatisava in a work on government and administration are not likely to have been set out. That leads to the inference that the work was composed before Buddhism came to be in the ascendant and when Vedic sacrifices were still very common. 

Maṇu (in VIII. 206-207) provides in a general way how the fees are to be distributed among priests in a religious ceremony when one of them has to stop from taking part in any religious rite and leaves it to the other priests what was to be given to the one that leaves in the middle of a religious rite, but does not mention any solemn Vedic sacrifice.

This passage is quoted from K. in the Vyavahāraśiromani of Nārāyaṇa, who was a pupil of the famous Vījñāneshvara (published by T. R. Chintamani in Annals of Oriental Research, Madras, at p. 29) and in the Vyavahāraṇiṇya of Varadarāja, pp. 284-5 (published by the Adyar Library).

IX. The provisions about almanacs in the Arthasastra II. 20 (on 'Deśakālamāna') are of great importance on the question of its probable date. K. states that a Mahārta is

216 अमित्रकामानिधु न कतुतो द्वायाः साध: प्रभुममवं लभते सोम- 

विकाशाः च चतुर्मासाः। सापंमयोपसः। 

प्रत्येकत्वसामयाः २२२ तीयामासाः। लभते। 

युक्ते पुरा:। 

वानमासाः। सापुराणा। सापुराणाः। सामान्याः। लभते। 

नीता हि दक्षिणा भनिते। दक्षिणातिसवं भनिते। दक्षिणा भनिते। 

तनाय्यांदक्षिणाः। वायाताः।। साप्तावादास्त्रोगताः। लभता:। 

अन्ये वा कालाः।। अर्घ: III. 14. 29-34. 

साल (past participle of साल) to sit) appears to mean confined to a place, ill or incapacitated. The word occurs in III. 14. 19 and 21 in connection with agricultural workers and traders.

The Brhaspatisava is to be performed after one performs the Vājapeya sacrifice. Vide H. of Dh. vol. II. p. 1211. Jaimini (IV. 3. 29-31) holds that it is an ābha of Vājapeya.

217 द्विविधो युक्ते। प्रदशासुक्तः राज्यविधा चाबृहवेदो माति भवतः। 

तत: परं तिरिस्वर्णसर्वतः। चण्डार्त: खंडिते। द्रास्तं। वेति। 

अर्घ: II. 20. 36-38; compare विशुपुरण II. 8. 59. वेदार्याप्राप्त: क्षयास्त उद्धमत:। 

दक्षिणे ती विपयस्ती। कण्यकायपृष्ठन्यन्त ॥ 7th verse of वेदाद्यायोतिष 

(ऋषिद्र) and 8th of ग्रामवेददा-योतिष.
equal to two nādiśikās, that day and night are each of 15 mūhūrtas in the months of Cātra and Āśvayuja (i.e. Āśvina), that thereafter each of the two increases up to three more mūhūrtas in six months and is reduced to the same extent in the next six. At the close of the chapter A states that at the end of two years and a half an intercalary month is required in grīṣma (summer) and another intercalary month on the expiry of five years. The first statement that there is a difference of six mūhūrtas between the longest and the shortest day i.e. the two are respectively of 36 and 24 ghatiśikas, is the same as that of the Vedāṅga Jyotisa. Western scholars place the Vedāṅga Jyotisa at about 400 B.C. The present author would like to place it some centuries earlier. Vide H. of Dh. Vol. V. part I p. 505 note 732. The statement that two intercalary months were allowed in five years was also the rule, according to the Mahābhārata (Virāṭaparva 52. 3–4) and the Yājuesa Vedāṅga jyotisa (verse 35).

It is really not necessary to adduce further evidence for establishing the proposition that the Arthaśāstra follows the rules laid down by the Vedāṅga Jyotisa about the almanac, that it does not rely on the rules laid down in the Siddhāntas about almanacs and that, therefore, it should be assigned to 300 B.C. and not so late as 300 A.D. Some points may yet be stressed.

X. The Arthaśāstra does not thoroughly follow Pāṇini’s terminology. For example, it defines pañca as ‘Varṇasaṅgha’

218 एवम्बुन्ति तियानामवर्णसंगीतसः। प्रोक्ते जन्यत: पूवः पश्चात्ब्राह्मणे च पश्चिमम् II अर्थः II. 20. 66. This is quoted in कालविक अड्ढ (p. 113) of जीमुच्चाहन from ध्योतिका. प्रोक्ते पश्चात् वर्णं द्राम मासामुपरि:। एवम्बुन्ति यथा काशासित:। पश्चात्ब्राह्मणे वर्णाणांमधिती में विवेके निवर्तमान 52. 3–4; तद्यथ दोषितमागेइ वर्णं तेरी संपार्शवम्। चक्तातुपालिते मथेकते चाक्यामासकोः। याजुश्वेचाप्यवर्णसंगिताः। वर्षसंह्य: पदम्।।

219 वर्षसंह्य: पदम्।। तत्र नाम द्विाश्वातोपमसंगीतपाक्ष्यती। तत्र नाम सत्वाभिवाच्य।। अवधारवातयो निपाताः।। अर्थः II. 10. 14–16, 19. Compare प्रारंभिकीचित्वात:।। चारुपार्श्वब्रज:।। प्रार्द्ध:।। उपस्थः। किमियोगे।। पाणिनि I. 4. 58–59. Compare निहङ्ग I. 1। तत्तवप्रतानि वचनां पद्यानानि नामायां।। सत्वप्रदानानि नामानि।।
(a group of letters), while Pāṇini defines it as 'ṣup-tiṇatam padam' (I. 4. 14) and further on A. follows the 'Nirukta' in the four classes of padas and the definition of nāman. If it had been composed five or six centuries after Pāṇini (i.e. about the 1st or 3rd century A.D. as some scholars suppose) it would have most probably followed Pāṇini completely. Therefore, the Arthaśāstra must be held to have been composed at a time when Pāṇini's work had not become universally accepted or relied upon.

XI. Many of the words used by the Arthaśāstra in the matter of Govt. and administration are in accord with Pāṇini. For example, the Arthaśāstra emphasises that the king is there for good government (vide p. 229 above for 'prajāsukhe sukham rājñāḥ'). Pāṇini also provides that the word 'rājanvān' (VIII. 2, 14) is used when there is a good king and that otherwise the word is 'rājavān'. Many words about officers found in A. are mentioned by Pāṇini either in sūtras or in the gānas. For example, A. has the longest adhikarana called 'adhyaṅgṛapracāra'. Pāṇini (VI. 2. 69) provides 'Vibhāṣadhyakṣa'. Kauṭilya mentions about twenty-five kinds of departments and their adhyakṣas Pāṇini (III. 2. 21) provides for the word 'lipi' in I. 5. 7, I. 12. 11. Pāṇini has two sūtras 'tatra nīyuktah' and 'agāntat-ţhan' (IV. 4. 69-70), while A. employs such words as 'Dauvārīka' and 'Ākarīka' (II. 12. 20 'ākare nīyuktah'), 'Kośṭhāgārika' (from Kośṭhāgāra in A. II. 4; 8), Bhāṅḍāgārika (from 'bhāṅḍāgāra in A. II. 4. 10). From the word 'ātyaya' (which is included in the Vinayādi-gāṇa by Pāṇini V. 4. 34) we get 'ātyayika' (which occurs in A. I. 15. 58, V. 5. 2) and also in Asoka's Rock Edict VI (śayika) and there is Vinayādhiśkārikam (in A. I. 1). The Vinayādīgāṇa has several words (from 'sāmayācāra' we get 'sāmayācārika' which occurs in A. V. 5 as the name of the chapter and Āp. Dh. S. I. 1. 1).

Two of the most difficult problems concerning the Arthaśāstra are its relation to Manusmṛti and to the Mahābhārata. As regards the Manusmṛti it would be shown below that some verses and half verses are identical in both A. and the Manusmṛti. The extant Manusmṛti refers by name to a few predecessors, such as Atri, Utathyatanaya (i.e. Gautama), Śaunaka and Bhṛgu (in Manu III. 16) and Vasiṣṭha (Manu VIII. 140) and states the views of Švāyam-
bhūva Manu (IX. 158) or simply of Manu (as in VIII. 279). The A. mentions the views of ‘Mānavāḥ’ several times but those views do not all correspond to the statements in the Manuśmṛti. In the Dharmasthīṭiya section the A. often agrees with Manu and Yāj. but sometimes Yāj. does not agree with A. Compare Manu VIII. 279 with A. III. 19. 8, but Yāj. II. 215 differs. In the present author’s opinion Yāj. is much later than the A. and the extant Manuśmṛti also is later than it, though, it is nearer in time to A. The extant Manuśmṛti is a revised version of the original Manuśmṛti made between 200 B. C. to 200 A. D.

Vas. 19. 17 cites a śloka (‘na bhinnā-kaśapāṇa &c’) as a Mānava śloka (in the Upendravajrā metre) not found in extant Manu. Verses are cited as Manu’s by comparatively early writers like Viśvarūpa (first half of 9th century A. D.), but they are not found in the extant Manu e. g. the verse ‘Dhanam yad-yāgaśīlānām’ cited by him on Yāj. III. 252 as Manu’s is not so found.

As regards the Mahābhārata, the problem is far more difficult. As shown above the Śāntiparva (in 58. 1–3) names certain expounders of rājaśāstra, almost all of whom are named by A. and criticized. Another noteworthy fact is that the Mahābhārata in its several parvans mentions the views of Manu (simply) or of Śvāyambhuva or Prācetasa dozens of times e. g. Śvāyambhuva occurs in.

Ādi—73. 8–12 (compare Manu III. 20–21, 23, 24–25); this last is same as Manu III. 25; Ādi 120. 36 (on 12 kinds of sons), Vanaprastha (180. 34–35) same as Manu (II. 29, 170, 172), Udyoga 37. 1., Śānti 21. 11–12; Anuśāsana 114. 12.

Prācetasa Manu—two verses from Rājadharms in Śānti 57. 43–45, same two verses in Udyogaprastha 33. 79–80, Anuśāsana 46. 1–2 (Manuśmṛti III, 54).

Manu alone—in Ādiparva 41. 31, 74. 99, Śānti 56. 23–25 (last two verses as occurring in Manu’s dharmas, one ‘adhyogin’ occurs in Manuśmṛti IX. 32 and in Udyoga 15. 34); Śānti 78. 31 (brahma-lokajitah svargyān…tān–Manu–abravīt), 112–17 and 121. 10–12, 152. 14, 265. 5 (on ahimsā); Anuśāsana 44. 18, 44. 23, 47. 35 (Śista of Manu), 61. 34–35 (Chaturthama matam–asmākam Manoḥ śrutvānuśāsanam); compare Manu VIII. 18 for same view); Anuśāsana 65. 3, 67. 19 (Manu III. 5
first half same ), 68. 31, 115. 52–53; Vanaparva 32. 39 ( kartavyam eva karmeti Manor-ESA viniścayat ), 35. 21 ( Manu on Rājadharmā ).

In the preceding reference is made only to passages of the Epic in which Manu is expressly named. But there are hundreds of verses that are common to the Mahābhārata and the extant Manu-smṛti. Dr. Bühler in his Introduction to the translation of the Manusmṛti (S. B. E. Vol. 25) states that in three parvans alone (Vana, Śanti and Anuśāsana) 260 verses are found in Manu also ( Intro, p. LXXXIII–XC ) and his conclusion was that the Mahābhārata influenced the final redaction of Manu.

The present Mahābhārata contains many matters that are very much like those in the Arthaśāstra. The eulogy of danda occurs in A. (I. 4. 8–16), in Śāntiparva (chap. 15 and 121) and also in Manu VII, 17–31 and some of the verses in the latter two are almost the same. The word ‘labhāprāsamana’ occurs in Śānti 45.10 and A. XIII. 5. In A. VI. 1.1 the elements of the State are said to be seven and the same is the idea in Śāntiparva 5 and Manu IX. 294. For the antiquity of the Itihāsa and Purāṇa, vide H. of Dh. Vol. V. pp. 816 ff. In the Pārīplava that was listened to for a year in Aśvamedha, Itihāsa and Purāṇa were recited on the 8th and 9th days ( vide H. of Dh. Vol. V. p. 866 ). Therefore, it follows that some legendary lore like that in the Mahābhārata existed in the Vedic age. It seems that Epic poems were probably the earliest of the three viz. the Mahābhārata, Dharmśāstra and Arthaśāstra. But it should be noted that the extant Mahābhārata several times refers to Dharmāśastras as in Vanaparva 207. 83, 293. 34, 313. 105, Śānti 167. 4, Anuśāsana 9. 6–7. These verses might be later additions.

We can see from Pāṇini that the epic and some of its principal characters and some episodes were known to him e.g. he knows Bhārata and Mahābhārata (VI. 2. 38), Yudhiṣṭhira (VIII. 3.95), Vāsudeva and Arjuna (IV. 3.98); ‘Vāsudevaka’ would mean ‘Vāsudevalḥ bhaktirasya’ and Patañjali expressly says that Vāsudeva is the name of Bhagavat (Vāsudevasaṁdasya pūrvanipatam vakṣyāmi, athava naiśa kṣatriyākhyā, saṁjñaisā tatrabhavataḥ). The Aśvalāyanasūrya (on Tarpaṇa III. 4) mentions ‘Bhārata-Mahābhārata-dharmācāryāḥ’. The Mahābhāṣya (on VIII. 1. 15) gives ‘dvau
Yudhisthirarjunau" (and not 'dvandvam Yud.' as an example on Vārtika I (as they are not well-known as being extremely 'sahacarita' like Skanda and Viśākha, although they are brothers; vide Vārtika 7 'bhṛātusūrja jāyāsah' on Pāṇ. II. 2. 34; 'Duryodhana' and 'Duḥśāsana' seem to be known at least to the Vārtikakāra (vide Mahābhāṣya on Vārtika on Pāṇ. III. 3. 130). The name Āsvatthāmau is derived in a Kārikā (sthāmno lugajinat tathā) on Vārtika (on IV. 3. 60). Vārtika 6 dealing with 'Ākhyānam' and Vārtika 15 on Pāṇ. III. 1. 26 refer to the story of Kāṁsavadha and Balibandha and the Mahābhāṣya on the last states that in dramas and pictures 'Kāṁsavadha' and 'Balibandha' are exhibited, although both these events occurred long ago ('katham vartamănakañjata Kāṁsam ghātati Balim bandhayatiti cirañjate Kāṁse cirañjate ca Balau') and further some are shown in the dramatic or pictorial presentations as devotees of Kāṁṣa and some as Vāsudeva-bhakta. The Mahābhāṣya on Vārtika 2 on Pāṇ. III. 2. 111 quotes 'jagbāna Kāṁsam kila Vāsudevah,' Kielhorn Vol. II. p. 119). The story of Kāṁsa's defeat and death before the Rājasūya of Yudhisthira is mentioned in Sahāparva 14. 30-34 and in Udyogaparva 128. 38-40. It follows therefore, that the Mahābhārata along with at least some of its ākhyānas was well-known to Pāṇini and the Vārtikakāra. The Mahābhāṣya (Kielhorn, Vol. I. p. 426 on Pāṇ. II. 2. 24) quotes 'Saṁkarsana-dvitiyaśa balam Kṛṣṇasya vardhatām' and 'prāsade dhana-pati-rāma-keśavānām', thereby showing that Saṁkarsana or Balarāma and Kṛṣṇa were brothers (Kielhorn I. p. 436 on Pāṇ. II. 2. 34).

Pāṇini and the author of the Vārtikas flourished as shown above (pp. 73-79) respectively about 450-400 B.C. and 300-250 B.C. Therefore, the Mahābhārata and some legends must be held to have come in vogue not later than 450 B.C. The references in the Arthaśāstra (noted below) to the stories in the Mahābhārata need not lead to the A. being assigned to a date later than 300 B.C.

Janamejaya is said to have been guilty of brahmahathyā (killing of a brāhmaṇa) unintentionally and he is said to have gone to sage Śannaka Indrota who instructed him as to the actions that would free him of the great sin (in Sāntiparva, Chap. 150-152). Aila, son of Ilā (who was both mother and father), is Purūravas that ruled over thirteen dvīpas (con-
tainents) and yet deprived (through greed) brāhmaṇas of their jewels (valuables, ratnaḥs) and was cursed by great sages and perished (Ādiraṇv 75. 18–22). That Yudhiṣṭhira and Nala engaged in gambling is mentioned by A. in VIII.3.43. The story of Nala (and Damayanti, his queen) is narrated at great length in the Vanaparva (chap. 53–79) and is one of the very popular and fascinating stories in the Mahābhārata. In the extant epic Puṣkara is said to have been the brother of Nāla (Vanaparva 50. 4 ff.) and won in the gambling bout, while A. states that it was Jayatsena that defeated Nala in gambling. Nala is stated in the epic to have been the son of Virasena and Nala’s young son’s name was Indrasena. It is therefore likely that A. is correct and the epic story was tampered with slightly later. In the extant Karnaṇparva (91. 13) it is again affirmed that Nala was defeated in gambling by Puṣkara. Yudhiṣṭhira was defeated in gambling with Duryodhana and Śakuni (Sabhāparva, Chap. 58.77). In A. I. 8 several kings are mentioned as having perished through one of the six fatal vices (Kāma, Copa &c). Duryodhana perished (A. I. 6.8) through pride by refusing to restore to the Pāṇḍavas even as little (of the kingdom) as would be pierced by the tip of a sharp needle (Udyogaparva). The story of Dambodhbhava mentioned in A. I. 6.9 occurs in Udyogaparva (99. 5–41), he being humbled by the great sage Nara by discharging at him only reeds.

The story of Arjuna also called Kārtavirya or Sahasrārjuna) king of the Hāiḥayas and ruler at Māhiṣmati occurs several times in the Mahābhārata (viz, in Vanaparva 115. 9ff, Śaṅti 49.35ff, Anuṣāsana 153. 3ff, and Āśvamedhika Chap. 29) and Sāntiparva (46.53) states that Kārtavirya and his sons and descendants were killed by Paraśurāma because of his haughtiness towards Jamadagni (his father). In the Raghunāmisya (VI. 38–40) Kalidāsa gives a grand description of Kārtavirya’s prowess. The story of Vatāpi and Agastya (referred to in A. I. 6. 10) occurs in the Rāmāyaṇa and also in the Mahābhārata (Vanaparva 98–99). For Ambariṣa vide above and Sāntiparva 29. In A. XIII. 3. 54–55 reference is made to a secret agent with a shaved head or with matted hair.
and giving oneself out as a devotee of Saṅkarṣaṇa, overreaching robbers by administering a stupefying liquid and attacking them. Saṅkarṣaṇa or Balarāma (elder brother of Krṣṇa) is described in the Mahābhārata (Udyogaparva 157. 19–20) as ‘Madaraktāntalocana’ (whose eyes were red with intoxication).

K. (in IV. 8. 12) states that Animāṇḍavya declared himself to be a thief, though not a thief, through fear of the pain of torture. In the epic it is said that he remained silent when questioned (Ādirparva 107.9). He is also referred to in Ādi 68. 92–93 (śūle protah purāṇaśiracoraś-cauraśaṅkayā) and 108. 6–8.

From the above discussion about the references to the Mahābhārata and its stories and characters in Pāṇini, Patañjali and in Kauṭilya’s work it is clear that the A. knew not only the main story of the great epic and its chief characters but several episodes also.

As regards Purāṇas, the A. is very sparing about references to them. In V. 6.47 (which is a verse) there is reference to Itihāsa and Purāṇa. Other references to Purāṇas such as in I. 5. 14 (Purāṇa being included under Itihāsa) and in III.7.29 (about Purāṇika Sūta and Māgadha) might be interpolations. The Upaniṣads speak of Itihāsapurāṇa as a compound or as separate words in Chāndogya Up. VII. 1. 2 and 4 and VII.7.1 and Brhadāraṇyaka II. 4. 10, IV. 1. 4, IV.5.11. Vide, for the history of Purāṇas from ancient times onwards, H. of Dh. Vol. V. pp. 816–825 and the four or five stages in the evolution of Purāṇas pp. 833–55 of the same Vol. Kauṭilya seems to have known the Purāṇas. He says (III.7.29) that sūta and māgadha of the Purāṇas are quite different221 from members of the mixed castes called sūta and māgadha and includes Purāṇa (I. 5) among the subjects of royal study grouped under the head of itihāsa.

Kauṭilya exhibits a wonderful knowledge of herbs and drugs and Dr. Jolly thinks that his Materia Medica is more extensive than even Suśruta’s. But the dates of Caraka and Suśruta are far from being settled and no approximately certain conclusion can be drawn from the drugs mentioned in the Kauṭilya. Kauṭilya speaks of ‘rasada’ (one who administers
mercurial poison) and prescribes banishment for those who trade in or administer ‘rasa’ for money in order to do away with a person secretly (IV. 4. 17–18). In II. 13 he speaks of gold that is ‘rasa-viddha’ (amalgamated with mercury) and in II. 12 of liquids containing gold (rasāḥ kāñcanikāḥ) and of Hinguluka. Dr. Jolly thinks that this knowledge of metallurgy and alchemy is of Graeco-Syriac origin and so the Kautiliya is a work of the third century A.D.

It is of great importance to note that Kautiliya lays down (II.4) that in the midst of the fort were to be constructed the temples of Śiva, Vaishravana, the Aśvins, Lakṣmī and Madirā (Durgā?) and niches were to be set apart for Aparājīta, Apratihata, Jayanta and Vaijayanta and that the tutelary deities of the gates were to be Brahmā, Indra, Yama and Senāpati (i. e. Skanda). We know from the Mahābhāṣya222 (Kielhorn, Vol. II. p. 429) on Pāṇini (V. 3. 99 ‘jīvikārtīte cāpaṇye’) that the Mauryas set up images out of greed for money and that in its day images of Śiva, Skanda and Viśākha were worshipped.

The foregoing discussion clearly shows that the Kautiliya has certainly an ancient atmosphere about it, and that all that has so far been gathered from it agrees with its traditional date of 300 B. C. and no cogent arguments have been yet brought forward that would compel us to assign it a date later than the above by six centuries.

Two commentaries on the Kautiliya have been brought to light so far, one composed by Bhaṭṭasvāmin being called Pratipadaṇḍikā and the other the Nāyacaktrikā of Mādhavayājvan. Both are fragments. The first was published in the Journal of the Bihar and Orissa Research Society (1925–1926, vol. XI and XII) by Messrs. K. P. Jayaswal and A. Banerji–sastri. The com. is incomplete and begins with the 8th adhyāya of the 2nd adhikaraṇa and reaches up to the 36th adhyāya of the adhikaraṇa. The commentary on the whole work must have been very extensive, as the portion already printed on a part of the 2nd adhikaraṇa alone occupies 214 pages. This commentary quotes the explanations of

222 ‘अपूर्ण’ इत्युपर्यं तत्तदेन न सिद्धति। विश्व: स्कूल: विद्शसु इति। फि कारणमु। मौशेस्हिर्पार्थिविरच: प्रकृतित:। भवेतानु न स्नान। भास्तेन:। संप्रति पूजार्थस्तत:। भविष्यति। महामायः।
previous commentators in the words ‘anye’, ‘apare’. It
quotes several slokas of Brhaspati on the blemishes of dia-
monds and on prakāśa–tasākaras. The commentary Nayac-
candrikā contained in Dr. Jolly’s edition (Lahore) also is
incomplete and begins with the 7th adhyāya of the 7th adhi-
karaṇa and breaks off in the 4th adhyāya of 12th adhikaraṇa.
It also refers to the views of its predecessors in the words
discusses various readings (pp. 136, 183, 188, 193 &c.).

Dr. Shamasastri includes in his edition 571 sutras attrib-
uted to Cāṇakya. Their relation to the Kantiliya is a subject
which requires careful investigation. In my own opinion they
are later than the Kantiliya. It would be beyond the scope
of this work to enter into details. Vide Dr. Jacobi’s article
in Indian Historical Quarterly, vol. III., pp. 669-676.

There are several niti collections attributed to Cāṇakya
and published several times in different parts of India. All
of them are later than the Kantiliya and are compilations of
maxims and fine sayings. One of them the Cāṇakya–rājaniti-
sāstra (published in Calcutta Oriental series, 1921, 2nd edi-
tion) contains 660 verses and was compiled under Bhojarāja.
Several other compilations pass under the names Vṛddha–
Cāṇakya, Laghu–Cāṇakya &c. All these are passed over here
from considerations of space and utility.

Dr. Sternbach has devoted much labour and time to the
several works published under the name of Cāṇakya. Those
interested may read the following: J. A. O. S. Vol. 76.
pp. 115–130 (Cāṇakya’s aphorisms in the Hitopadesa passa-
O. S. Vol. 79, pp. 233–254 (Mānavadharmaśāstra verses in
Cāṇakya’s compendia), JAOS. Vol. 83, pp. 30–66 (Māhā-
bhārata verses in Cāṇakya’s compendia), ABORI Vol. 37,
pp. 58–110, ABORI Vol. 42, pp. 99–122 (Tibetan Rājaniti-
sāstra), Vishveshvaranaṇa Indological Journal I. pp. 66–77
(verses from three anthologies examined).

A few matters may be emphasized here that make the
K. A. unique in some respects.

Even in the Vedic age there were high functionaries and
officers of state and their names slightly differed in different
Vedic works. Vide H. of Dh. Vol. III, pp. 111-112* for the eleven ratnas or ratnins (besides the king) with reference to the Rājasūya. Later on these functionaries were called Tirthas which are referred to in Sabhāparva V. 38, Ayodhyākānda (100. 36, Bom. ed., 94. 30 (Cr. ed. Baroda), Śāntiparva 69. 52. The Arthaśāstra (I. 12. 6) names these and in 1. 12. 20 states that they are 18 in number. The Arthaśāstra not only names the 18 functionaries but also gives a very interesting classification of these along with their cash salaries per year (in V. 3). Some of them may be set out here. Acc. to K. A. V. 30. 2 the sacrificial priest, the preceptor (ācārya), minister (mantrin), the purohita (chaplain), the commander-in-chief, the Yuvarāja (crown prince), the king’s mother and the crowned queen should receive 48000 (pañás); the chief palace usher, the chief palace guard, the director of labourers, the administrator (or collector) of taxes and the Director of stores should receive 24 thousand; the princes; the mothers of princes, the Nāyaka (commandant of the forces or police in the capital), the judge (in the capital), the Director of factories, the council of ministers, the provincial officer and the officer in charge of the frontiers should receive 12000. It would be noticed that the Mantrin (chief minister), the Purohita, Senāpati and Yuvarāja are among the most important and most highly paid officials of the king. The Purohita was a very important and honoured person even in the Rgveda. Agni is called Purohita and rtriṣṭ in the very first verse of the Rgveda. The Aitareyā-brāhmaṇa says that the Purohita is half the self of the Kṣatriya (the King) in 34. 8 (ardhatmo ha vā esa kṣatriyasya yat purohitā) and the gods do not partake of the food offered by a king who has no purohita; therefore a king about to offer a sacrifice should choose a brāhmaṇa as purohita (Ait. Br. 40. 1). Acc. to Kauṭilyya the purohita performed both spiritual and secular

* Vide H. of Dh. Vol. III p. 112 n. 147 where the original sūtra is quoted and some of the words are explained. Vide I. H. (I, vol. V), pp. 780-783 for an article on salaries, and allowances in Kauṭilyya. It should be noticed that the Nāyaka in V. 3. 7 is much inferior to Senāpati, but in X. 6. 45 (which deals with actual array of army in battle and the officers therein) Senāpati means simply a commander (often patikte) and Nāyaka means a commandant who has ten commanders under him. The Pañcatantra (in the Nir. ed. of 1936, p. 142) relates how Nārada asked Yudhiṣṭhira (in the Mahābhārata) questions about the eighteen tirthas in the words: Kac-cid-aśīrḍhaśāyasya...cārakaṁ (which occur in both epics)
functions, since Arthaśāstra 3.32 provides that the king should make the mantri and purohi to accompany him in battle and to encourage the soldiers by dwelling upon the excellence of the array (vyūha) of troops in battle (and in 3.44) the assistants of the purohi should speak to the soldiers about the acts of sorcery and black magic (undertaken by them). The Senāpati (commander-in-chief) held a purely secular office and in II.3.33-34 K. states his qualifications, duties and functions, and in X.3.45 provides that the Senāpati should address the soldiers of the army after they are made well-disposed by the payment of money and the bestowal of honours and should offer to pay one hundred thousand pūnas to him who would kill the enemy king, 50 thousand for killing (in battle) the Senāpati or prince of the opposing army and lastly by offering double wages and gift of whatever a soldier may seize from the opposing army. It may be noted that K. provides (in V.3.28-29) that of those that die on duty the sons and wives shall receive food and wages and their minor children, old men and sick persons should be shown favour (should be helped).

The king's prime duty was to offer security and protection to the subjects. Āp. Dh. S. (II.10.26.4-8) provides that the king should appoint for the protection of the subjects in villages and cities persons of the first three varṇas, pure as to money and truth-loving and the assistants (puruṣas) of those also should be possessed of the same virtues and that the king should arrange to guard a city against thieves for one yojana in all directions and a village for a krośa and they should re-imburse what is stolen within those limits. Kautilya makes an approach to the welfare state in IV.3.1-2, where he calls upon the king to protect the country from eight great calamities viz. fire, floods, disease (epidemic), famine, rats, wild elephants (and similar animals), serpents and evil spirits (or demons) and he provides remedies for these and adds that in all such cases the king should favour the afflicted (people) like a father (sarvatra copakhatān pitēvanughrñiyāt). The Dharmasūtras and Smṛtis also mention certain persons as not liable to pay taxes228 e.g.

223 अकक: श्रीविष्णु. सर्ववर्मानो न नियोः कुमारां श्रावर्त्ययाः। तथ व्रिग्राय वर्मिन्तो नन्विन्तन्तनाः। तथा गुरुभि पादवंशका। अन्यमक्कु- 

(Continued on the next page)
a brāhmaṇa learned in the Veda, the women of all the four varṇas, boys that have not moustaches, even grown-up persons as long as they stay with their teachers for instruction, persons performing ansterities for religious purposes, a śūdra washing the feet of persons of the other three varṇas i. e. serving them, persons blind, deaf and dumb and diseased, ascetics who have no money because they are not allowed by śāstra to possess money. Vide also Vas. 19. 23-24, Manu VII. 123-34 and VIII. 394-95. The Dharmasūtras further say that it is the duty of the king to see that none in his realm perishes through hunger, disease, extreme heat or cold or of set purpose.

Another striking matter is K's references to confederacies of oligarchic or republican States (in the 11th Adhikarana about saṅghas, which covers less than three printed pages). He states (XI. 1. 1-3) ‘securing an oligarchy on one's side is better than securing an army or an ally: for saṅghas being well-knit become unassailable by enemies. Those (saṅghas) that are friendly should be won over by (a policy of) conciliation and gifts, while those that are hostile (should be dealt with) by (sowing) dissensions (among them) and by force. Then K. mentions two classes of oligarchies (XI. 1. 4-5). One class of Saṅghas existed in the countries of Kamboja and Surāstra and there were corporations of Kṣatriyas also; all these maintained themselves ordinarily by agriculture, trade and the profession of arms, while there were other saṅghas viz. Licchavikas, Vṛjīs, Mallakas, Madrakas,

(Continued from the previous page)

Vide प. V. 2. 84 for derivation and meaning of भौविन्य; "साधनोदेशीय" and आप. प. स. II. 3. 6. 1 चेतने वेदांमें शास्त्रांमें शास्त्रामें श्रीमानं भविष्यति। न वाच्य विचयं चुरा रोगिण्य हिमालापास्या वा सार्वभावव उत्तिपुष्पे वा कवित्ति। आप. प. स. II. 10. 25. 11. मनु VII. 134 avers that if a brāhmaṇa learned in the Veda dies of hunger in the king's domain, the king's realm perishes of hunger (famine etc.) in no time.

224 सद्भावो दृष्टिसंपर्कमानामर्गमः। स द्वारि दृष्टिवाद्याः परेऽतः। तान्तौ
गुणामुच्येत सामर्थ्यामः। विपुगान् भर्त्स्यन्ध्राया। XI. 1. 4-6
कामपीहुः कामपुथायो वाणीविलोध्यायमः। निरिहितक-वृत्तिक मद्यकः
मदकः कुरुः कुरु-पाहलाद्यो राजायोऽपिपाविलोध्यायमः। XI. 1. 4-5;
There is great divergence about the exact meaning of कामाबोह...अव्वायः। Vide K. P. Jayawal's 'Hindu Policy' I. p. 62 and Prof. Kangla's notes in his translation of K. A. part II. pp. 526-27.
Kukuras, Kurus and Pañcalas, that maintained themselves on the title of rūjjan applied to them (i.e. they were not cultivators of the soil and mere solders, but they were chiefs or nobles). K. A. in VIII, 3, 62-64) remarks that of the vices of gambling and drinking, gambling is worse and that particularly, in the case of saṅgha and royal families, that the characteristics of a saṅgha viz. dissensions are caused by gambling that lead to destructions; hence gambling is the greatest among vices since it leads to weakness in governing.

It is noteworthy that in the passage quoted in the footnote about saṅghas (oligarchies), K. A. separately mentions the Licchavikas and Vṛjikas as saṅghas, while some modern writers such as Dr. U. N. Ghoshal (p. 1 of his address in 1963 as President of the Asiatic Society of Bengal) treat them as identical. Rhys Davids in 'Buddhist India' (pp.19-26) summarises the data about Indian Republics derived from Buddhist works and points out that the Vajjians (Vṛjikas of K. A.) had eight confederate clans of which the Licchavis and the Videlas were most important. The word śreni' (found in K. A.) is very ancient, occurring as it does frequently in the sense of 'group, row, flock' even in the Rgveda (e.g. in I. 163, 10, III. 8. 9) and 'gana' occurs dozens of times in the Rg. The word 'saṅgha' is mentioned frequently by Pāṇini (in III. 3. 86 in the sense of 'gana'), V. 2. 52, V. 3. 114 (referring to 'Āyudhajīvi-śaṅghas' among Vāhikas). In V. 3. 115-117 Pāṇini mentions several Āyudha-jivisaṅghas such as Vārkenyah or Vṛkāh, Pārassvāh (singular) or Parśavah (plural), Yaudheyah (or Yandheyāh in V. 3. 117). In I. 6. 10 K. A. reports that the saṅgha of the Vṛṣṇis perished by their foolhardiness in trying to assail Dvai-pāyana. The Mahābhārata does not mention the attack on Dvai-pāyana. The Mahābhārata states that the Yādavas included Vṛṣṇis, Andhakas, Bhojas (Mausalaparva I. 14) and also Kukuras (Mausala 5. 2), Mausala (chap. 3) shows that Yādavas fought among themselves and perished. In Śānti 81. 25 Kṛṣṇa is said to be the chief (President) of the Saṅgha of Vṛṣṇis and in the Bhagavad-gīta Kṛṣṇa is identified with Vāsudeva of the Vṛṣṇis. In Śānti 107 there is an interesting discussion as to the causes of the destruction of the Saṅghas and Ganas. It is quite possible that K. mentions Licchavikas and Vṛjikas separately on the analogy of the
nyāyas called ‘go-balivarda’ or ‘brāhmaṇa-parivrājaka’ for which see H. of Dh. Vol. V. p. 1347. For the Licchavis of Vaiśāli, vide I. H. Q: XIX p. 98 and Jayaswal’s History p. 112. For the Mallas, vide ‘Buddhist India’ p. 26, D. R. Bhandarkar’s ‘Ancient India’ pp. 51, 79. Kukura is associated with Aparanta in the Nasik cave Inscription of Vaiśṭhi-putra Pulumāvi and in the Junagad Inscription of Rudradāman (E. I. VIII pp. 44, 60). The Yaudheyas are said to have been routed by Rudradāman (E. I. VIII. at p. 44).


Another distinctive feature of K’s work is the division of the administration into two branches, viz. the rural area (jānapadā) and the Durga (capital or urban area) each with distinct officers and duties. The first was in charge of the Samāhatrī and the Pradašī (K. A. II. 6 and 35, IV. 1. 1) and the urban area (Durga) under the Nāgarika225 (city Superintendent) as stated in K. A. II. 36. 1 (samāhatrīvan-nāgariko nāgaram cintayet), the last having to look after the city (or capital). The cty or capital was divided into four wards, each under an officer called Sthānika; an officer called Gopa was to look after ten families or twenty or forty families and was to find out the total number of persons, men and women (described) according to caste, gotra (family name) and occupation and also their income and expenditure. Numerous details about regulations and fines to be imposed by the Nāgarika are provided, which are passed over here. As regards the rural area the Samāhatrī was to form it into four divisions, (place each division under an officer called sthānika and officers called gopas under the directions of sthānikas, were to look after groups of five or ten villages, prepare registers fixing the boundaries of villages, registers of the

225 ‘नागारक, कुसा-सचास्थिथ्योऽधिकारीः। प. IV. 2. 128. नागरक (from स्नागर) means one leading a bad life (नागरकहीरीः) or one who is an adept (नागरक: सिल्वी). पाणिनि IV. 4. 33 is ‘रक्षणि’ (altix टक्क) as in समाजं रक्षणी सामाजिकः, नागरं रक्षणि नागरिकः.'
houses and fields that were to pay (or were not to pay) taxes, to record the number of persons belonging to the four varnas, the number of persons that were farmers, cowherds, traders, labourers or slaves, the number of two-footed or four-footed animals and the extent of money or forced labour, of duties (tolls etc.) and fines to be levied, the number of males and females among the families, the number of children and old persons, their occupations, their (peculiar) customs (varibra) and their income and expenditure. It would be noticed how elaborate were the provisions prescribed by K. for the preparation of a complete census of the capital as well as of the rural area.

*In the B. I. edition (1884) of the Kāmadakīya-nitīsāra by Rajendralal Mitra with a com. compiled by three Pandits the word Kautālya is explained as follows: ‘Kuṭā’ means ‘ghāta’; (with affix la) ‘Kuṭāla’ means one who stores only as much corn as fills a jar and Kautālya would mean a desendant of such a person. The learned editor of the Arthasastra in the Trivandrum series, M. M. Ganapati Sastri accepts this (Intro p. 4) and the only authority he cites for Kautālya as a gotra name is that of a very late lexicon called Nānarthārnavavasānkaṇe of Kesaśavāmin. It is remarkable that the learned Mahamahopadhyaya prints the name of the work as Kauṭiliyaṃ and in the opening verse of his commentary also keeps the word Kauṭiliya and in the first sentence (of the com.), also prints the author’s name as Kauṭilya, on p. 25 in the last verse of the first chapter he reads ‘Kauṭilyena kṛtam śāstram’, again on p. 27 he prints ‘cataśra eva vidyā iti Kauṭilyaḥ’, on p. 33 ‘neti Kauṭiliyāḥ’ and on p. 39 ‘Artha eva pradhāna iti Kauṭiliyāḥ’. It is difficult to believe that the great Mahamahopadhyaya, who had till then edited 80 works and who had two mss. of the work in Tamil characters and one in Telugu characters, printed the author’s name as Kauṭilya by sheer carelessness (anuvadāhana, as he states in his Sanskrit Introduction). If such an experienced and learned Pandit is...

* This occurred to the author after all other matters about Kauṭilya were finished and so that matter has been placed at the end.

226 कुटो घर: ने यात्त्विन लान्ति संयुधनि डति कुटो: कुट्षीवर्म्म डति प्रसिद्दि:। अत एव तत्त्व कुटववालपयं कौट य: विण्यूर्ति नाम तदन्त्वे य: प्रभवति । Mr. D. B. Diskalkar refers to one inscription at Ganesar near Dholka dated in Vikrama-saṃvat 1291 (1234-35 A. D.) which (he says) in line 9 reads ‘kauṭalya’. 
careless and writes the word as Kauṭilya many times instead of Kauṭalya (which his three mss. supported as he says) it is easy to believe that some later scribes purposely changed the word or carelessly wrote it as Kauṭalya. The form Kauṭalya makes its appearance in some works and inscriptions after the 11th or 12th century A.D. This was probably due to later writers' unwillingness to hold that the great Cāṇakya who helped Candragupta to drive away the Greeks from India and wrote an excellent work on Politics should have borne such an opprobrious name as Kauṭilya. But the word Kauṭalya makes hardly any sense. Manu (IV. 7-8) recommends that Brāhmaṇas should not amass wealth, should not have more corn than what is contained in a granary of bricks or that they should be kumbhādhānya or possess only as much grain as would suffice for three days (for the family and servants) or only for one day. Yāj. (I. 124 and 128) provides that a good brāhmaṇa should have only as much stock of grains as would suffice for one year (for family &c.) and should not go in for a Soma sacrifice if he has less or should have as much grain as would be contained in a granary or contained in a Kumbhi or as would last for three days or one day. These ancient smṛritis (Manu IV. 8, Yāj. I. 128) provide that the more penurious a brāhmaṇa is the more he becomes praiseworthy or should be more honoured. The commentators differ about the meaning of Kusuladhānya and Kumbhi-dhānya (vide Kullūka on Manu IV. 7). Kumbhidhānya means either one who has in store as much corn as would last for six months (Medhātithi) or as would last for six days (Govindarāja). But no one uses the word kuṭadhānyaḥ or ghaṭadhānyaḥ. Kumbhi is a technical word in Manu and Yāj. Therefore, to take kuṭala as Kumbhidhānya is not only far-fetched but unwarranted. Besides, the Purāṇas (e.g. Matsya and Vāyu), Bāṇabhaṭṭa, Mudrārākṣasa, and Bhavabhūti (who employs the words 'Kuṭila-naya-nisnattamanaśām') point to Kuṭiliya as the name and no one has shown that Kuṭalya occurs in early Inscriptions (though Kuṭilya occurs as a gotra in early inscriptions from the 7th century A.D.). Vide Danaśikaviveka of Vardhamāna pp. 134-135 for a discussion of the meaning of Kumbha (it winds up by saying 'nānārtha eva Kumbhaśabdah').

In the Śāntiparva (243. 2-3) it is stated that there are four ways of maintenance for a brāhmaṇa householder, viz. he
may be Kusūladhānya or Kumbhadhānya or he may be a 'Aśvastana' i.e. storing only as much corn as would suffice for a day or he may follow the way of Kapota birds and that each one of these ways is superior to each preceding one. The Manusmṛti (IV. 7-8) mentions four ways of living for a brāhmaṇa viz. Kusūladhānya, Kumbhidhānya, Tryahahika (one storing only as much corn as would suffice for three days for the family and servants) or he may be 'aśvastanika' (not storing even for the next day). The Manu-smṛti (in IV. 4-6) states that a brāhmaṇa householder may follow for his livelihood the method of ṛta (i.e. collecting with his fingers grains that have fallen down in a field or on a public way or collecting the fallen pods of grain) or the method amṛta (grain got without asking) or of mṛta (collecting alms by begging) or of pramṛta (method of agriculture) or by satyāṁṛta (i.e. trade); but a brāhmaṇa should not follow Śvavṛttī (dog's way i.e. serving or labouring for another). Viśvarūpa on Yāj. I. 127 (where also the words Kusūladhānya and Kumbhidhānya are used) explains that "Kusula means Kośṭhaka and is a measure for corn equal to twenty dronas and Kumbhi is half of that and quotes a half verse (Daśadroṇā smṛtā Kumbhi Kusūlo dvigunastatalḥ, ityabhiyuktapadesāt). (In VIII. 3-20) Manu provides the punishment of nadha (either whipping, cutting of a limb or death) as the punishment for a thief who steals more corn than ten Kumbhis. Viśvarūpa on Yāj. I. 127 (Vol. I p. 104 of T. S. S.) explains that Kusūla is Kośṭhaka and is a measure of corn equal to twenty dronas and Kumbhi is half of that and quotes a verse (Daśa droṇāḥ smṛtā Kumbhi Kusūlo dvigunastatalḥ). Kṣirasvāmin on Amarakośa mentions Kudava, Prastha, Āḍhaka, Droṇa and Khāri as measures, parimānas), quotes a verse, stating four Palas are equal to Kudava, four Kudavas are equal to prastha, four prasthanas are equal to āḍhaka, eight āḍhakas are equal to drona and the quantities of these measures differ in different countries i.e. in some countries four āḍhakas are equal to drona and twenty dronas make a Kumbha. The Mit. on Yāj. III. 265 quotes Manu VIII. 320 and remarks that Kumbha is equal to five thousand pālas. A Kumbha or Kumbhi was a large measure in any case and not a mere jar, as M. M. Ganaḍāpatisastri says without any authority. Therefore, from kuṭa (a jar), one cannot jump to the conclusion that kuṭala would mean Kumbhidhānya or Kumbhadhānya.
15. Vaikhānasa-dharma-praśna

The work has been published in the Trivandrum Sanskrit Series by Pandit T. Ganapatī Sastrī (1913) and also edited by Dr. Caland in B. I. Series (1927) and translated into English (1929) with a learned Introduction.

Mahādeva in his commentary called Vaijayantī (Ānandāśrama ed.) on the Satyāsādha Śrautastra speaks of six Śrauta Sūtras of the Black Yajurveda viz. Baudhāyaṇa, Bhāradvāja, Āpastamba, Hiranyakesīn, Vadhūla and Vaikhānasa, and frequently cites passages from the Vaikhānasa-śrautasūtra. In the Caruṇāvyuha of Saṇnaka, Vadhūla and Vaikhānasa are not mentioned. But that Vaikhānasa was a very ancient writer follows from the references contained in the ancient dharma works. In Gautama the word ‘Vaikhānasa’ occurs (Dh. S. III. 2) as the name for the order of forest hermits (Vānaprastha) and in another Sūtra (III. 26) he lays down that fire was to be consecrated according to the Śrāmanaka,227 which latter is explained by Haradatta as Vaikhānasa Śāstra. Baudhāyaṇa (Dh. S. II. 6. 17) has the same Sūtra228 and defines a Vaikhānasa as one who follows the rules of conduct laid down in Vaikhānasa śāstra (Dh. S. II. 6. 16). The Vāsiṣṭha Dh. S. (9. 10) also has the same sūtra as Gautama (Dh. S. III. 26). The Manusmṛti (VI. 21) speaks of the Vānaprastha as one who abides by the views of Vaikhānasa (Vaikhānasamate sthitah). Gau. III. 25-34 and Vas. IX. 1-11 deal with Vaikhānasa. Printed Gau. III. 26 reads ‘śravaṇakena śrānīnāḥ dhiya’ while Vas. IX. 10 has ‘śrāmanākṣaNH śrānīnāḥ dhiyaḥ hitāgniḥ syāt’.

Kalpataru (Moksakāṇḍa) p. 20 reads as ‘śravaṇakena’, quotes Bhatriyajña as ‘Vaikhānasam śāstrām śravaṇakam’, on p. 22 quotes a very long prose passage from Hārīta beginning with ‘Tretāṃ Śravaṇakam vāṇīmadhiya’. The Manu-
smṛti (VI. 1-32) deals at length with the stage of Vānaprastha or Vaikhānasam. From Manu VI. 21 it follows that a śāstra called Vaikhānasam was known to the Manusmṛti. Kalpataru (Brahmacāri p. 268) quotes a long passage from Hārīta Dharmasūtra, which says that four āśramas are a ladder by which gods and the pītras reached immortality (saisā-śramaniśreṇīr-yayā devāḥ svapitarasaśamṛtatvatvam agacchan ). Maskaribhāṣya on Gaut. Dh. S. (III. 2) explains 'Vikhānasam proktam śāstram Vaikhānasam tadvidhinā vartata iti Vaikhānasah' and quotes an interesting prose passage from Uṣanas 'Dvau brahmacārya upakurvaḥo naiṣṭhika-ca dvau Vaikhānasau sapatniṃo vipatnikaścetī, dvau sannyāsinau bhikṣu-sannyāsi vedanānnyāsi ceti, bahudhā grhaṣṭhaḥ śālīna-yāyāVARAĐIBHEDA. Śrāmaṇaka is probably derived from the word 'Śramaṇa', that is found in Br. Up. IV. 3. 22, which describes the state of a person who has realized the Highest Self. He is then above and beyond all the ordinary relations of life, such as, if he was a śramaṇa before, he becomes aśramaṇa or if he was a tīpasa he becomes devoid of that state &c. Vide Tai. Ār. II. 7. 1 and 'Kumāraḥ śramanādi-bhiḥ' Pāṇini II. 1. 70. Vaikhānasam is formed from the word Vīkhasam.

The Vaikhānasadharmapraśna is divided into three prānas, each prāṇa being subdivided into khaṇḍas. There are in all 41 khaṇḍas. The work is a small one. The contents of the work are:—I. the four varṇas and their privileges, and the four āśramas; duties of brahmacārin; four kinds of brahma-śātras; duties of the householder; four kinds of grhaṣṭha, vārtṭi (subsisting by agriculture), śālīna, yāyāvarā and ghoracārika; forest anchorites; vānapraśthas are either sapatnika (accompained by their wives) or apatniка (not so accompanied); Sapatniка are of four sorts, Audumbara, Vairīṇa, Vālakhilya and Peneapa; apatniка Vānapraśthas; four kinds of bhikṣus, viz. kucekaka, bahuḍaka, hamsa and parama-hamsa; sakāma (performed with desire of worldly gain) and niskāma (not so performed) karma; pravṛtti and nivṛtti; three kinds of Yogins and their sub-divisions; II. the details of the śramaṇaka rites of the vānapraśtha (khaṇḍas 1-4); duties of the forest hermit; details of joining the order of sannyāsins (khaṇḍas 6-8); age for sannyāsa (above seventy or when childless or widow); every day duties and observances of sannyāsins; about ācamana and sandhyā; salut-
ing (abhiṣadaṇa) of all relatives, male and female; holidays from study (anadhyaṇa); bath and Brahmaṇaṇa; rules about taking food; forbidden and permitted food; III. rules of conduct for grhaṣṭha (khaṇḍas 1–3); rules of the road; purification of golden and other metallic things; purification of other things; about vānapraṣṭha; bhikṣu; burial of a sannyāsin; Nārāyaṇabali on the death of a sannyāsin, tarpana in the case of sannyāsins with twelve names of Viṣṇu, Keśava &c. and with water; anuloma and pratiloma; the intermediate castes; Vṛatya, their origin; name, and means of subsistence (khaṇḍas 11–15).

The Vaikhānasadharma-praṇa appears by its style and its contents to be a work of comparatively later date than the dharmasūtras of Gautama and Baudhāyana. It is probably a recast of older materials. It contains the names of more mixed castes than the dharmasūtras and than even some of the later smṛtis. The present work seems to have been either written or retouched by a devotee of Viṣṇu. Faith in and devotion to Viṣṇu or Nārāyaṇa looms very large here (I. 5, 5 nārāyaṇaparāyaṇaḥ, I. 7, 6 and 9; II. 4–5 bhaktyā Viṣṇum dhyāyan, III. 7, 3; Nārāyaṇaparam brahmaṇi śrutaḥ, (III. 9, 3 Viṣṇo-rālayāpārāve). It speaks of the eight aṅgas of Yoga (I. 10, 9), of the Ayurveda with its eight aṅgas and of some treatise on evil spirits (bhūtataṇtra III. 12, 7). It refers to the views of some in the word ‘eke’ (I. 7, 4. and II. 9, 10). It speaks of the Śrāmaṇaka fire (in I. 6, 2 and I. 7, 3–4). It does not allow sannyāsa to Keśariyas (I. 1, 11). Vikhanas is cited as an authority (II. 5, 9 and III. 15, 14).

Bühler found a ms of the Vaikhānasasūtra consisting of a grhya in seven praṇas, three praṇas of dharma (the same as described above) and a fourth on pravara. In the grhya a reference to Budhavāra occurs. “It is worthy of notice that the Vaikhānasas-grhya (II. 12, 1–2, Caland’s ed. p. 30) mentions Budhavāra in ‘Athāṣaṭhopākarma kuryat tāpūryamānāpakṣe rikta-parvāṇi varjyitvā Budhavāre tithim grhaṇi’, and that fifty āhūtis are offered to Agni, the Earth, the four Vedas &c. and among others to Śāvitrī, Prajāpati, Uṣanas, Cyavana, Brhaspati, Aṅgiras, Śāṅkha, Likhitā.

Besides, the Vaik. Gr. in IV. 10, 1. and 3 provides that after the daily homa in fire Viṣṇu should be worshipped, that such worship becomes the worship of all gods and that an
image of Viśnu should be established in the house and worship should be offered to it in the morning and evening every day after homa. Further, the Gṛhya in IV. 13 provides for gruhuṣānti, since the proper functioning of the world depends on gruhas. They are mentioned in the same order as in Yāj. I. 295 and the procedure, though similar to that in Yāj. I. 295-308, is more elaborate on some points. For example, it refers (IV. 14) to the classification of nakṣatras into jānma, karma, sāṅghātika, śāmudāyika and vairāśika, which is not found in Yāj. but occurs in Yogayātra of Varāhamihira. Vide H. of Dh. Vol. V. part 1 p. 529, notes 762-63.

Dr. Caland in his paper on Vaikhānasasūtra holds that the Manusmṛti borrows from Vaikhānasagṛhya and that the author of the latter was saturated with the idiom of Dravidian languages (vide Prof. Keith's review in Bulletin of the School of Oriental Studies, 1927, p. 623). Dr. Caland's view about Manu is entirely wrong as will appear from the section on Manu. Vide Th. Bloch in 'über das Gṛhya-und Dharmasūtra der Vaikhānasa' (Leipzig, 1896).

Dr. Caland (Intro. pp. XVI-XIX) put forward certain parallelisms between the Manusmṛti and the Vaikhānasasmārtasūtra. They are so flimsy that no serious notice need be taken of them and no acceptable conclusions can be based on them. Dr. Eggers published in 1929 (at Göttingen) his work 'Das Dharmasūtra des Vaikhānasa', which was reviewed in J. R. A. S. for 1929 pp. 916-918. Looking to all that has been stated above the extent Vaik. Gṛhya-sūtra and Dharma-sūtra are later than Yāj. and may be assigned to about 300 to 400 A. D. Vide Dr. Caland's Intro. to the translation of the Smārtasūtra pp. XV ff.

**Other Sūtra Works on Dharma**

It will be proper to say a few words about some other sūtra works on dharma that are only available in mss. or are to be reconstructed from quotations in the digests. It is by no means to be supposed that these works that will be spoken of here were composed as early as those of Gautama, Āpastamba and others or were composed before the extant Manu and Yājñavalkya. But as the chronology of all ancient works on dharma is somewhat in a nebulous state, it is best to treat here of all works written in the sūtra style, even though in
individual cases they may really belong to a later age than the works composed entirely in verse. They will be taken up in alphabetical order (Sanskrit).

16. Atri

That Atri was an ancient writer on dharmas follows from a reference to him in Manu (III. 16) as holding the view that a dvaśini taking as wife a sūdra woman became fallen (patita). In the Deccan College collection there are several mss. (Nos. 185–187 of A 1881–82) of the Ātreyadharmaśāstra in nine adhyāyas. They treat of gifts, prayers (japya) and tarpas by which men are freed from all sins. Some of the chapters are in mixed prose and verse. The first three chapters are entirely in verse and some of the verses (such as ekāksaram param brāhma) occur in the Manusmṛti. The fourth opens with a long sūtra, which, in style, resembles later bhasyas and commentaries. The fifth also is in verse and contains several verses found in Vāsiṣṭha (Db. S. 28. I, 4, 6). The sixth speaks of the specially holy hymns and verses of the Veda. Some of the verses here are the same as Vasiṣṭha (28. 10–11). The seventh refers to secret prāyaścittas and the very first sūtra after the opening words speaks of several non-Aryan tribes such as the Śakas, Yavanas, Kāmbhojas, Bālhikas, Khaṇas, Vangas and Paraśa (Persians?) &c. It is to be noted that the same sūtra (with slight variations) is quoted as Atri's by Aparārka (on Yāj. III. 266 p. 1123). The 7th and 8th chapters are in mixed prose and verse. The 9th is in verse and speaks of Yoga and its āyugas. It refers to the fact that Śiśupāla, son of Damaghoṣa, because in his hatred of Govinda he always thought of the latter, went to heaven. The same sūtra work is noticed in I. O. Cat., pp. 380–81, Nos. 1305 and 1306.

229 अवधानार्थशास्त्रानां यमविवर्तक्रयावांशानमात्रिवर्तने (॥) पतीनां यदि कर्यो
निमान्तराभ्यं भवति तदर्तिनविवर्तिनवर्तिनां गायने। अनुवादां खलो ब्रह्मद्र खुशींकी क्रृष्टि &c.

230 अयतो रहस्यान्ति व्यासायां। नटनार्थसमायन-गान्तरिक-शपकाराकर्तवी-शोकस्तीणाश्च धक्क-यन्त्र-कान्व巴西-फलकीक स्म-द्वारिक - वेद - परशा-
वहितानि (॥) मुक्तमा प्रतिपए च सीमा-मने सहभोजने रहस्य रहस्याणिपत्रेऽप्रकृष्टथाने चरीता।
There are several works styled Atri-smṛti or samhītā in the mss. One of them is in six chapters on secret prāyāscittas, gifts, pitrmedha and ācāra (vide I. O. Cat., p. 381, No. 1308). There is another work styled Atrisamhītā printed in Jivananda’s collection (part I. pp. 13-46). It contains about 400 verses and deals with the following topics:—importance of honouring guru; duties of four castes; purifications of several malas; virtues of Brāhmaṇas such as śauca, anasūyā; definition of īṣṭa and pūrta, ten yamas and niyamas; importance of sons; adopted sons; prāyāscittas for taking forbidden food or drink and for other transgressions; impurity on birth and death; cāndrayāna, Krchra, Sāntapanā; gifts; purifications from avoidable contacts with rajasvalā &c.; Śrāddha and the brāhmaṇas to be invited for it.

In this work Atri is himself cited as an authority. Other authors and works quoted are: Āpastamba (p. 30), Yama (p. 41), Vyāsa (p. 24), Śāṅkha (pp. 22, 35), Śātātapa (p. 35). The Vedānta, Sāṅkhya, Yoga, Purāṇas, Bhāgavataḥ (p. 45) are mentioned. It contains (on p. 14) the verse ‘sadyāḥ patati māṃsena’ which is found in Vasiṣṭha Dh. S. (2.27) with the words ‘atḥāpyudāharanti’. There are other verses also which occur elsewhere e.g. ‘atha cān-mantravid’ occurs in Vasiṣṭha 11. 20, ‘tryahān prātāḥ’ (p. 23) is also Manu XI. 211. On p. 26 occur the words ‘atraṇyudāharanti’ and so what follows is a quotation. On p. 32 there are three verses in another metre.

Atri’s verse about adoption²³¹ is quoted as the first authority on adoption in the Dattakamimāṃsā. He mentions the seven antyajas to be the washerman, the shoemaker, nata, buruḍa, kaivarta (fisherman), meda and bhilla (p. 29). He further says²³² that there is no question of untouchability in fairs, marriage seasons, in Vedic sacrifices and in all festivals. He says that Brāhmaṇas from Magadha, Mathurā and three other places are not honoured (at a śrāddha) though as learned as Brhaspati.²³³

²³¹ अपुरूपवेत कर्त्याः पुनःप्रतिनिधि: सतः विष्णुकृतकियावेदसत्तात्साहितवतः: || अवि p. 17.

²³² देवयानविशिष्टु यद्यकरणेणु च उत्सवसु च संवेष सङ्करास्निधिं विष्यते || p. 33.

²³³ मायाऋ मायुरःपन्य काप्ति: कोदरासुज्जाज: पवित्र निष्ठा न प्रथयते बद्धस्तिसमा यरि || (p. 45). What is काप्ति? Should we read कोदरासुज्जाजः (residents of the countries of कोदरासु and अक्ष)?
The work mentions the signs of the Zodiac, Kanyā and the Scorpion (p. 43), and hence was not composed before the first centuries of the Christian era.

In Jivananda there is a Laghu-Atri (part I, pp. 1–12) in 6 chapters and about 120 verses, dealing with the means of being freed from sins (such as prāṇayāma, sacred formula, gifts &c.), with purifications from impurity on death and birth, with gifts. It mentions Manu. In the fourth chapter there are about ten lines in prose. There are numerous verses that occur also in the Vasistha-dharmasūtra, e.g. Vas. 26. 8–9 and 16–18 occur on p. 3; Vas. 28. 11–16 occur on pp. 4–5. It is difficult to say who the borrower is.

There is a Vṛddhātreyasmrī in Jivananda (part I, pp. 47–59) in five chapters and about 140 verses. This closely resembles the Laghu-Atri-smṛti described above. In the commencement both have the same six verses beginning with ‘bhagavan kena dānena’ and the works have many verses in common. In the fourth chapter of both the same prose passages occur.

Viṣāvatī on Yāj. (III. 257) quotes two verses from Atri on prāyaścitta which are found in none of the three works described above.254

In the Mahābhārata (Anuśāsana 65. 1) Atri is credited with the view that those who make a gift of gold give (practically) all objects. This bears a close resemblance to two verses that occur in Laghvātrī (Jivananda part I, p. 5) and Vṛddhātri (part I, p. 51).255

254 The verses are भुक्त्वा तु प्रितेमानाः सुनातानामकान्तः। प्रायोग्ये चरोक्षुर्त निरां लवाहतासनाः। चरायतवर्तिते योज स्वयं विशेषतः। भुक्त्वा इत्यविसास्ते जात् दान्त्रायणं चतुर्व।

255 सवाँ देव कालप्रयत्नं येन प्रयत्नं काल्यनम्। इत्यवेव भवनाद्रिः पिताः-
महङ्ग्रोत्स्रीवम्। अनुसासन 65. 1. The verses in the two Atris are अदृश्यं येन प्रयत्नं सुर्यं भूण्यायाः सुर्यमुतास्तः गवः। लोकाख्यायत्व भवन्ति
वेद येन काल्यनं गच नहीं च द्वाराः। सर्वायात्र दानायात्रानात्रानाम सक्षमानुष्यं फलम्।
हारस्त्यतित्वेवैति सत्यायात्रानामुष्यं फलम्। The first verse occurs in Vas.
28, 16, in Vaņaparva 200, 28, in the Rajum plate of Tivaradeva (Fleet’s Gupta inscriptions No. 81).

(Continued on the next page)
Aparäkṣa quotes about a hundred verses of Atri on various topics. Aparäkṣa quotes (on Yaj. III. 61 pp. 966-7) twelve verses of Atri on the repetitions of om, práñâyāma, and the virtues to be practised by him who desires to go into samādhi, 7 verses on Yaj. III. 64 pp. 971-72 on 24 tattvas and purusa as 25th: on p. 1123 a prose passage on prāyaścitta for partaking of the food of or receiving gifts from actors, dancers and Ādhras, Dramidas, Šakas, Kāmbojas, Tukkharas, Valhikas and Khašas. Śaṅkarācārya on V. S. III. 40–43, quotes two verses from Śrīśī, one of which 'Āruddho naishthikam karma &c.' occurs in Ātrīsmṛti VIII. 16 (Ānan. edition).


17. Uśanas

Kāvyā Uśanas is an ancient sage in the Rgveda; vide Rg. I. 83. 5, where Kāvyā Uśanas is said to have been an helper of Indra and brought out the cows (carried away and concealed by the Paṇis). In Rg. VIII. 23. 17 that sage is said to have established Agni for Manu and in Rg IX. 87. 3 Uśanas is called a ṛṣi and viprā and one who knew the hidden place where cows were concealed.

That Uśanas wrote a work on politics follows from several circumstances. The Kauṭiliya quotes the Aūśanasāh seven times. It is almost certainly referring to a work. That work contained directions on the administration of justice also, as Kauṭiliya speaks of Aūśanasa method of partition (in allowing a tenth additional share to the eldest son, III. 6), as Aūśana-sāh prescribed fines in cases where witnesses proved stupid &c. (III. 11, 44). The Mahābhārata, Śaṅtiparva236 (chap. 56,

(Continued from the previous page)

The verse संविवर्त स्त्रायत्व (verse 78), in E. 1 vol. XI. at pp. 312–313 and is quoted as Saṁvarta’s in Kalpataru on Dāna p. 190.

236 ओश्ची चोर्यता गाती पुरा नात महर्षिणा । नौ निद्राव धारायिज लम्बकायमनं
                      नुष्ठ उद्धव श्रुतायान्तरमपि वेदान्तं रेण। निरुद्वि राज्यन्यमं धर्मसिद्धिः
                      निन्दामाण स यमो द्वि येविरक्षें धर्मविरु ध। न तेन चर्मं स स्वामनः

(Continued on the next page)
29-30 and 57. 3) refers to a work on politics by Uṣanas and quotes three verses, the last being found in Sabhā 55. 14. In other places also we have a Nitiśāstra ascribed to Bhārgava (Śānti. 210. 20) and certain verses are ascribed to him (Śānti. 57. 40-41 and 139. 70-71). The Anuśāsana-parva (139. 8-9) states 'The Śāstras known to Uṣanas and Brahmāpatis cannot surpass the (innate) intelligence of women; how can men guard them (completely)'. This verse occurs in Pāñcatantra (B. S. S. ed. of 1873 p. 41 and Hertel's ed. p. 30). Bhārgava is said to be the first expounder of Nitiśāstra in Śānti. 210. 20. Two verses from Śāntiparva, chap. 138. 113 and 139. 71 are interesting as having been declared by Uṣanas to Prahlāda viz. those that confide in persons who were once inimical are destroyed by the latter and that one should proceed cautiously even after making an alliance (sandhi). The Ādīparva (76. 6) says that Kāvyā was the purohita of the asuras. The Śalyaparva (39. 6) says that Kāvyā performed austerities at Kajālamocanatirtha and the whole science of Niti (Rajaniti) appeared to him. The Udvyogaparva states that everyone except Bhārgava follows the wrong niti (39. 30). The Śāntiparva (210. 20) states that Bhārgava expounded Nitiśāstra which is beneficial to the world and Śānti (289. Ch. ed.) explains how Uṣanas came to be called Śukra. Vide under 'Arthaśāstra of Kauṭilya' for further information. The Nitiprakāśīka of Janamejaya refers to a succession of teachers of politics from Brahmā.

(Continued from the previous page)

न्युत्तर मन्युस्त्रशति ॥ शान्तिवर्ण 56. 28-30: भगवानुक्रम नाह शेषक्रम विश्राणित । तत्रितिर्मणा राजन गतन्त्रं निवास म ॥ द्वाद्वियो श्रीसंभवे भूमि: सर्वः विज्ञानानिन्तः। राजानार नारिरोगारं भार्यां चाप्यासिस्मु॥ शान्ति० 57. 2-3; शेषक्रामण पुरा गौते भार्यांय महामनः । आप्यति राजार्थिते नृपति प्रति भरत ॥ राजाने प्रथम विनेद्रेऽ तती भार्याः ततो भन्दृ । राजनवान्ति शेषक्रामण कुतो भार्या कुलो धन्य ॥ शान्ति० 57. 40-41: तिष्ठव: स्वार्थशाश्रेष्ठ विश्राणवाभामुकऽदायः । उज्ज्वाना चेव गाधे द्रङ्गाप्राणिकवर्ण ॥ शान्ति० 139. 70

237 The important gāthās of Uṣanas are:

शब्दावधारणं कृतं कुलं सत्तिवव बर्मकयः। समाहितत्थेषः क्वचं हतार्थं न विक्षेत्सु॥ न विक्षेपदिविक्षेत विक्षेत्तरं नातिविक्षेत । निप्तं विश्राणवेद्यायां ।

(Continued on the next page)
down to Janamejaya and says that Šukra was one of those who abridged the enormous extent of rājaśāstra. The Mudrārakṣaṇa (I. p. 71 Telang's ed.) also speaks of Auśanasi Daṇḍaniti. Viśvarūpa (on Yāj. I. 307) asks the king to appoint ministers in accordance with the views propounded in the śāstras of Brhaspati and Uśanas and quotes a long passage in prose from Brhaspati in which the śāstras of Manu, Brhaspati and Uśanas are joined together. This work on politics probably contained verses also. Medhātithi on Manu (7. 15) quotes two verses speaking of eight activities of a king. So also on Manu 8. 50 Medhātithi cites from Uśanas the words 'prakṛtinām balaṁ rājā, which are an Anuśṭubh pāda. This sūtra work on politics by Uśanas has not yet been discovered. The Tāṇḍya-Mahābrāhmaṇa says that Kāvyā Uśanas was the purohita of the Asuras (7. 5. 20).

In the Deccan College collection there are two mss. of an Auśanasa-dharmāśāstra in prose with a few verses, viz. No. 644 of Viśrāmbī (i) and No. 191 of A 1881-82. The first contains only two folios (2 and 4) and the available portion begins in the midst of the 2nd chapter. In the second ms. also the first folio is wanting and there are gaps in the fourth chapter. It is noteworthy that the second folio of the second ms. begins just at the beginning of the 2nd folio of the first.

(Continued from the previous page)

238 अद्विन्ये ब्रह्म: सकन्तकूमल: पानेतो मनुः। दुर्दशितं शुक्क: महाद्राज: महात्मा:।

239 आदि व विचयो व तत्त्वशिफरयोऽः। पवनम: चार्यस्मे व्यवहारस्वे चेष्टे।
The work is a brief one (8 folios) in seven adhyāyas. Their contents are:— II. impurity on birth and death; purification of certain things in certain ways such as with water, ashes &c. III. the four varṇas and the mixed castes such as Rathakāra, Ambaṭṭha, Sūta, Ugra, Māgulha &c., the Vṛāyas; IV. no bodily injury to be done to brāhmaṇa; prāyaścittas for killing a brāhmaṇa or a man of the other varṇas and for other Mahā-pātakas, prāyaścitta for eating the flesh of certain animals and for eating plants like garlic, prāyaścitta for adultery; discussion whether a Brāhmaṇa could marry a śūdra woman; prāyaścittas for killing various beasts and birds; fourteen vidyās; V. śrāddhakulpa; what Brāhmaṇas are pūnti-pāvana; details of śrāddha; food and flesh at śrāddha; who are unfit to be invited at śrāddha; VI. what things a Brāhmaṇa could not sell; VII. punishments for the Mahā-pātakas; what are pure things at all times. Some of the views of the Auśanasas-dharmaśāstra are worth special notice. The son of a Brāhmaṇa, Kṣatriya or Vaiśya from a wife of the varṇa immediately next to it belonged to the caste of the father.²⁴⁰ No sin or punishment attached to one if one killed an ātāṭyā (armed) Brāhmaṇa. The fourteen vidyās are said to be the six vīgas and the four Vedas, Mimimśa, Nyāya, Dharmaśāstra and Purāṇa.²⁴¹

The work very often quotes the views of others with the words ‘eka’; for example it says ‘the impurity on birth is ten nights for the parents of the child, but according to some only for the mother.’²⁴² The son of a Brāhmaṇa from a śūdra woman is called pārava, but according to some he is niśāda. The whole of the portion in the ms. about the mixed castes bears a very close resemblance to Baudhāyana (Dh. S. I. 9)

²⁴⁰ व्राह्मणक्षेत्रियानां जातो व्राह्मण एव स: I chap. III folio 3 a.
²⁴¹ वहुतरूढ़ि वियासवानां पुनः पद्मश्चतवारी वेद विवेकान न्याय एव च परमवार्त वृद्धि च विश्व क्षेत्रवृद्धि || It will be noticed that there is a sloka from पद्मश्च, which is almost the same as Yāj. I. 3.
²⁴² द्वितिये मातुषितः सुतके मातुरिचे || folio 2 a; compare मौ. ध. स. 14. 14 मातुषितः लघुमात्री || (and हरद्रेष्ट्र’s ‘comment thereon for various views’); मौ. ध. स. 1. 5. 105-109, where Baudhāyana’s own view is that both are impure for ten days, but according to some the mother and according to others the father has to observe impurity for ten days.
except in a few particulars. At the end of all chapters from the second (except the third) there are verses and also in the midst. There are verses introduced with the words 'there is a sloka on this point' (bhavati cātra ślokah) or with the words 'api codaharanti'.

There are about 45 verses in the work, the 7th and last chapter being almost entirely in verse. As the mss. are corrupt and full of gaps, it is often difficult to find out whether a particular passage is prose or verse. In several verses the words 'Manur abravid' occur and in one place 'tan manor anuśāsanam'. The latter closely agrees with Manu. Several verses are common to Manu and Uśanas. The verse 'gurutalpe bhagah kāryah' (Manu 9. 237) occurs in the ms. So also the verse 'yena yena cidaśgena' occurs in both. The words of Manu (V. 78) 'bale desāntarasthe' are expressly quoted with the words 'Manur-āha'. There are many other verses which, though not cited expressly as from a particular author, are found in other ancient works. For example, the verse 'āpah sūdhā bhūmigatah' is Manu 5. 128 and Baud. Dh. S. I. 5, 57. The half verse 'kārubhastah śucir nityam' is Manu 5. 126 and Baud. Dh. S. I. 5. 48. The verse 'yadekāratreṇa karoti pāpam' occurs in Āp. Dh. S. (I. 9. 27. 11) and Baud. Dh. S II. 1. 42. The verse 'tryaham prātas tryaham naktam' is Manu XI. 211. It is a remarkable fact that some of the verses in this dharmasūtra agree closely with the verses in the Uśanas-smṛti in verse, published by Jivananda; e.g. the verse 'dattvā tu Vedaṇatārtham' occurs on p. 525 and the verse 'nimantritastu yo vipro adhvānam samprapadyate' on p. 527. Even the prose passages bear a

243 The ms. (3rd chap.) has तन सर्वाणु सर्वाणुः। व्रजसेन श्रवणियाः....सः।
कैव्यायमावःः। शुद्राणां पारसविव कियोऽविके। श्रवणियां श्रवणियां।
शुद्रासंतः। कैव्यायामावः श्रवणियां। शुद्रं कैव्यायामावः श्रवणियाः कृता
व्रजसेन श्रवणियाः। श्रवणियाः।

244 The ms. reads 'इस श्रवणानि दशस्त्र वाचयों (तमनो) रत्नासनम्। बिषु
वर्णेण सामायं व्रजसेनस्यानि भवेन॥'; while मनु (8. 124) दशस्त्र
मनः रत्नासनम्। बिषु वर्णेण यथा सुरक्षिन व्रजसेन मनः॥

245 The ms. reads. बीन बीन हि बीन (विकीपहे?) हिंसाच्छेद्यासमन्तः।
तथेत तस्म देवायं निर्विते विमवत॥; in मनः (8. 279) the last pada is तमनोरत्नासनम्।
close resemblance to the versified śmṛti on many points, e.g. the prose passages about the duration of the satisfaction of the Manes by the offerings of the flesh of various animals occur almost in the same words in the versified śmṛti of Uśanas (Jivananda, part I, p. 522).

The Auśanas-dharmasūtra contains several passages in prose which are the same as some verses in Manu. The sūtra quotes in one place the divergent views of Vasiṣṭha, Hārīta, Śaunaka, and Gantama on the question whether a brāhmaṇa could marry a śūdra woman. The view of Vasiṣṭha (as quoted in the ms.) is that a brāhmaṇa could take as wife girls of all the four castes, but in the printed text of Vasiṣṭha (I. 24) a brāhmaṇa is allowed to marry girls of three higher castes only. It is possible that the ancient reading of Vasiṣṭha's text was 'cātrasaḥ' (as quoted in the Auśanas) which was changed into 'tīrasaḥ'. The passage reminds us of Manu III. 16 (Śudrāvedī patatyaatreṇa), but the views ascribed to Śaunaka and Gantama in the ms. differ from those ascribed to them in Manu. In another passage Vasiṣṭha's views seem to be quoted.

From quotations in Haradatta's commentary on Gantama and from the Śrīmadandukā it appears that they had access to a sūtra work of Uśanas dealing with all branches of

246 The ms. has (in chap. II) राहु स्रीमुदया वैधिषद्वितीय योणि. युज्यं: फलायतने पश्चिम:।
प्रस्तुते वतोऽऽुरुः पुरुषं।। उत्तरे नामे: पुरुषं:। गौरिये या दृश्यतः।।
पुराणाः।।क्यत: स्थिन:। हृदयासामसुविष्प।। Compare मनु I. 92, श्र. च.
सू. I. 5. 49 and विष्णु 3. 45.

247 The ms. (chap. IV) has पदली दृष्टिपरितिव्रायक्ष्ये। न पतीतेभ्ये।
श्राद्धस्य कथविद्वितास्वल्लेका। (श्रे) न्युत्तक भाष्यं भवन्तिति वच्चिष्ठा आद।
पति न पतीति संस्कर:। युरुण्यं पतीति (इव यया कथविद्वितिः) हरितम:)।
जनारद्वितीयं भीसतः।। तदस्य: पतीति गौतमः।। The words of वच्चिष्ठा
are tisñey श्राद्धस्य भाष्यं वर्णोऽपूर्ववेच देव राजन्यस्य एवंका वैभवसुद्वेहः।
श्राद्धार्थके मनवाविद्वेद्यः।। तथा न कुर्यान्।। I. 24-26. It should be noted
that one ms. of वच्चिष्ठा omits the words 'वर्णोऽपूर्ववेच...कुर्यान्'.

248 यथा पुरुषाः प्राप्त्यन्ती स दुह्नमणि वैवसिष्ठ:। (ः वाच्छिष्ठः)। श्राद्धार्थके
श्रव्यतिति हरितम:)। (chap. 4); compare वच्चिष्ठा 12. 23, and मनु XI. 67 and 173. The reading वैवसिष्ठ: also is expli-
cable. वैवसिष्ठ may stand for मनु.
dhārma viz. ācāra, vyavahāra and prāyaścitta. For example, the Śraṃticandrikā quotes prose passages of Uśanas on anudhyāya (1. p. 59), on dantadhāvana (1. p. 106) and Haradatta quotes a prose passage on anudhyāya (on Ap. Dh. S. I. 3. 10. I) and a prose passage on the fine for a Ksatriya abusing a sūdra (on Gau. Dh. S. 12. 10) and on Nīyoga) on Gau. Dh. S. 18. 5). These passages are not found in the ms. But there are others that are found. For example, the Śraṃticandrikā quotes two passages, which occur in the mss.²⁴⁰ It appears therefore that the mss. either contain a portion only of the complete Auśanasā-dhārma-sūtra or an independent sūtra work. The former alternative looks more probable. The foregoing discussion has shown that the sūtra work is later than the dharmasūtras of Gautama and Vasiṣṭha and also than the Manusmṛti, which it probably knew in a very ancient version slightly differing from the extant one.

In Jivananda's collection of smṛtis there is an Auśanasā-dharmasāstra in 51 verses (part I, pp. 497–501). It deals with mixed castes and their avocations, such as sūta, māgadhā sāndala, śvapaca, pulinda-&c. The same work occurs in the Ānondāśrama collection, pp. 46–48. The Mit. (on Yaj. I. 94) remarks that the means of livelihood for the mixed castes should be sought for in the works of Uśanas and Manu.²⁵⁰ It is probably this smṛti that is meant. Kullūka on Manu. X. 49 says that the sale of hides and working on hides were means of livelihood for Dhigvanas according to the Auśanasā.

In the same collection (part I, pp. 501–544) there is another smṛti ascribed to Uśanas in 9 chapters and about 600 verses. It treats of Upanayana, daily observances like ācamana, Vedic study, occasions of anudhyāya, the dharmas of snātaka; śrāddha, proper Brāhmaṇas for śrāddha, impurity on birth and death, rites after death, prāyaścittas for the mortal sins and lesser sins.

²⁴⁹ The passages are ‘तत्र गोमयोथकृमोमित्रानंभाण्डवौँच कुर्याव’ (ch. V, about śrāddha) and ‘शब्दविवरणम् औरुक्तकृत्तबुद्धस्मत्वलोउभारामति।’ (III, p. 409 and p. 411.)

²⁵⁰ एतिर्भ च दूसर और मानवे च ह्यभव्यः। मिता.
This *smṛti* quotes Uśanas himself, also Manu, Bhṛgu (Bṛguputra III), Prajāpati and speaks of dharmasastras, Purāṇas, Mīmāṃsā, Vedānta, Pāncarātras, Kāpālikas and Pāṣupatas. Numerous verses from the Manusmṛti are found in it (e.g. *Manu* II. 42, 49, 50, 125) and occur in the first chapter alone. There is a brief prose passage towards the end of the 9th chapter. It speaks of Kāpālikas, Pāṣupatas and atheists together (p. 525).

None of these *smṛtis* in verse contains the passages in verse on vyavahāra ascribed to Uśanas that occur in the Mitākṣarā, Smṛticandrikā and other works.

The Mit. (on Yāj. III. 260) and Aparārka (e.g. p. 158, 192, 255) contain prose passages ascribed to Uśanas and the same works contain numerous verses ascribed to Uśanas, most of which are not found in the two *smṛtis* in Jīvananda. Some of the verses in Aparārka ascribed to Uśanas are found in the Auśanasasmṛti (e.g. Aparārka p. 418 ‘kuryād-aharaḥ śrāddham’ is Jīvananda I. p. 521).

In other cases the verses quoted from Uśanas in Aparārka, though not quite identical, bear a very close resemblance (e.g. the four verses in Aparārka on p. 450 closely resemble Jīvananda I, p. 525 and have some verses in common).

Among the views on Vyavahāra quoted from Uśanas are some interesting ones. It was he who said that a son was not bound to pay his father’s debt, if it was a fine or unpaid toll or what is not vyavahārika.251 He holds that even blind, deaf or old men, women, minors could be witnesses in charges of sāhasa (Aparārka p. 671). He is quoted also on ordeals, on svāmipālavivāda and on steya.

Uśanas is quoted in Kalpataru (Grhastrhakānd) 8 times, in Śrāddha 13 times (8 times in prose), in Vyavahāra eleven times (all verses, except one prose passage on p. 814 on anuloma unions), 6 times in Niyatakāla.

It is interesting to note that he states that the son of a brāhmaṇa from a kṣatriya wife is a brāhmaṇa and the son of

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251 दृशः वा दृशः क्षेत्रेण वा शून्य तत्तत्त्वेऽविद्या वा । न दत्तवयं हु पुरुषः स्वन्तः च व्यावहारिकम् ॥ मिताः औपरः ॥. and Aparārka on याज्ञु. II. 42.
a ksatriya from a vaisya wife is a ksatriya (p. 814 on Vyavahara).
Aparārka quotes Uśanas dozens of times, about nine quotations being in prose (most of them on prāyaścitta).

The Maskaribhāṣya on Gantama Dh. S. quotes prose passages from Uśanas in many cases e.g. on I. 64, 66. II. 17 (long), 18, 48; V. 9. X. 27 (about principles of taxation), 31. 36. 52; XII. 6, 10, 36, 42; XIX. 14 (long prose followed by six verses) and also some verses as on XII. 19 'Māṣo viṃśati-bhāgastu jñeyah Kāraṇamasya tu. Kākaṇi tu caturbhāgo māṣasyaiva prākṛtītah'. Smṛtīandrikā quotes Uśanas 45 times on āhika, vyavahāra and śrāddha; vide Mit. on Yāj. II. 159 quoting Nārada.

A work styled Śukranitisāra was edited by Oppert (Madras 1882) and by Jivananda (Cal. 1892) and translated by Benoy Kumar Sarkar in S. B. H. Series. That work is a very interesting one, but is comparatively of a late date.

It is probable that at least some parts of Śukranitisāra edited by Oppert in 1882 are not older than about 1800 A.D. (viz. such as IV. 5. II prescribing fees for lawyers). Vide Mr. Lallanji Gopal's paper in the Bulletin of the London School of Oriental and African Studies, Vol. 23 for 1962 pp. 524-556, in which it is strenously urged that it is a fabrication of the 19th century). I do not agree that the whole work is later than 1800 A.D. The Śukranitisāra provides on p. 157 (of Oppert's ed.). 'तियोगित्यापि दृष्टि द्वितादर्न शोभानं
सिकन्दर। प्रश्नवं तत्तथो या तत्त्वं व्यापिकाः। यथा तत्त्वापि कार्यो होना
होना चतुर्वित्सवया।' Such passages may be interpolations made in the first quarter of the 19th century. In the year 1793 the Governor-General-in-Council enacted Regulation VII of 1793 in order to induce men of education and character to take up the practice of law as a distinct profession. That Regulation applied only to the provinces of Bengal, Bihar and Orissa. In 1802 Regulation XIV of 1802 was enacted in Bombay which consisted of 33 sections providing among other matters for the appointment of pleaders, for the issue of sanads to them, for remuneration payable to them and for penalties in cases of misconduct or negligence.

Vide Śāntiparva 57. 40-41 for a famous verse of Bhārgava (i.e. Uśanas); राज्ये प्रयोगे विद्वेदि न कार्ये ततो घनम्। राज्यस्वति
को कस्य कुन्तो भार्यो कुलो घनम्।
18. Kaṇva and Kāṇva

From the Āp. Dh. S. it appears that Kaṇva and Kāṇva were two distinct writers on dharma. In I. 6. 19. 2 Āpastamba starts the question as to the persons, food at whose house was permitted. He states various views on that point and says that Kaṇva was of opinion that food may be taken at anybody’s house provided the latter offered it with a request (I. 6. 19. 3) and that the opinion of Eka, Kuṇika, Kaṇva, Kutsa and Puṣkaraśādī (I. 6. 19. 7) was that only that food that was offered by a pure and religious man should be partaken. In another place (I. 10. 28. 1) Āpastamba gives it as the opinion of Kautsa, Hārita, Kaṇva and Puṣkaraśādī that a man became a thief if in any case whatever he appropriates another’s belongings. The Kumbhaṅkoṇam edition of Pandit Halasyanatha reads Kāṇva for Kaṇva.

Kaṇva is quoted a few times in the Smṛticondrikā on Āhniika (daily duties) and śrāddha. One of these quotations is in prose (I. p. 97). Haradatta in his commentary on Gautama cites verses of Kaṇva in several places (e.g. Gautama Dh. S. 21. 3, 23. 3 and 11). The first verse bears a close resemblance to Manu XI. 180 and Baud. Dh. S. II. 1. 62. Kaṇva is quoted in the Ācāramayukha and the Śrāddhāmayukha.

The Mit. (on Yāj. III. 58) quotes a verse of Kaṇva on the length of the stay of a suṁśrayāśin in a village or town. On Yāj. III. 260 the Mit. quotes a verse of Kaṇva stating the prāyaścitta for a brāhmaṇa having intercourse with the kṣatriya wife of his teacher.

In the Madras Govt. Oriental Library there is a ms. of Kaṇva (vol. V, p. 1929 No. 2624).

Maskarin on Gaut. Dh. S. frequently quotes passages from Kaṇva (in prose and verse); vide on I. 33 and 39 (both prose), V. 21 (prose definition of Vedapāraṇa), IX. 1 (prose), X. 53 (verse on five kinds of śrāddhas, nitya, naimittika,

252 अवै देवितिहासपुरुषाणानीति चायत्र ग्रामन्त्र तीथिनीहि: सलोमेदिसमुन्मुहं जत
253 The verse is: संवसरण पति पतितम समाचरं। यानायासर्नभिंत्याहुप्रयम्बनादिनः। गौ. 21. 3

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kāmya, vṛddhiśráddha and pārvaṇa), XI. 18 (verse viz. pūrvajanmakrtam karma daivamityabhidhiyate), XV. 17 (verse), XVII. I (verse on Stridhana), XV. 3 (three verses on prāyaścitta).

19. Kaśyapa and Kaśyapa

Baudhāyana (Dh. S. I. 11. 20) cites a verse which contains the view of Kaśyapa that a woman who is bought cannot be a pattri and that she is not authorised to take part in religious (dāiva) rites or rites for the Manes. This verse is ascribed to Kātyāyana in the Śrūtiśāstra (I. p. 87). The Vanaparwa quotes gāthas of Kaśyapa on forbearance (29. 35-40). Whether Kaśyapa and Kaśyapa are two different writers of dharmāśāstras it is rather difficult to say. Probably they are identical. It appears that the dharmāśāstra of Kaśyapa comprised all the usual topics of dharmāśāstras, such as daily duties, śrāddha, āśā, prāyaścitta. This sūtra has been quoted by all eminent writers from Viśvarūpa downwards. Viśvarūpa quotes Kaśyapa (in prose) on the prāyaścitta for contact with caṇḍīlas and for killing a cow when the sinner is a brāhmaṇa or a member of another caste. The Mit. (on Yaj. III. 23) quotes a prose passage from Kaśyapa on freedom from impurity on death of infants. The quotations in the Śrūtiśāstra on abhika and śraddha are all in verse. Haradatta on Gautama (22. 18) quotes a sūtra on the prāyaścitta for govadha, which is also quoted by Viśvarūpa. Haradatta (on Gaut. 23. 26) quotes a very long sūtra on the prāyaścitta for eating several things and doing

254 कीताः इत्येता या नारी सा न पत्नी विनीयमते।
सा न दैवे न सा विच्छेद दासी तो कृत्यवृत्तवार।

255 चारान-स्वाते कुपकुपशारितं सत्यवानं श्रमसारं।
गौमून्नायकं पद्धाभकां पात्ला।।
वेंचतं मातृगर्भं युद्धितं परिचितं: स्वरूपः।
विश्वमण्डल याहं III. 257.

256 प्रायविवहिता कामसत्वोष्य। यो क्षयविवेकानुपयो रूपायतः।
क्षत्रियो वेंचतं तितवरें द्याय। द्वितीय कामयः।
अपनायो वर्णः तेन चर्मोपरि प्राप्तो तासं गोपहे वसेन्। (long prose)।
विश्वमण्डल याहं III. 262.

257 बालामुन्नन्तज्ञानो नितिविध पद्विषः।

258 गाछुता तच्चर्मणा मासं गोपिः सात्वविभविस्वारः निधिः पञ्चमवाहिः।
several forbidden acts. Haradatta (on Āp. Dh. S. II. 6. 13. 2) quotes several verses mentioning the seven kinds of punarbhūs. The Hāralatā quotes a sūtra from Kāśyapa on āśauca. Aparārka quotes several sūtras and a few verses under both names Kāśyapa and Kāśyapa (vide Yāj. I. 64, III. 265, III. 21, 25, 251, 288, 290, 292).

In the Deccan College collection there are two mss. (No. 200 of 1884–87 and No. 122 of A. 1881–82) which contain a Kāśyapasāṃrīti in prose (4 folios having 8 lines on each side). It begins ‘athātāh Kāśyapiyān grhaḥthadharman vyaḥkhyāśyāmah’. It deals with the duties of householders, with prāyaścittas for doing mischief to wells, dikes, ponds, temples and houses of Brāhmaṇas, for killing a cow and other beasts and birds, with rules on mourning after death and impurity on birth, with prāyaścittas for eating garlic and other similar things, with the five mortal sins, with prāyaścittas when such portents as earthquakes, lightning flashes occur, or for such accidental occurrences as the breaking of the milk pot, with purification of vessels of wood and metals, with the visible physical sins and sins committed in previous lives, with the seven punarbhūs.

In this work some of the sūtras quoted as Kāśyapa’s in the commentaries are found (e.g. the quotation No. 259 ‘laśuna’ &c. above). So also the verses about punarbhūs of seven kinds quoted by Haradatta are found in the mss. In this smṛti, Kāśyapa is frequently cited as an authority.

Maskarin on Gaut. 23. 19 quotes a verse of Kāśyapa providing prāyaścitta for homo-sexuality and masturbation.

“Puṃsi maithunamāśeyya yatnatsargē kṛte tathā. Brahmaś cāi tathabhūyaśāt suātvāthā haviṣā yajey.”

The Vanaṇārva (29. 35–40) sets out five gāthās which Kāśyapa declared about kṣaṃā (forbearance or mildness). Two of the five verses on kṣaṃā are quoted below:

259 Vāyuṇatāṇḍavaṇjanaṃkṛt-mahāyānaṃ māyamantaramūrgeṇaṃ suātvāthā haviṣā yajey.

* क्षमा घरम् क्षमा यत्र क्षमा वेदना क्षमा अनुसन्धानम् ... क्षमा तेजसिनां तेजः क्षमा प्रदेह तपसिनाम् वर्णवृषभ 29. 36 and 40. The Udyogaparva (33.48) points out one defect about forbearance or mildness: एकः क्षमायां दोषों द्वितीयों नोपशक्ते। येंशेन क्षमया युक्तमार्गः मन्यत जनः.
Prof. T. R. Chintamani contributed a paper (in which he edited a Dharma-sāstra based on four mss.) to the J. O. R. (Madras) vol. XIII. pp. 267–282 with an appendix containing passages and verses attributed to Kāśyapa (pp. 283–292) by Viśvarūpa, Viśnunāsvara, Aparārka and others not found in those mss. Aparārka mentions Kāśyapa 13 times (almost all verses except on p. 922 which is in prose) and Kāśyapa six times.

It is to be noted that Kāśyapa is not mentioned by Yāj. as one of the dharmāśāstraprayojakas, though Parāśara (chap. I. 13) mentions Kāśyapa dharmaḥ. The Smrīcandrikā (I. p. 1) and the Śrīvasavatīvilāsa (p. 13) speak of 18 Upasmṛtis in which Kāśyapa's is included.

20. Gārgya

Viśvarūpa (on Yāj. I. 4–5) quotes a verse of Vṛddha-Yājñavalkya in which Gārgya is enumerated among the expounders of Dharma (dharma-vaktāraḥ). He quotes two sutras, one from Gārgya (on Yāj. I. 72²⁶⁰) and the other from Vṛddha-Gārgya²⁶¹ (on Yāj. I. 195). Therefore it seems that a sūtra work of Gārgya on dharma did exist. The Mit. (e. g. on Yāj. III. 326), Aparārka and the Smrīcandrikā quote several verses of Gārgya on āhuika, śrāddha and prāyaścitta. Parāśara (I. 13) mentions Gārgya among writers on dharma. Aparārka contains (pp. 124, 190, 368, 544) verses from Gārgya on topics of dharma. It seems that the two writers are identical. Aparārka also quotes several verses from Gārgya of astronomical import (e. g. p. 547 on the nomenclature of the months as Caitra in connection with the signs of the zodiac). This was probably an independent work. Fragments of Gārgi samhitā on astronomy and astrology have been recovered and it contains valuable historical information (vide Kern's preface to Brhat-samhitā pp. 33–40 and Mr. Jayasval in JBORS, vol. 14, p. 397 ff). A Jyotrīr-Gārgya and a Brhad-Gārgya are quoted in the Smrīcandrikā. The Nityācārapradīpa (p. 20, B.I.S.) mentions Garga and Gārgya separately as smrītkāras.

²⁶⁰ पति: क्रिष्णस्यायण्य भक्तचर्यायां च।
²⁶¹ अनेकाद्रार्क वामशिलेभुमिस्यमि।
21. Cyavana

The Anuśasana-purāṇa (18.38) states that Garga acquired on the banks of the Sarasvati astronomy with its 64 aṅgas. In the same purāṇa it is said that vrddha-Gargya inquired about vrṣotsarga (125. 77 ff). Śalyaparva (37. 14–15) narrates that old Garga by his tapas acquired on the sacred Sarasvati knowledge of Kāla, movements of the planets, of evil and good utpātas and that the place is therefore called Gargasrotas. This astronomer Garga is probably different from the Dharma-puṇḍra writer Garga. Vide H. of Dh. Vol. V. pp. 591–92, 741–42, 765 for Garga, the astronomer. Viśvarūpa on Yāj. I. 25 quotes a verse of Gargya on the proper times for morning Śraddhā and evening Śraddhā and a prose passage of Vṛddha-Gargya on Yāj. I. 195 (p. 136).

21. Cyavana

Cyavana is a famous name in the Rgveda. The Aśvins are often praised as having endowed the old and aging Cyavana with youth (vide Rg. I. 117. 13, I. 118. 6, VII. 71. 5, X. 39. 4). The Mahābhārata spins certain stories on Cyavana in Ādiparva, chap. 6 and 8, Vanaparva chap. 122–124, Aśvamedhika 10. 32. He married Sukanyā, daughter of king Śaryāti, and the Aśvins made him young and handsome. He then helped the Aśvins to get a share in Soma offerings after paralysing the arm of Indra who at first opposed this.

The Mit., Aparārka and other works cite several sūtras and some verses from Cyavana. Aparārka quotes a very long prose passage from Cyavana (on Yāj. I. 207) about the procedure of making the gift of a cow (when on the point of giving birth to a calf) and about the mantras to be recited in that ceremony. The Mit. (on Yāj. III. 30) and Aparārka and Kalpataru (Śuddhikāṇḍa p. 129) cite a sūtra of Cyavana on the práyaścitta for coming in contact with a dog, a śvapāka, smoke from a funeral pyre, wine, wine-vessel &c. Aparārka cites prose passages of Cyavana on the práyaścitta for killing a cow (on Yāj. III. 264–265), for touching, carrying or burning the corpse of one who commits suicide (on Yāj. III. 292), on the method of the purification of houses, vessels, articles of food when touched by Candālas (on the same verse).

Aparārka on Yāj. I. 207, with reference to the great rewards of the gift of a cow when she is about to deliver, sets out on pp. 299–301 from Cyavana a long prose passage with ten
Rg. Mantras and on pp. 1103, 1190, 1199 provides expiation (in prose) for causing the death of a cow, for one who touches or carries to the cemetery or cremates a suicide, and for close contact of Cāndalas with houses, earthen pots and states that for children, the aged and women the expiation is only half of what is prescribed for grown-up men. Aparārka quotes only one verse on Yāj. III. 264–265 as mild expiation in certain cases of causing the death of a cow. The Mit. on Yāj. III. 30 cites a long prose passage as regards the times when a bath with clothes on is necessary.

22. Jātukarnya

Viśvarūpa (on Yāj. I. 4–5) quotes a verse of Vṛddha-Yājñavalkya in which Jātukarnya is mentioned as an expounder of dharma. The name is variously written as Jātukarṇi or Jātukarnya or as Jātukarna. The Smṛticandrikā quotes a passage from Āṅgiras in which Jātukarnya is enumerated among writers of Upamṛtis. Viśvarūpa quotes prose passages from Jātukarnya a number of times. On Yāj. I. 1, he gives a sūtra about “pratilomas”; on Yāj. I. 2 there is a sūtra saying that a pupil should not all of a sudden put a question to his teacher in an assembly of people, on Yāj. I. 29 about a Ksatriya and Vaisya wearing an Upavita of hemp and wool when initiated for sacrifice, on Yāj. I. 37 as to the age when a Brāhmaṇa became a vṛtya, about the prohibition of marrying another wife of a different caste when one has already married a savarna wife (on Yāj. I. 79), about the time for śrāddhas (on Yāj. I. 215). These quotations show that Jātukarnya composed a sūtra work on ācāra and śrāddha, which was comparatively ancient. The quotations of Jātukarnya in Mitāksāra, Haradatta, Aparārka,

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262 भूयसिंह धर्मेन्तार उद्वा भावितस्या। विश्वानं सर्वत्रमणो वेद एव दि
शाक्षत: || नारद: पुलहो गार्जः: पुलहो: शैलक: कुः: || बीचायं जातुकरणो
विशालिनः: विनामहः: ||

263 ‘प्रतिजभवतन्त्वावसायिनः’ (p. 7), ‘नामसास्तमावदे गुरुं पूजये’ (p. 7),
‘दीधिती चत्राह्नवैशस्तीय शाल्यासिः कुषायति’ (p. 46), ‘दिर्घाण्म गायत्रीांति-
क्रम व्राह्यो वाल: स्यारः’ (p. 52), ‘सवर्ण्या कुषायरो नामादिभुज्यंतान-
स्थान्याभिमानः’ (p. 83); ‘अथ ब्राह्मरक्षे सर्ववन्दिशुपुरुः’ नमस्यं एव
वा सामवोष्प्रतिद्वागुः’ (p. 144).
and later writers are in verse and so it appears that by that time the work had been lost or forgotten. Aparārka (p. 423) quotes a verse of Jātukārṇya which refers to the zodiacal sign Virgo. This would place the verse Jātukārṇya not very much earlier than the 3rd or 4th century A.D.

Maskarin on Gaut. Dh. S. quotes, on different sūtras, a number of verses e.g. on 10. 61 (three verses), 14. 31, 15. 1, 21. 3, 22. 20-21 (two verses), 22. 36 &c. The Smṛti-candraṅga quotes verses of Jātukārṇya five times on Āhnika and twelve times on Śraddha and a prose passage (Āhnika p. 114, Gharpure's ed.) on what is meant by Uṭṭara (in Śrāuta or Śmaṭa rites). Aparārka (p. 1069 on Yāj. III. 253) quotes a verse of J. that if a boy whose upānayanu had not been performed drinks by mistake liquor the prāyaschitta is three kṛcchras to be undergone by the boy's mother, brother or father. Viśvarūpa quotes several prose passages of Jātukārṇya (vol. I. pp. 7, 46, 48, 144 on Śrāddha), while Mit. quotes several verses on Yāj. I. 256, III. 17, 30, 253, 259-60. The name Jātukārṇya is an ancient one. The Kātyāyana Śrautasūtra (IV. 1. 28 ff)264 mentions the view of Jātukārṇya on pīṇḍapitṛyajña when all the three paternal ancestors of the performer are not dead and the Kalpataru on Śrāddha (p. 240) remarks 'Jivatpitrkasya trayaiḥ paksaiḥ'.

23. Devala

The name Devala as that of a sage frequently occurs in the Mahābhārata and is closely connected with Asita. Vide Sabhāparva 59. 9-11, Śalya 50 and Śanti-parva 230. In Sabhā (72. 5) it is stated that Devala declared that a man has three lights viz. son, actions and correct knowledge. In the Gitā also (in X. 13) Arjuna says 'all the sages, the Devarṣi Nārada, Asita, Devala and Vyāsa speak of you as done in X. 12'. Śaṅkarācārya in his bhāṣya on Vedāntasūtra I. 4. 28 states that the Sāṅkhya system is nearer to Vedānta than other systems like the atomic theory, since it espouses the doctrine of the non-difference between cause

264 अनार्यमुष तत्तति जीवनत्तरितेि जीवनत्तरितीष | जीवातुत्रकस्य हेमान्तम् ।
अनार्यमुष वा । न ब्यक्तिः जातुत्कथाः । न जीवनत्तमतिरस्तिति श्रुते । कृता.
श्री. शृ. शृ. शृ. शृ. शृ. । IV. 1. 23-27. Compare two verses of Harita quoted by
Kalpataru on Śrāddha on p. 237 on the same point.
and effect and adds that some writers of Dharmasūtras such as Devala do rely on it in their works. So Devala-dharmasūtra was not only earlier than Śaṅkarācārya, but was also regarded as early as (if not earlier than) the sūtras based purely on logic or the atomic theory. In vol. V (of His. of Dh.) pp. 389–81, 1439 n. 2363, 1445, 1453 note 2390, 1458 note 2398 some passages have already been cited from Devala (as quoted in works on Dharmaśāstra ). They will not be repeated here. But a few more passages quoted from Devala by the Mit. Aparārka, Kalpataru and others will be set out or referred to. In the first edition also some references were given where passages of Devala are referred to but hardly any quotations in Sanskrit from Devala-dharmasūtra were set out. It may be stated here that early extant commentators like Viśvarūpa and Medhatithi do not quote prose passages from the Devala Dharmasūtra relating to Śāṅkhya and Yoga. But Aparārka quotes profusely from Devala (about 130 verses and prose passages 15 times). Some of the prose passages may be pointed out. On p. 72 a long prose passage is cited about the rules to be observed by one who has decided to be a perpetual student.

In the Mit. there are several prose passages quoted from Devala, e.g. on Yāj. I. 120 there is a sūtra on the dharmas of the śūdra and the avocations open to him; 265 on Yāj. I. 128 there is a sūtra dividing householders into Yāyāvara and Śālina and describing each of them. 266 In Aparārka and the Śmrtaicandrikā there are several prose quotations from Devala. On Yāj. III. 58 Aparārka quotes a long prose passage on the rules of conduct for a yati; on Yāj. 267 III. 109 Aparārka cites

265 तानि च देवलोकाति । शुद्धमेव दिनानिगुण्यां पालववर्जनं कपिलादिर्यां वधनपव्यवहारिचित्रं हृदयमञ्जोली विषयाणां ज्ञानद्विवादनाः ।

266 यया हि देवलः । दिक्तिष्को गृहस्यो याववरः शाष्यनाध । तयोरव्यावहः ग्यवः याजनायामनतिक्रियासंगवेष्टनात । ग्यायुक्तसमस्यायं ज्ञानविधित्व । पुनः समास्य रुपायमः धार्माचार्यां वेदान्तवादी शाश्वतविद्यां शाश्वतविद्याः ।

267 देवलः । देवमालयोऽदिर्यविचः पौरावरः अनुदर्शी निःचेतस्मिनं । तयोरव्यवस्थः पौरीकः । दिक्तिष्को निःस्वामवस्तं सांस्कृतवादविद्या । वेदाध्यक्षपत्वस्य सांह्यमू । विक्षेपयों नित्यायपितविः मनवाध्यतमां योगः । उभयायायवरः ।

(Continued on the next page)
a very long passage, in which Śaṅkhya and Yoga are defined; reference is made to extensive Tantras on the two systems and a brief résumé is given of the Śaṅkhya system, which greatly resembles the Śaṅkhya-kārikā and the Tattvasamāsa. On Āyā. III. 227 Aparārka has a prose quotation from Devala about patitas. In the Śrīnicandrikā (I. p. 63) there is a lengthy passage from Devala on the daily duties of the brahma-cārya, a sūtra (I. p. 52) is quoted about brahma-cārya for 48 years and in another place there is a prose passage about the wife’s duties.268

Śaṅkarācārya269 (in his bhāṣya on Vedāntasūtra I. 4. 28) states that Devala, author of a Dharmasūtra, accepted the Śaṅkhya tenet of Pradhāna being the cause of the world. Devala is very profusely quoted in the several kāṇḍas of the Kalpataru of Lakṣmīdhara e.g. he is quoted 40 times in Śrīdha, 21 times in Vyavahāra of which only two are in prose, 22 times on Brahmacāri, 32 times on Mokṣa, 27 times in Niyatākāla, 35 times in Grhaṇa. In the Tirthakāṇḍa (pp. 249 ff.) rivers from Sarasvatī to Godāvari, Kāveri, Tāmraparṇi are mentioned. On p. 72 of Śrīddhakāṇḍa there are two verses in which Manu is named as an authority on Śrāddha-kalpa. On Dānakāṇḍa (pp. 5–9) there is one sūtra and 36 verses in explanation of that sūtra and the verses are quoted on eight kinds of brāhmaṇas (on pp. 30–32). In Vyavahāra on p. 393 there are two verses of Devala, in the 2nd of which the opinion of Manu on avāmya (non-ownership) of women and slaves is mentioned viz. ‘patyan jivati

(Continued from the previous page)

268 पतिद्वृत्य सहर्मभवभयोत्प्रभुवानवृत्तम्।

269 ‘इशतिबद्धम्’ इत्यारण प्रभातारणवादः सूत्रेय पनुपराश्रयम् निरालयः। ... वं कर्मादनायानवस्तुययमात्मायासो वेदान्तवादस्य देव अश्विनिस्थितकृषुद्धर्ममयुक्तकः। सम्मुन्निवासितः। तेन तत्तविशेः यत्रोज्जति युजोन्निव नाथादिप्रकारपदः। शाश्वस्त्रायम् ये वे। सू। I. 4. 28.
nāriṇāṁ dāsānāṁ svāmini sthiteḥ tadvan-nyayatam-asvāmyam
sarvārthesvabhravin Manuḥ'. Compare Ādiparva 83. 21, Udyogaparva 33. 64 and Manu VIII. 416.

The Sm. C. quotes Devala 86 times on Āhnika, 71 times on Śrāddha, 26 times on Vyavahāra. On p. 22 of Kālpataraṇa on Śrāddha occurs the verse ‘Mānavaḥ śrāddhakalpoyam Manunā samudāhṛtaḥ’. On pp. 272-273 of the Brahmacāri-kāṇḍa there is a long prose passage on ‘brahmacāridharma’, while on pp. 208-210 of Śrāddha-kāṇḍa twenty-two verses are quoted from Devala on ‘piṇḍavidhāna’. On pp. 811-12 of Vyavahāra-kāṇḍa there is a prose passage on four anulomās and 6 pratialomās and four verses explaining them and stating that the son of a brāhmaṇa from a ksatriya wife and the son of a ksatriya from a vaisyā wife are assimilated to the father; on p. 7 of Moksakāṇḍa there is a blending of the Sāṅkhya with advaita doctrines; on p. 100-101 of the same kāṇḍa the Sāṅkhya doctrine of ‘Mūlaprakṛti’, seven prakṛtivikṛtis, 16 viśāras is set out at length.

In the Mit., in Haradatta. Aparārka and the Smṛtīcandrikā there are numerous quotations in verse from Devala on ācāra, vyavahāra, śrāddha, prāyaścitta and other topics. That seems to have been an independent work. In the Ānandaśrama collection of smṛtis there is a Devalaśrī in 90 verses dealing with purification and prāyaścittas for contact with Mlecchas. This appears to be a late compilation. Some of the verses contained therein are ascribed to other authors, e.g. verses 17-22 are ascribed to Āpastamba by Aparārka (on Yāj. III. p. 1200) and verses 30-31 are ascribed by the Mit. (on Yāj. III. 290) and Aparārka to Viṣṇu.

It is to be noted that verses 82-90 at the end of this Devalaśrī are the same as Yāj. III. 315-324 (with slight variations). Devala himself is named in verses 25 and 72 and Vyāsa in verse 68.

The Dharmasūtra of Devala, to judge from the quotations in the Kṛtyakalpataru, Aparārka, Smṛtīcandrikā and other early digests, appears to have been an extensive one and to have dealt with most of the topics that are discussed in the Dharmasūtras of Gautama, Āpastamba, Baudhāyana, Hārīta and others and also some matters in detail such as Sāṅkhya and Yoga. The above works contain large prose extracts from
it on topics of Dharmaśāstra. A few examples may be cited here. In the Brahmacāri-kāṇḍa of the Kalpataru on pp. 30 and 100 there are prose passages on the Vedāṅgas and itihāsa and on pp. 272-73 a long prose passage on the duties and other observances of a brahmacārin; in the Śrāddha-kāṇḍa there is a very long prose passage (covering one page) on the persons to be avoided in Śrāddha (pp. 78-79), but most of the other quotations are in verse; in the Grhaṇātha-kāṇḍa (p. 119) occurs a long prose passage on the seven pākayajñās, seven havīryajñās and seven soma-yajñās; on pp. 254-255 a long prose passage on Kṣatrīyadharma and on pp. 304, 309, 312 prose passage on hinaśā, anrita (falsehood) and steya (theft) respectively. In the Niyatakāla section (p. 142), the setting up of sacred śārta-fire after marriage is provided in a prose passage; in the Vyavahārakāṇḍa (pp. 811-812) there is a prose passage naming four kinds of anuloma castes, six pratiśoma castes and 6antarāla castes and on p. 834 of the same kāṇḍa are set out in prose the duties binding on all men including cāndalas. It is clear that the Devala Dharmasūtra was not all in prose; it contained numerous verses also; for example, on pp. 387-393 of the Grhaṇātha-kāṇḍa in a prose passage referring to sinful taints of three kinds (viz. mental, vocal and bodily) several verses are quoted describing separately the dosas of these three kinds. Therefore, the Devala Dharmasūtra contained verses also. But the present author is not prepared to hold that the several hundred verses ascribed to or quoted from Devala in several works (e.g. Apārārka quotes about 120 verses from Devala) and in other digests are part of the Devala Dharmasūtra; many of them are very probably taken from a Devalasmṛti in verse. Hardly any other Dharmasūtra deals with Yoga and its technical terms like prāṇāyāma, pratyāhāra, dhāraṇā at such length as Devala does (vide H. of Dh. Vol. V. pp. 1380-81, notes 2263-64) for Sāṅkhya technique, p. 1409 n. 2314 on definition of Yoga, p. 1435 note 2356 (on prāna and apāna), p. 1439 note 2363 on prāṇāyāma, p. 1445 n. 2375 on pratyāhāra), p. 1447 n. 2380 (on Dhāraṇā), 1453 (n. 2390 on Siddhis), p. 1458 n. 2398 (on ahāṅkāra and mamatvā). It may be noted that prose quotations from Devala are only a few (namely those on Yāj. I. 126, III. 58 and 256), while about two dozen verses of Devala are quoted on several other verses of Yāj.
It would be a great service if some scholar put together in one volume all the passages of Devala occurring in Kalpataru, Aparārka, and other early nibandhas with notes about parallel passages &c.

The Mahābhārata ascribes the view to Devala that in man there are three jyotis, viz. offspring, karma, and learning.²⁷⁰

Aparārka and the Śrīvīcandrikā cite verses from Devala on partition, inheritance, on woman's power over stridhana. These show that Devala, the jurist, flourished about the same time as the great jurists Brhaspati and Kātyāyana.

²⁴. Paithīnasi

Though not enumerated in Yājñavalikya, Paithīnasi seems to have been a comparatively ancient sūtrakāra on Dharma. On Yāj. III. 262 Viśvarūpa quotes a sūtra of Paithīnasi on the prāyaścitā for killing a cow. Dr. Jolly (R. und S. p. 12) following Dr. Caland (‘Ahnencult &c.’ pp. 99, 109) thinks that Paithīnasi belongs to the Atharvaveda as the prose quotations on śrāddha agree with the ritual of the Atharvans. The Mit. (on Yāj. I. 53) quotes a sūtra of Paithīnasi to the effect that a person should marry a girl who is beyond the third degree on the mother's side and beyond the fifth on the father's side.²⁷¹ On Yāj. III. 17 the Mit. quotes two sūtras relating to impurity on death.²⁷² The Śrīvīcandrikā, Aparārka, Haradatta and other writers quote numerous sūtras of Paithīnasi. The Śrīvīcandrikā has a prose quotation on the duties of women.²⁷³ In another place the Śrīvīcandrikā (II. p. 263) cites a sūtra on partition.²⁷⁴ Aparārka (p. 112) quotes two verses of Paithīnasi recommending the practice of sūti to women of all castes except Brāhmaṇa women. Aparārka (p. 239) quotes a sūtra saying that the food of astrologers,

²⁷⁰ श्रीमान्यमतीपि तुष्येति दै देवलीसरी. अपर्यं कर्म विषया च यत: सूत्र: प्रज्ञात: || समाप्त: 72. 5.
²⁷¹ श्रीनिवासयात्र: श्रीमतिहार: च पिलुतं इति च पैदीनविविहार: &c.
²⁷² नियान्त्रिकनिहिंसात्वतं साधनात्मक शालासाही चेंके. सूतके साभिष्ठम् चाषाणि प्रक्षया प्राप्तान्त्र: कुर्या सूते धार्मिकसुमस्मरित:।
²⁷³ स्वयं गृहदर्शः तासायं न शौचं न अलं नैप्पास्त:। पातिः प्रसविर्दियो मद्यम: गतिः ॥ मथ्य: ४० II. p. 252.
²⁷⁴ पैदेकेव विभूतमाने द्रापास्य आश्वासं समीविषयः।
bell-makers and grāmakūṭas is poison.\textsuperscript{275} Aparārka quotes (on p. 744) a sūtra of Sānkha-Likhita and Paśtinasi about inheritance to a deceased sonless man.\textsuperscript{276} Aparārka quotes another important prose passage\textsuperscript{277} "the wealth of (a heirless) śrotiṣṭa goes to the pariṣad and not to the king, the king should not appropriate the wealth of temples and guilds, deposits and the wealth of minors and women". Then the sūtra quotes a verse on the same topic, which seems to refer to Manu 9, 194 in the word 'of sixfold origin' (saḍāgama).

Another sūtra quoted by Aparārka (p. 754) says 'when an appointed daughter dies, her husband does not take her wealth; if she be issueless, her mother or mother-in-law should receive it'. Aparārka quotes a verse of Paśtinasi (p. 921) 'at the time of marriage, famines, sacrifices, fairs and pilgrimages there is no impurity due to birth or death'.

Fragments of Paśtinasi Dharmasūtra were edited by Prof. T. R. Chuntamani (1939) and published in Annals of Oriental Research (University of Madras). The Mit. on Yāj. I. 53 quotes a prose passage of P. limiting sapindha relationship to five degrees on the father's side and to three on the mother's side. On Yāj. I. 254 the Mit. quotes a verse about the sapindha-karaṇa of a childless woman by her husband along with her mother-in-law. Mit. quotes prose passages as well as verses from Paśtinasi. Vide Mit. on Yāj I. 256, III. 28-29 for quotations in verse and for quotations in prose on Yāj. III. 17, 19, 30, 265. Kalpataru in several Kāṇḍas quotes P. mostly in prose and sometimes in verse; P. is quoted in śrādhakāṇḍa 17 times, 29 times in Brahmacārī, 6 times in Vyavahāra, 32 times in Grhaastha. Haradatta on Gaut. 14. 17 quotes a verse of P. stating that the days of mourning to be

\textsuperscript{275} सांक्ति-काण्डकाव्यासूची किभु| The word ग्रामकुट (a village officer) is well known from inscriptions. The word 'ग्रामकुट' occurs in Kauṭiliya IV. 4. 9 meaning ('the headman of a village'); vide also H. of Dh. Vol. III. pp. 982-3 for references to some inscriptions in which the word 'ग्रामकुट' occurs.

\textsuperscript{276} अनुस्त्र लम्बौत्स्व शारुगमि वनं तस्मात्मा मातापिताम हेतोत् पली वा ज्ञेषा।

\textsuperscript{277} 'परविविधम् वा वाहिनीद्विं न राजराजः। न हर्षी राजः देवतागमनसंसरितेन न निर्षेषोपयनिक्षिप्याकाममातं न बालकी कामनि। एवं याहू। न हर्षी श्रीवं राजा तथा बाल्यनामनि। नापि: दूरामं वर्तने बालानि चैषूर्दश चन्द्रम्।' This whole passage is ascribed to श्री in वि. र. p. 598.
observed by a son being far away are ten from the day he hears of the death of his parents. P. in Vyavahāra–kalpataru p. 627 provides 'women' are the presiding deities of the house, no rules of śauṇu (purification) or vrata or fasting are obligatory for them; they reach the highest worlds by merely looking after their husbands'. This is not to be understood literally but what it conveys is the great worth of 'pati-suṣrūṣā'; compare Manu V. 155 and Yāj. I. 87. Kalpa on Vyavaḥāra p. 742 quotes a verse as occurring in both Śāṅkhā–likhitā and Paithinasi. Viśvarūpa (on Yāj. III. 262 p. 147) provides (in prose) a prāyaścrita for a goghna (one who causes a cow's death). Paithinasi appears to have held the same view that is ascribed to Aupajāṅghani in Baudh. Dh. S. II. 2. 39–41 (these verses being also quoted by Āp. Dh. II. 6, 13, 6 and also in Vas. 17. 9 without name in both.). Vide H. of Dh. Vol. II. p. 602 on 1417. Kalpataru on Vyavahāra p. 603 has: पैदीतिस्तन् || तस्मादशेष्ठावृचते । सांस्कृतिकता । शाहु आयुलता श्रवत तन्तुलसन्म व कः । केश्व्रे पर्वीजाहन्तर्दुः । अभार्यर श्रवत कैलासी विभ्रम्यः प्ररूपम् । त्रोक्तः । One expects वाप्सु: instead of अवाप्सु: (as मा precedes). The editor quotes only विवादस्लक्षक on p. 603 probably to clinch his thesis that Candeśvara merely borrows matters from Lakṣmidhara and does not refer to Baud., Āp. or Vas., whom I had quoted years before in Vol. II (of H. of Dh.).

25. Budha

This sūtrakāra is not mentioned by Yāj. nor by Parāśara. He is very rarely cited. Aparākṣa on Yāj. I. 4–5, Kalpataru on Brahmacāri pp. 24, 78, 160, on Gr. Kānda p. 262, Naiyāta K. p. 211 (quoted in Vira–mitrodaya, Paribhāṣā p. 16), Hemādri.278 Jimūta–vāhana's Kalaviveka are probably the
earliest writers and works to mention him. In the Deccan College Collection there are two mss. of a Budha-dharma-
asatra in prose (No. 507 of 1881-82 and No. 145 of 1895-1902, 2 folios). The work is very brief and speaks of upa-
ayana. marriage, eight forms of marriage, the saṃskāras from garbhādhana to upanayana, the five daily great yajñas, śrāddha, pākayajñas, haviryajñas, somayāga, the means of subsistence for a Brāhmaṇa, the duties of Vaiśyas and Śūdras, the orders of forest hermits and sannyāsin, removal of thorns by the king, administration of justice, king's duties.

The work does not produce the impression of being early. It is in the nature of a summary of larger works on dharma. All quotations in Hemādri cited from Budha are not found in the mss.

26. Brhaspati

That Brhaspati was an ancient teacher of Arthaśāstra follows from the Kāntiliya, wherein the Brhaspatyas are cited six times. In the Mahābhārata (Śānti chap. 59. 80-85) Brhaspati is said to have compressed into 3000 chapters the work on dharma, artha and kāma composed by Brahmā. The Vanaprava (32. 61) speaks of Brhaspati-niti. The Mahā-
bhārata several times cites verses (gāthās or ślokas) said to have been sung by Brhaspati (vide Śānti. 23. 15, 56. 38-39,

279 The Budha śūtra opens as follows:—अथातो युधपरमार्गाय यासाय-स्माय:। अद्ययण्युद्धसाधनो धर्मः। गर्भांमेव त्राणमित्र अत्मानमूषितेऽपि। एवमेव धात्रियो भोज्ये। हस्तेवं वसूलो वर्षातु। मेधाजन्तुमाय्यमाय्यमपेशी-
tानि धार्येत्, &c. हेमाद्रि (परिशिष्ट, काल, p. 309) quotes this as Budha's from स्पृहितमार्गेषु.

280 भूमिर्ती निमित्ते सप्ती चित्त्यायानि वीज्यानि चायानि चार्वानाविनी। रजयानि चाविरोदार शास्त्रं चार्वानानि चितित्वम् (शास्त्रि. 23. 15). This verse (with the reading हास्यतो मर्ते भूसिः सप्ती &c.) is ascribed by शास्त्रिपर्व 5: 3 to Usanas; vide note 236. above; बालिकोहे न शास्त्रे न धेमे निमित्ते सुभा। ... धर्ममाय, नृपे नित्ये नीचे: परिशिष्टजन:। हस्तिनपत्ता गजस्वेव च एवानुश्रुत:। शास्त्रि 56. 38-39; महोदय हि रजय वै मान:। धर्मं पुरातनं। रजयाधिकार राज्यष्ट दृश्यन्वितानि पुरा।। पुरायोपविविल्लस्य कार्यार्थायुष्मानं।। उत्पत्तिर्विचार द्वषी भवति शास्त्रतः।। शास्त्रि 57. 6-7.
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57. 6-7). Vide also Śānti. 58. 13-16, 69 23-24. The Anuśāsana (39. 10-11) speaks of the Arthaśāstra composed by Brhaspati and others. In some of these places there are distinct references to a śāstra or māta of Brhaspati and sections of his work are referred to (as e. g. rājadhīkāra). The Śāntiparva (170. 12) describes how a king could, according to Brhaspati's views, secure his goal in four ways. In the Vanaparva (150. 29) men are said to be upheld by the nayās proclaimed by Brhaspati and Uśanas. Vide also Sabhā 50. 9, 55. 6, 73. 7-8, Udyoga 33. 71-72, 55. 66. The Kāmasūtra repeats the tradition that Brahmā composed a work in one hundred thousand chapters on dharma, artha and kāma and that Brhaspati dealt with a portion of that work, viz. on artha. Vide note 238 above. Aśvaghoṣa (Buddhacarita I. 46) speaks of the rājaśāstra of Śukra and Brhaspati. According to the Arthaśāstra of Kauṭilya some of the special views of Brhaspati's school were that there were only two vidyās for kings viz. vārtā and daṇḍaniti and that the council of ministers should comprise 16 members. According to Kāmanda and the Pañcatantra (II. 41) 'āvisvāsa' was the sheet-anchor of royal policy according to Brhaspati. The Yaśastilaka (p. 13) says that the niti of Brhaspati had no place for Gods. The commentary on the Nītivākyāṃrita gives the first verse of Brhaspati. Viśvarūpa contains several prose quotations (which from their context must have been taken from Brhaspati) about the qualifications of a senāpati, pratīhāra, dūta &c. It is somewhat strange that in this quotation the mantrī is required to be deeply conversant with the śāstras of Manu, Brhaspati and Uśanas. For similar prose quotations, vide Viśvarūpa on Yāj. I. 323, II. 154. That Brhaspati also wrote a sūtra work on Vyavahāra and other topics of dharma follows from the quotations contained in

231 चतुर्विधाय कार्यसिद्धिःहस्तितमतिः यथा। पारस्यविषयं तथा दैवेऽक्षेत्रे मैत्रमिति प्रभो॥ शान्तिः १७०, १२।

232 प्रजापति: प्रजा: चबूत तासा स्थितिनिविन्धनं निवर्तय साधनमययावानं शत-सहख्याग्रं योजय । तत्परेदेशिक: मुनः स्वायम्भुवः धर्माधिकारिः पृथक् वक्ता । ब्रह्मस्तिर्वाचारिकारिः ५-७।

233 ब्रह्मस्तिर्वाचारिकारिः ।

234 वाचा काव्यन मनसः प्रणवाधिः सुनिम। नीतिशास्नं प्रवक्ष्याय भूपाली सुधाविहः ॥
Viśvarūpa and Haradatta. For example, Viśvarūpa cites a prose passage from Brhaspati (on Yāj. II. 38) about the duty of the king to restore property stolen from his subjects if he could not recover it from the thief, about the rising scale of the rates of interest according to the castes; about the debts of a deceased man being payable by those who took his wealth, by his wife or by his son; about a surety being made to pay when the principal died; about the illegitimate son of a śūdra getting a share on his father's death and about his taking the whole estate with the king's permission if there were no legitimate issue of the śūdra. Haradatta on Gauṭama 22. 18 quotes a prose passage from Brhaspati on the prāyaścitta for killing a cow. These quotations establish that Brhaspati wrote a sūtra work on dharma also (i.e. at least on vyavahāra and prāyaścitta). Viśvarūpa also quotes a few verses from Brhaspati on vyavahāra and prāyaścitta and in one place at least indicates that the verse he attributes to Brhaspati occurred in the same work in which a prose passage quoted by him occurred. From this it follows that the sūtra work of Brhaspati on dharma contained verses also in Viśvarūpa's time. Whether the two works on arthaśāstra and dharma were composed by the same Brhaspati cannot be determined. It looks probable that they were composed by different authors. Yāj. (I. 4–5) mentions Brhaspati among the expounders of dharma. He is probably referring to the sūtra work on dharma disclosed by quotations from Viśvarūpa.

285 तथा च बृहस्पति: ' चौराष्यन् तु संवेभोभिविधारणीयम् । अनवम् स्वकोशादि ॥
अद्वैतविशिष्टस्मां चतुर्दशम् ।' on याज. II. 11; तथा च बृहस्पतिः—पादेश्वरीरधामा तितिः on याज. II. 29; बृहस्पतिः धन्वीदारिपुजायणः पुर्वमात्रे यथोत्तराक्षतमार्ग्यं तद्भवे कमस्तिनित्यस्तीताधारायम् । on याज. II. 47; तथा च बृहस्पतिः—उपस्थायविवताफलास्यं सुनः प्रतिसूतीम्—तिति । on याज. II. 55; तथा च बृहस्पतिः—' कामतथ वृद्धावरोभजस्य भावरस्वं समानमार्गे प्रैतिष्ठि द्विः शुध्रपुष्येत्' तिति । on याज. II. 138.

286 On याज. III. 282 विशेषण says ' बृहस्पतिनासु दारास्यन् गोवार्ती तस्मात्तस्मामुच्यते। । जीवार्दों सत्यात्मक्षरस्यवाणी वा योः । तत्थेः तथास्यन्त्यं गायत्रिया हृदयमयादारः
ष्ठार्दशं वा गायत्रियाः गोष्टि वसेत् । ... दारास्यन् भोजयित्वा कुञ्जविलास बृहस्पति: ।' तिति। The words दारास्यां भोजयित्वा: are attributed to बृहस्पति by हरद्वार also.

M. D.—37
In the Mit. and other commentaries and nibándhas over seven hundred verses on vyavahāra and a few hundred more on ācāra and prāyaścitta are cited from Brhaspati. That seems to have been an independent work composed between 300 and 500 A.D., which will be discussed later on (vide sec. 37).

In Jivananda’s collection (part I. pp. 644–651) and in the Ānandāśrama collection there is a Brhaspatismṛti in 80 verses in which Brhaspati is represented as instructing Indra about gifts. Several mss. in the Deccan College Collection contain this smṛti, but in an abridged form in 70 and 49 verses (No. 130 of 1884–86 and No. 147 of 1895–1902). Vide also I. O. cat. p. 386 No. 1324, 1325–1328. Aparārka quotes (p. 1225) verse 7 of this smṛti (in verse) and the Dānaratnākara quotes verses 6 and 7 as from Dāna–Brhaspati.

The Bārhaspatya Arthaśāstra edited by Dr. F. W. Thomas (Lahore, 1921) is a later work and does not deserve more than a passing notice. In six chapters it deals with the conduct, duties, studies of kings, omens, rules of policy &c.

27 Bharadvāja and Bhāradvāja

Dr. S. C. Banerjee in his work (Dharmasūtras, a study in their origin and development) published in 1962 at Calcutta quotes only three prose passage of Bharadvāja. Although he publishes his work thirty years after the first vol. of the H. of Dh. he does not mention two prose passages which had been cited on pp. 126, 127, of that volume.

There is a Śrauta sūtra and a Grhya sūtra attributed to Bhāradvāja. The Ms. of the śrauta in Bombay University Library contains nine praśnas and a portion of the 10th and begins ‘dā拉萨parṇamāsau vyākhyāsyāmāḥ.’ It quotes Ālekkhana and Āśmarathya frequently. The Grhya has been edited by J. W. Salomons. It appears from quotations in Viśvarūpa and other early commentators that a sūtra work on dharma attributed to Bharadvāja or Bhāradvāja was in existence. The forms Bharadvāja and Bhāradvāja probably refer to the same work. On Yāj. (I, 15) Viśvarūpa quotes a prose passage from Bhāradvāja prohibiting the learning of mlecccha tongues and calling upon the preceptor to teach his pupil pure words,
observance of Sandhya and the kindling of fire; on Yaj. I. 32 Bharadvaja is quoted as prescribing a penance for even thinking of causing harm to beings; on Yaj. I. 185 a lengthy sutra of Bharadvaja on the purification of certain things is quoted, wherein is cited the view of some that boys are purified by a mere bath when touched by antyajas; on Yaj. I. 236 a prose passage of Bharadvaja forbids in śrāddhas the use of certain cereals as food. Aparārka quotes a long prose passage (p. 1155) from Bharadvaja in connection with the přāyaścitta for cession of grhya fires for various periods.

In the Smrticandrika, in Haradatta and in several other works verses of Bharadvaja are quoted, which appear to be taken from a smṛti in verse.

That Bharadvaja was an ancient writer on arthaśāstra follows from the Kautüliya, where in the views of Bharadvaja are cited seven times and of Kaṇṭha Bharadvaja once. Some of the views of Bharadvaja as described in the Kautüliya are that a king should choose his ministers from amongst his fellow-students, that the king should consider his line of policy alone in secret, that the princes should be punished secretly when they manifest no love for the king their father, that the minister should set one prince against another when the king is on his death-bed, that when calamities befall the king and the minister, the former is the lesser of two evils, that one should bow down before the strong. This last view occurs in the Mahabharata in the same words. The Śantiparva (chap. 140) contains a dialogue between Bharadvaja and king Śatruñjaya of Sauvira in which dānda is said to be the most pre-eminent among the expedients. The same parva (chap. 58.3) mentions Bharadvaja in a list of writers on

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287 तथा च भारद्राजः—न मेच्छा इति विश्वास्येत्। मेच्छा इति प्रवद्वल्लः इति तस्मातिश्रुपपमणियथा सादुवशवादु विवर्ध्येत् सन्योपासनानि तं नानि हि।

288 तथा च भारद्राजः—‘मनसा प्रशंसितायं विश्वंदेवावतयेत्’ इति।

289 यदु भारद्राजः—‘न शोचं शयनानकत्रपतियानककराणकाराकोकिस्याशः कामस्कुमुद्धथाः नामावृत्तितानाः च विष्णुर्चं वित्तमस्यायस्त्रस्त यमवेन स्नानं बुधार्यान्यायम्।

290 माणाश्वीमुद्वि विवादण्याय न द्यायाय इति भर्त्रहः।

291 कौटित्व सयस (12.1) ‘इन्द्रक हि स प्रभमति यो बलीयोऽस्मति—इति भर्त्रहः; शास्तित्व 87.11.13 ‘सर्वद्य य स प्रभमति यमवेन स्नानं बुधार्यान्यायम्।’
rajasāstra. The Yaśastilaka (4th Āsvāsa p. 100, Nirmaya-sagara ed.) quotes two verses of Bhāradvāja from his treatise on the topic of the six gurās. This shows that Bhāradvāja’s work on politics was available in the 10th century and contained verses (probably intermixed with prose).

Bhāradvāja (Barhaspatya) is the sage of the whole of the sixth Mandala of the Rgveda. The form Bhāradvāja occurs (in the singular) in several verses (e.g. Rg. VI. 16. 5 and 39, VI. 31. 4) and in the plural also (in Rg. VI. 25. 9 and VI. 50, 15). The form Bhāradvāja occurs in Rg. VI. 51. 12 and in VII. 2. 63. Pāṇini mentions Bhāradvāja as a predecessor. The Mahābhāṣya notes at least in nine cases that the Bhāradvājīyas read the Vārtikas differently (e.g. Vārtika 9 on Pāṇ. I. 1. 56, Vārtika 3 on I. 2. 22, Vārtika 4 on IV. 1. 79). That is, the Bhāradvājīyas were a school of grammarians. Bhāradvāja is said to be the eldest son of Brhaspati in Anuśasanaparva 30, 24 ff. In Sāntiparva (22a) chap. 140 there are two verses that state: the king should have the rod of punishment ready (or raised up), that he should always exhibit his prowess, he should have no weak points, but should find out the weak points (of others) and should pursue the holes (weaknesses) of others, that people are afraid of him whose Rod is raised and that out of the four upāyās Daṇḍa is the supreme one. These occur in Bhāradvāja’s dialogue in Sānti 140. Manu (VII. 102–103) has almost the same verses. Kautiliya differs
from these views. He states “The ācāryas say ‘a king desiring the orderly maintenance of people’s life should always have the Rod of punishment lifted up (for striking when necessary); for, there is no such means for keeping beings under one’s control as Dānḍa’; ‘No’ says Kautilya; for, the king that wields the Rod of punishment with severity becomes an object of disgust to beings; a king who is mild in punishing is treated with contempt, while a king that metes out the proper punishment is honoured; for the Rod of punishment used after proper consideration endows the people with Dharma; Artha and Kāma”.

It appears to the present author that Kautilya instead of separately mentioning Bharadvāja reported in the Śāntiparvā and Manu, probably lumps the three (viz. Bharadvāja, Vyāsa who quoted Bharadvāja’s views and Manu), and refers to the three as ‘ācāryāh’ here. It is remarkable that Kautilya nowhere expressly mentions Vyāsa’s name or the name Mahābhrāṭa either for supporting his own views or for differing from him or it. In I. 3. 1–2 the Kautiliya first mentions Śāmaveda, Rgveda, Yajurveda as Trayī, then adds Atharvaveda and Itiḥāsaveda and thus makes the Vedas to be five. In ‘the Čhāndogypañiṣad’ (VII. 1. 2, VII. 1. 4, VII. 7. 1) Itiḥāsā-Purāṇa is said to be the 5th Veda and it seems that the Kautiliya follows it. So the Itiḥāsaveda was entitled to great respect as Veda. It is probable, therefore, that he does not expressly state anywhere that he differs from the Mahābhārata or from Vyāsa. In the Mahābhārata itself ‘Ākhyāna’ is frequently mentioned as the 5th Veda, as in Vanaparvā 58. 9, Udyoga 43. 41–42, Karnaparvā 87. 42, Śālaka 6. 14. The Arthaśāstra I. 5 14 (Purāṇam-itivrṭtam-ākhyāyikā-udāharaṇam-dharmaśastram-arthaśastram cetihāsaḥ) produces a jarring note, including, as it does, even Dharmaśāstra and Arthaśāstra under Itiḥāṣa. This does not stand to reason and tradition and is probably an interpolation or a marginal note, which later came to be embodied in the original work.

The Parāśara-Mādhaviya (vol III, p. 231) quotes a verse of Bharadvāja which divides a pledge into four varieties. A few quotations from Bharadvāja on matters of vyavahāra are cited in other works. For example, the Sarvasvati-vilāsa cites a verse of Bharadvāja that a compromise, an exchange and a partition, if fair and equal, could be annulled
only for ten days, but could be annulled till the 9th year, if unfair.\textsuperscript{203} It appears that the verses of Bharadvāja on vyavahāra are taken from a work other than the ancient work on politics.

28. Śatātapa

Śatātapa is enumerated among the expounders of dharma by Yāj. (I. 4–5) and by Parāśara. Viśvarūpa, Haradatta and Aparārka quote several prose passages of Śatātapa on prāyaścitta. Viśvarūpa (on Yāj. III. 236) tells us that Śatātapa spoke of only eight upapātakas and that without dealing with śrāddha as a principal topic he spoke of some of the subsidiary details of śrāddha.\textsuperscript{204} The latter passage quoted from Śatātapa is a half verse. So Viśvarūpa had a prose work of Śatātapa before him, mixed with verses. Haradatta on Gaut. (Dh. S. 22. 18) quotes a prose passage of Śatātapa about the penance for killing a cow. Viśvarūpa on Yāj. III. 236 (part II. p. 93) states that Śatātapa mentioned in a prose passage only eight Upapātakas ‘Śatātapa tu aṣṭāvevopapātakānyuktāni, athopapātakānyagnyutsādityādini’ etc. Viśvarūpa on Yāj. III. 262 (part 2, p. 148) mentions a sūtra of Śatātapa on prāyaścitta. Maskari on Gaut. 23. 35 quotes a prose passage from Ś. on prāyaścittas ‘anudaka-mitrapurisagrahaḥ śvakākasparśane sacelasnānam mahāvyahrthi- homaśca rajasaśalāgamane caikadevam’. The Laghu-Śatātapa- smṛti (Anan. collection) contains several verses of Manu (e.g. verses 103, 105, 107 of it are respectively the same as Manu III. 237, 111.174, III. 235 and verses 45 and 58 refer to Śatātapa. Vṛddha-Śatātapa is quoted several times in Kalpataru e.g. on pp. 98–99 of Brahma, on pp. 286, 405 of Gṛhas- thā, 6 times on Śrāddha. It is interesting to note that a verse of Śatātapa quoted by the Mit. on Yāj. I. 192 provides that a prāyaścitta is not prescribed for men who bathe in or drink the water from a well or a dam dug or constructed by anyajan. The Mit. on Yāj. quotes several prose passages of

\textsuperscript{203} सन्निध्य परिनिष्ठ विभाग तथा यदि आद्वान्तिक र्विबंध नववत्सरात्।

\textsuperscript{204} यथा शास्त्रातः आद्वान्तिक तद्विवश्चतवन्याहं विना यज्ञोपवित्रतं गंधार्ये तु समावेशता।

\textsuperscript{205} विवेचनप्रमाणम् गाः 1.4–5.
Śatātapa on III. 243, 254, 263-64. In the Mit., the Smṛti-candrika and other works numerous verses of Śatātapa are quoted on ācāra and śrāddha. This work of Śatātapa in verse is most probably a different one from the sūtra work. It appears that there are several Smṛtis ascribed to Śatātapa. In Jivananda's collection there is a Smṛti of Śatātapa called Karmavipāka in six chapters and about 231 verses. Its contents are: certain diseases are concomitants of certain sins; gifts of land, cows &c.; eulogy of Brāhmaṇas; penances for killing a brāhmaṇa, a cow &c., penances for drinking wine, for incest and forbidden sexual intercourse of various sorts, for thefts; rites for those who meet with violent and accidental death. The last verse declares that the Smṛti was promulgated by Śatātapa to his pupil Śarabhāṅga. It is a late production. It prescribes the reading of the Harivaṃśa (II. 30) as a penance for infanticide. Vide below under Madanapāla.

No. 1362 of the I. O. catalogue (and cat. of Madras Govt. mss. vol. V. pp. 1994-96) is a Śatātapa-smṛti in twelve chapters dealing with prāyaścittas for mahāpātakas, prāyaścittas for injuries to various beings, marriage, vaiśvadeva, śrāddha, pitṛtārpaṇa, rules about taking one's dinner, prāyaścitta for dogbites and similar matters; impurity on birth and death, rules of conduct (ācāra).

No. 1361 of the I. O. catalogue is a treatise in mixed prose and verse on prāyaścittas for the Mahāpātakas and Upapātakas. Several verses of Manu (such as III. 8, 11, 171) occur therein. It contains 139 verses. In Mitra's Notices (II. p. 4) there is a ms. called Karmavipāka in 87 chapters and 2376 verses, of which the work in Jivananda's collection seems to be a part or abridgment.

Aparārka in several places quotes the views of Śatātapa immediately followed by quotations from Vṛddha-Śatātapa or vice versa (e. g. on Yāj. I. 190, on III. 292 p. 1195 and p. 1201).

No. 205 of A. 1882-83 of the Deccan College Collection is a Vṛddha-Śatātapa smṛti in 64 verses on prāyaścittas for doing various things, on śrāddha, on washing the teeth. I. O. Cat. No. 1360 p. 398 is a Vṛddha-Śatātapa-smṛti in 97 verses on defilement and purifications. The Anandāśrama collection
contains a Vṛddha-Satātapa smṛti in 68 verses (pp. 232-235) on prāyaścittas, purification from various defilements and other miscellaneous matters. There are two prose passages therein.

Hemādri mentions a Vṛddha-Satātapa along with several other smṛtikāras (vide note 278 above). In the Vyavahāramaṭrīka of Jīmūtavāhana (p. 305) Vṛddha-Satātapa is cited on the six kinds of uttura (defendant's reply). This shows that Vṛddha-Satātapa wrote on Vyavahāra also.

The Mit. (on Yāj. III. 290) cites a Brhat-Satātapa.

Hemādri (III. 1. 801) speaks of a bhāsyakāra of Vṛddha-Satātapa.

29. Sumantu


From Viśvarūpa, Haradatta and Aparārka it follows that Sumantu composed a sūtra work on dharma, particularly on ācāra and prāyaścittas. Viśvarūpa quotes prose passages from Sumantu on upapātakas, on prāyaścitta for Brāhmaṇa—murder (on Yāj. III. 237), for drinking wine (on Yāj. III. 250), for theft of gold (on Yāj. III. 252), for incest (on Yāj. III. 253-54), for killing a cow and about ātātāyin (on Yāj. III. 261). In one quotation from Sumantu cited by Viśvarūpa the views of ācāryas and of Āṅgirasa are mentioned. The prāyaścittas for Brāhmaṇa—murder and for killing a cow contained in Viśvarūpa occur in Haradatta (on Gaut. 22. 13 and 18). Most of the quotations cited by Viśvarūpa occur in Aparārka also. The Hāralatā (p. 68) quotes sūtras of Sumantu on āsaucas. One well-known sūtra of Sumantu is 'no prāyaścitta (or blame) is incurred by killing an

295 द्रश्यातापवचने तु बुहुज्ञशिष्यंतानिन्द्येक्षेष्मार्थिवेशं न पुनरोपजे।
296 एवं सुमन्त: 'ब्राह्मणगौङ्गायी संतो माता नारक्ष: नुस्यतं श्रविकस्योपयोग्यता
परिविष्कीर्तिकृतंत: भिलपक्षतिबृत्यपातसचिव: ' इति। विश्लेष्यौ यात्रा
III. 229-236.
297 न ब्रह्मणों नान्यमिच्छन्याचारयां: किंविष्ये माताः पात्रव्य इलाहिरसः—
इति। विश्लेष्यौ यात्रा III. 237.
ātātāyin, except cows and brāhmaṇas'. Aparārka quotes sūtras from Sumantu condemning marriage with maternal uncle’s or paternal aunt’s daughter and recommending the abandonment of a young wife in certain circumstances. In the Sarasvatīvilāsa a prose passage of Sumantu is cited on the seven constituents of rājya.

Paiṭhānasi includes Sumantu among the thirty-six sages, expounders of Dharmaśāstra. Kalpataru (Br. K. p. 22) enumerates the means of settling (doubts on) points of Dharma viz. Veda, Vedāṅga, Itihāsa–purāṇa, Tarka, Mimāṃsā and Dharma–śastras and also the practices of families, gaṇa, country, caste and varṇa, and also the usages of heretical sects, of the āśramas and of those learned in the Vedas. On p. 78 of the Br. kanda Sumantu provides that all Brāhmaṇas, Kṣatriyas and Vaiśyas have to undergo the satīśāras from Garbhādhana to Vivāha and Yajñas. The Vratakanda (Kalpa) quotes from Sumantu numerous verses on Kṣirapratipad Vrata (pp. 36–38) and on Aśūnyaśayana–vrata (pp. 41–44). It is possible that some of the verses ascribed to Sumantu in these cases are the compositions of some Sumantu other than the author of the prose sūtras. e.g. the verse ‘a householder that does not offer śrāddha, when the sun is in Virgo, how can he have wealth and sons’ &c. (q. by Aparārka on Yaj. I 217 p. 424). Kalpataru (on śrāddha) pp. 90–91 quotes a long prose passage from Sumantu on persons that are apānkteya (not fit to dine in the same row with others invited at Śrāddha). Aparārka quotes numerous prose passages of Sumantu on āyāscitta. A much discussed dictum of Sumantu

298 विषयम् on याज्ञ. III. 262 quotes it as ‘नातात्तायिनेः प्रायः प्रियम्बन्धन गोष्टाघोषणेषु’, while the सिद्ध. on याज्ञ. II. 21 quotes it as ‘नात- तात्तायिनेः दोषोदयत गोष्टाघोषणे’; the सूतिम्बधी of गोविन्दराज (I. O. ms. No. 1736) has ‘आतात्तायिनेः परिश्रमेऽथ गोष्टाघोषणेः’.

299 मादुरुत्तां पैरत्तिस्वनी नातात्तायिनेः बोधयो च विभृत्ती विभृत्तात्। अपरारक on याज्ञ. I. 53; ‘कत्वा कुलिनान्यां बुद्धिमाणां व्यायामधीतः परिपूर्वता यथादित्वं यथावृत्तायोऽत्वं: स्यात्तिर्यक्त्वा’ अपरारक on याज्ञ. I. 65.

300 अनुत्तात्तायिने सर्वाणि संस्त्राणाणि सुमन्ते: ‘स्वामयान्वतं संस्कृत्तं । आयामस्व वस्मानोऽवन्य जनार्जणानि वपर्युस्तः दुर्धृतं धन्यायादिप्रमुन्तः । कोषुकुतितप्पेते । दण्डे खबोत्वेन । इति’—सरस्वती p. 48.
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(q. by Mit. on Yāj. II. 21 and by Aparārka on p. 1043 on Yāj. III. 227) is ‘there is no blame (or sin) in killing an ātātyin, except in the case of a cow or a brāhmaṇa that is ātātyin). For a discussion of this dictum vide H. of Dh. Vol. II. pp. 148–151 and III. pp. 517–18, and the paper ‘Ātatāyivadha’ by Prof. Rangasvami Aiyangar in C. K. Raja presentation vol. pp. 197–232. The Mit. quotes several prose passages of Sumantu on Yāj. II. 21, III. 6, 37, 250, 258, 260.

These quotations from Viśvarūpa and others establish that a prose work on dharma by Sumantu existed early enough. It appears, however, that the work was not a very ancient one. Neither Yājñavalkya nor Parāśara mentions Sumantu among the propounders of dharma. On the other hand the name of Sumantu is an ancient one. In the Bhāga-vatapurāṇa (XII. 6. 75 and 7. 1) Sumantu is said to have been a pupil of Jaimini and a promulgator of the Atharvaveda. Vide Śāntiparva 341. 19 for Sumantu and other pupils of Vyāsa and Sabhā 4. 11. In the daily īrpaṇa the name of Sumantu occurs along with Jaimini, Vaiśampāyana, Paila.

Numerous verses on dharma are also cited from Sumantu by Aparārka, the Smṛticandrikā and other works. This may probably be a different work from the sūtra work of Sumantu. In one verse of Sumantu (Aparārka on Yāj. I. 223) occur the words ‘Śaṅkhasya vacanam yathā’ and in another (Aparārka on Yāj. I. 217–218) the Kanyā sign of the zodiac is referred to.

It is remarkable that the Mit. and Aparārka contain no verses of Sumantu on vyavahāra. The Sarasvati-vilāsa is rich in quotations from Sumantu on vyavahāra. A compromise, exchange or partition, if fair, could be annulled up to the tenth day, but if unfair up to the 9th year (vide note 293 above). ‘If even as much as a māsu went from the buyer to the seller, that would support the sale of the land (sold) just as a small dose of poison permeates the whole body and when no purchase-money is paid or only a portion is paid, then the purchase is called avakrāya and is liable to be set aside if the price is not paid in (good time).’ Sumantu prescribes a

301 भाषामतरणे दर्श्यं केन्द्रिकितं शिख्रतम्। व्याप्तिः सकलं भूमि कायमयेन विचित्रं यथा॥ अर्थसूत्रमें दु कायमादुरक्रमं । अवक्रायं निम्बतं यदि काले न दीविते ॥ सरस्वतीः p. 321.
fine for selling and purchasing land without the consent of the neighbouring members of the family and says that in case of pre-emption, the neighbours on the east are preferred to all and those on the south come last.\textsuperscript{302} Sumantu defines a mortgage by conditional sale (called 'uktalabhakraya') and a sale for arrears of revenue by the king's orders (called ajnakraya).\textsuperscript{303}

Vide reconstruction of Sumanta by Prof. T. R. Chintamani in JOR (Madras) vol. VIII. pp. 75 ff.

\textbf{30. The Smṛti}

The word smṛti is used in two senses. It is applied to all ancient orthodox non-Vedic works such as Pāṇini's grammar, to the śrauta, grhya and dharma sutras, to the Mahābhārata, to Manu, Yajnavalkya and others. In a narrower sense smṛti and dharmaśāstra are synonyms, as Manu says.\textsuperscript{306} The word smṛti occurs in Taittirīya Āraṇyaka (I. 2). Gautama (Dh. S. I. 2) and Vasiṣṭha (Dh. S. I. 4) speak of smṛti as one of the sources of Dharma. Āp. Dh. S. (II. 6. 15. 25) employs the word smṛti and has in view Gautama's Dharmaśūtra according to Haradatta. In the Pūrvamimāṃsā-sūtra the word smṛti occurs (vide VI. 8. 23 and XII. 4. 42).\textsuperscript{305} In the Vedantāsūtras the word smṛti is employed in a wide sense, in one place as referring even to the sāṅkhyā system.\textsuperscript{306}
In that work the word is used, according to Śaṅkara, with reference to the Mahābhārata or the Manusmṛti (Vedāntasūtra II. 3. 47, III. 1. 14, IV. 2. 14).

Manu applies the word Śmṛti also to works that are opposed to and beyond the pale of the Veda (on XII. 95). But the word is used in this work in a narrower sense viz. Śmṛti means a work that is not opposed to the Veda or that does not treat the Veda as not authoritative and treats of varṇa, jāti, āśramas and cognate topics. The word Śmṛti occurs in the Mahābhārata (Śantiparva 85. 10). But the more frequent word is Dharmaśāstra, though Manu (II. 10) says: 'Śmṛti is Dharmaśāstra.' On Pāṇ. I. 2. 64 there is a vārtika 'Dharmaśāstram ca tathā' (39 in vol. I. p. 242 of Kielhorn's ed.). Passages in the Mahābhāṣya show that Patañ-

307 The Tantra-vārttika (p. 196, Ānan. ed.) refers to this 'पाण्डविनो विनयवस्था हृदयकावैत एव हि। एतदिव्य मन्य्य एव च मन्वादिव्य। परिवर्त्य-क्षेरोक्षा: — या वेदांगा स्मुत्नयो...नोत्सिष्यां हि तस्मात स्मृतां ह।' 308 This last verse is मथ XI. 95.

Puruṣasāṁ च तथा। वार्त्तिक 93 on पा. I. 2. 64 (vol. I. p. 242, Kielhorn's ed.). The Mahābhāṣya remarks 'एवं इत्य वेदांगों महत्त्वाद्वारा गृहीत। इन्द्रयि: सुरा न चेत्तित विद्यमानमात्र न इम्यते सुरामात्र च न भोजते।' The same words again occur on Vārtika 5 to Pāṇ. VI. 1. 84 (Kielhorn, vol. III. p. 57).

Some select smṛtti passages from the Mahābhāṣya are cited here and it would be shown that some of them occur in Manu, Mahābhārata and in other comparatively ancient works. Vide above p. 14 note 52a for some examples and a few more are added here. (a) काल: पचति भूतानि काल: संहरते प्रोक्त: II on Pāṇ. III. 3. 167; this occurs in Strīparva 2. 24; (b) तप: भुने च योगिनिः एतद्राज्ञानकालरुपृः। तप:—प्रभुतानि गो हीने जात्वानां एव सा: II on Pāṇ. V. 1. 115; अनुभासन: (121. 7) has the first half and the 2nd half is ग्रीत्तुमो: समुपित्ततो भवति व दृव्यः: II (c) पञ्च पञ्चनमात्र भक्त्या इनुके गम्यते प्रतिद्वंद्विय-भक्त्य इति (p. 5 of Kielhorn's ed.); compare Ap. Dh. S. I. 5. 17. 35 पञ्चनमात्र गोः...वर्तृत्त, Gautama 17. 27. Vas. 14. 39; Manu V 18, Yaj. I. 177; (d) लोमनखः स्मृता शौचं क्रमवेयः। on विभुत्तु 3 and 4; compare Manu IV. 144. For गम्यते भक्त्य उपनेष्य: and दूर्योगामि: &c. cited there, vide respectively Gaut. I. 6, and Manu II. 36 and Ap. Dh. S. I. 5. 16. 2 and Vas. III. 31.
jali had before him a large smṛti literature. Vide I. H. Q. vol. II. pp. 67 ff; I. A. vol. 14. pp. 326-27 (Kielhorn), I. H. Q. vol. XI. pp. 79-90; Dr. F. W. Thomas Presentation Volume pp. 128-133 on ‘Mahābhārata verses and very ancient Dharmasūtras and other works’ (by the present author). The Mahābhārata is spoken of as Dharmasāstra, Arthaśāstra and Kāmaśāstra (in Ādi. 2. 383). The word Dharmasāstrēṇa or Dharmasāstrāṇi (in the plural) occurs frequently in the great epic (vide Vanaprasta 207. 83, 293. 34, 313. 5; Śānti. 24. 13, 297. 40, Anusāsana 90. 34). The extant Manusmrīti also (in III 232) mentions “Dharmasāstrāṇi.” Dharmasāstra is a much wider term than Dharmasūtra. The Dharmasūtras are only a few while there are dozens of Dharmasāstras. Vide p. 21 above for points of difference between Dharmasūtras and Dhamarasāstras.

It may be stated that Inscriptions from comparatively early times refer to Smṛtis, particularly to the Smṛti of Manu. The Valabhi grant of Dhruvasena of Valabhi year 207 (i. e. 525-6 A.D.) published in I. A. vol. II. p. 205 qualifies the king as ‘Manvādi-praṇīta-vidhi viḍhānā-dharma.’ The Palitana plates of Simhadeva in the year 255 of the Valabhi era (i. e. 574 A.D.) in E. I. Vol. XI. pp 16-20 of the Sāmanta-Mahārāja-Simhāditya speaks of Varāhadāsa (the father of the ruling chief) as ‘one whose intellect was purified by plunging into the, waters of the several Smṛtis composed by Manu and others. Similarly, in the Palitana plates of Dharasena II of (Gupta Saṁvat) 232 (i. e. 571 A.D.) in E. I. Vol. XI. pp. 80 at p. 82, we have the striking description of Guhasena (father of Dharasena as one in whose case the title ‘raja’ was significant because he pleased the hearts of his subjects by properly observing the path laid down by all Smṛtis (sakala-smṛti-praṇīta-mārga-samyak-paripālana-prajā-hṛdaya - raḥjanād-anvartha-raja-sabdah). In the Pulibumra plates of the Eastern Calukya king Jayasimha I (632-663 A. D.) occur the words ‘Bṛhaspativa nayajñau Manuriva vinayajñah, Yudhiṣṭhiriva dharmaparāyaṇah’ (E. I. vol. 15 at p. 256).

The same words (i. e. those in E. I. Vol. XI. at p. 82) occur in the Wala plate of Guhasena of Saṁvat 246 (of the Valabhi era, i. e. 565 A. D.). A much later grant of Chāhamāna Ratnapāla of the Vikrama year 1176 (1119-20 A. D.) in (E. I. XI. pp. 304-313) speaks of the donee as devoted to
the study of Itihāsa—Purāṇa—Rāmāyaṇa—Bhārata—pada—vākyya
Yajñavalkya—Kātyāyana—Bṛgu Āṅgirō—Mārkaṇḍeya—Bhaṭṭa-
tadarśanādi—sātāstrābhīratasya' (on p. 311). Here the Smṛti authors Yajñavalkya, Kātyāyana, Bṛgu (meaning probably 'Manu'), Āṅgiras and Mārkaṇḍeya are specially mentioned, besides the six Philosophical systems of Bhaṭṭa (i.e. Kumārila) and others.

Smṛtis mirrored the beliefs and practices of people and also influenced writers and ordinary people. For example, Dr. Sternbach in Journal of Bharatiya-Vidyā, Vol. XI. (1961 pp. 221-309), shows how the Pañcatantra stories are often based on or relate to separate judicial problems of civil and criminal law as well as procedure, although it does not solve any of the problems raised. The Raghuvamśa (I. 17) states that the subjects of Dīlīpā did not swerve in the least from the beaten path laid down from the days of Manu. In Raghuvamśa XIV. 67 Kālīdāsa says that Manu laid down that the Dharma of a king was to safeguard varṇas and āśramas (vide Manusmṛti VII. 35). The drama Mrcechakatīka (Act IX) shows that a Brāhmaṇa guilty of murder was not to be sentenced to death and the judge refers to the dictum of Manu (probably Manusmṛti VIII. 380) to that effect.

In ancient times the number of smṛtis (i.e. works on dharmaśāstra) must have been very small. Gautama mentions by name no smṛṭikara except Manu, though he speaks of dharmaśastras (XI. 19). Baudhāyana names seven (besides himself) authors on dharma, viz. Aupaśajñhāni, Kātya, Kaśyapa, Gautama, Prajāpati, Maṅgalya and Hārita. Vasiṣṭha names only five authors, Gautama, Prajāpati, Manu, Yama and Hārita. Āpastamba mentions a large number, viz. ten, some of whom like Eka, Kuṇika and Puṣkaraśādi are no more than mere names to us. Manu speaks of only six (besides himself) viz. Atri, the son of Utathya, Bṛgu, Vasiṣṭha, Vaikhānasa (or rather Vikhanas) and Śaunaka. But in all these works the writers are mentioned only casually and there is no regular enumeration or list of writers on dharma in one place. Aparārka quotes (p. 7) a sūtra of Gautama (not found in the printed G. Dh. S.) in which sixteen authors of dharmaśastras including himself are enumerated. The
same sūtra with slight variations is ascribed to Śaṅkha–Likhita in the Viramitroddaya (Paribhāṣā–prakāśa p. 16). Yājñavalkya is probably the earliest writer who enumerated in one place (I. 4–5) twenty expounders of dharma (including himself and counting Śaṅkha and Likhita as two distinct persons). It will be noticed that Yāj. omits Baudhāyana. Parāśara also gives a list of 19 expounders of dharma (excluding himself), but his list differs slightly from that of Yāj. Parāśara omits Brhaspati, Yama and Vyāsa and adds Kāśyapa, Gārgya and Pracetās. The Tantra–vārtika (p. 125) of Kumārila speaks of eighteen dharmasamhitās. Viśvarūpa quotes a verse of Vṛddha–Yājñavalkya, who adds ten names to the list of Yājñavalkya (vide note 202 above).310 The Caturvīṁśatimata is a work which professes to give the views of 24 sages on dharmaśāstra, viz. all those listed by Yāj. (except Kātyāyana and Likhita) and six more, viz. Gārgya, Nārada, Baudhāyana, Vatsa, Viśvāmitra, Śaṅkha (Śaṅkhāyana ?). Aṅgiras as quoted in the Smṛticandrikā (I. p. 1), Hemādri (Dānakhanda p. 528), the Sarasvatīvilasā (p. 13) and other works mention Upasmrītis.311 There is a smṛti called Satṛīṃśamata quoted by the Mit., Aparārka and other works. Paṭṭhinasi as quoted in the Smṛticandrikā, the Saṃskāravyakha and other works enumerates 36 smṛtis.312 Aparārka says that the Bhavisyatpurāṇa speaks of 36 smṛtis and
his enumeration of them is slightly different from that of Paithinasi. The Vṛddhagautamasmrī (Jivananda part II, pp. 498–499) gives a list of 57 dharma-sastras. The Prayoga-pārijāta as quoted in the Viramitrodaya enumerates 18 principal smṛtis, 18 upasmṛtis and 21 other smṛtikāras. If all the smṛtis cited in the later nibandhas such as the Nṛṣayasyindhu, the Mayūkas of Nilakanṭha and the Viramitrodaya be taken into account, the number of smṛtis will be found to be about 100.

The smṛtis thus relied upon are the products of different and widely separated ages. Some of them are entirely in prose or in mixed prose and verse, while the large majority are in verse. A few of them are very ancient and were composed centuries before the Christian era. Such are the dharma-sutras of Gautama, Āpastamba, Baudhāyana, and the Manusmrī. Some were composed in the first centuries of the Christian era such as the smṛtis of Yājñavalkya, Parāśara, Nārada. Most of the smṛtis other than the above fall between the period from 400 A. D. to 1000 A. D. The chronology of all these smṛtis presents perplexing problems. Some of the metrical smṛtis are remouldings of older sutras as in the case of Śaṅkha. There are sometimes as many as two or three

(Continued from the previous page)

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The 18 principal smṛtikāraś according to the prabhāprārthah are: Mānuśu, Dṛṣṭam, Dāśita, Gṛita, Yam, Abhinirnā, Gigāyācār, Iśvaratrus, Sāvatvam, Sevā, Uppanā, Dhru, Līkhitā, Ravi, Vīśṇu, Vaiṣṇavā, Nārī. The upa-smṛtis have been enumerated above (in n. 311). The other 21 smṛtis are: Vasishṭha Naarāyana, Mānyāṅg, Viṣṇu, Kāraṇā: Sarvāṅgī, Gārya, Vijnāna, Pārāśara, Śaṅkha, Śaṅkha, Śaṅkha, Śaṅkha, Śaṅkha, Śaṅkha, Śaṅkha, Śaṅkha, Śaṅkha, Śaṅkha, Śaṅkha, Śaṅkha, Śaṅkha, Śaṅkha, Śaṅkha, Śaṅkha, Śaṅkha, Śaṅkha, Śaṅkha, Śaṅkha, Śaṅkha.
different smṛtis going under the same name, e.g. Śatātapa, Hārīta, Atri. Then the confusion is worse confounded by the fabrications of sectarian zeal, such as the Hārītasmṛti which is full of Vaiṣṇavite teachings. There are several works going under the names of well-known smṛtikāras with the prefixes Vṛddha, Brhat, Laghu. In many cases the works going under these names are different from the smṛtis that are without these prefixes and this differentiation took place at a very early date in certain cases; for example, so early a writer as Viśvarūpa distinguishes between Yājñavalkya and Vṛddha-Yājñavalkya, Gārgya and Vṛddha-Gārgya. Similarly, Viśvarūpa quotes (on Yāj. I. 69) Vṛddha-Manu and (on Yāj. I. 19) Vṛddha-Vāsiṣṭha, which latter probably was different from the Vāsiṣṭhadharmasūtra, as the latter does not contain the details given by Viśvarūpa. In some cases the works designated Vṛddha or Brhat are larger and in all cases later than the works without those prefixes. For example, vide Parāśara and Brhat-Parāśara (Jivananda part II. pp. 53-309), Gāutama and Vṛddha-Gautama (Jivananda part II. pp. 497-638). Some of the works with the prefix Vṛddha are versified compilations of prose works e.g. Mit. on Yāj. III. 267 quotes a verse from Vṛddha-Viṣṇu which is merely the versified equivalent of Viṣṇu-dharmasūtra chap. 50. 6, 12-14. It appears that sometimes the same work is cited with the prefix Vṛddha or Brhat, e.g. the Mit. on Yāj. II. 135 quotes a passage from Brhad-viṣṇu which is the same as the Viṣṇudharmasūtra 17. 4-7.

As most of the writers quote from memory and had recourse to mss. and not to standard editions, even well-known verses are ascribed to different authors in different works. The verses ‘bhratṛṇām-aprajaḥ’ &c. which are quoted as Nārada’s (Nārada 16. 25-26) in the Vyavahāramayūkha are attributed to Śaṅkha in the Madanapārijāta (p. 680). The three verses about bandhus are ascribed to Baudhāyana by Mādhava and to Vṛddhaśatātapa by the Madanapārijāta (p. 674).

In spite of all these drawbacks, an attempt will be made in the following pages to arrange some of the leading versified smṛtis in chronological order beginning from the Manusmṛti.

315 ब्रह्मविषेषेऽपेत्र मथे सौम्यमिति दू विवेचः. Vide विषेष. स. III. 64-68 for the five तात्सिः on one’s hand.
All these smṛtis are not equal in authority. Most of them are obscure and are only rarely cited by ancient commentators. Exclusive of the dharmaśūtras hardly a dozen smṛtis have found commentators. If we are to judge of the authority of a smṛti by the commentaries thereon, then the Manusmṛti stands pre-eminent. Next to it is the Yājñavalkyasmṛti.

31. The Manusmṛti

So many editions of this work have been published in India since 1813 when the Manusmṛti was first published at Calcutta, that it is not possible to name them. In this work the Nīlamāyāsaṅgara edition with the commentary of Kullūka has been used throughout. Another edition of Manu well known on this side of India is that of the late V. N. Mandlik, who published several commentaries such as those of Medhātithi, Govindarāja and others. The Manusmṛti has been translated into English several times. The best known translation is that of Dr. Bühler in the S. B. E. series (vol. 25). Dr. Bühler also added an exhaustive and very scholarly introduction to his translation and dealt with numerous problems connected with the Manusmṛti.

In the Rgveda the rṣis often speak of Manu as 'father' (in Rg. I. 80. 16, I. 114. 2, VIII. 63 1) without expressly saying 'of whom.' But in Rg. II. 33. 13 the sage speaks of Manu as 'our father' (Yāni Manur-auṃritā pītā nah). The word Manu in several cases (from the nominative to the locative) and in compound words like 'Manu-jāta,' 'Manu-pritāsah' and 'Manu-hita' occur hundreds of times. In Rg. VIII. 30. 3 the prayer is 'O Gods! May you protect us, help us, speak in our favour, may you not lead us far from the ancestral path of Manu.' In Rg. I. 36. 19 the poet says 'O' Agni! Manu established you as a light for the people.' The gods are often referred to as those to whom Manu offered sacrifices (as in Rg. V. 35. 15, VIII. 30. 2, X. 36. 10, X. 65. 14). In Rg. VIII. 23. 17 it is said 'Kāvya Uśanas is said to have established Agni for Manu.' In Rg. VIII. 98. 6 Indra is spoken of as the shatterer of many cities (of the asuras), as the killer of dasyu and as bringing prosperity to Manu and as the lord of Heaven. The two sūktas (Rg. X. 61 and 62 are ascribed in the Anukramaṇī to Nabhānediśtha, son of Manu, the refrain in the first four verses being 'O' intelligent (Aṅgirases)! accept
me, the son of Manu, as officiating priest). It may be noted that Nabhānediṣṭha is mentioned in Rg. X. 61. 18 and described as desirous (of securing cows) and as praying loudly (Nabhānediṣṭho rāpaṭi pra venān). In Rg. X. 62. 4 he is referred to as ‘ayam Nabhā’ and in X. 62 Sāvarṇya or Sāvarṇi is said to be Manu (verse 11). In many of the verses of the Rg. in which the word Manu occurs, commentators and translators often hold that the word Manu stands for ‘Manusya’ (and not merely for Manu as an individual).

But it is clear that in some Rgveda verses at least Manu must be taken as an individual sage; e.g. in Rg. I. 112. 16 a prayer is made to the Aśvins to come with help as they did in the past ages (pūra) in the case of Šayu, Atri and Manu. Similarly, in I. 80. 16 reference is made to the sacrifice offered and the sacred verses recited by Atharvan, father Manus and sage Dadhyaṇ in past ages (pūrvathā). The ṛṣi of Sūktas 27–31 of Rg. VIII is said in the Anukramaṇi to be Manus Vaiṣvaṇvata and Manus is mentioned in VIII. 27. 4 and 14, in VIII. 30. 2 (thirty-three gods are said to have been offered worship by Manus). On the two hymns (Rg. X. 61 and 62) the Ait. Br. (22. 9) tells the story of Nabhānediṣṭha, son of Manu, who was excluded from a share in the paternal wealth by his brothers and explains the refrain ‘pratigṛbhūta mānavam sumedhasah’ (in X. 62) as relating to that story.

It is impossible in the short space that can be spared to dilate at length on Manus as delineated in Sanskrit literature from the early Vedic times onwards. He is regarded in the early literature sometimes as the father of the human race (so far at least as India is concerned), as one of the very ancient sages, as having brought (or established) Fire, as a semi-divine being who received from God himself the laws and regulations, as a king in the Kṛta yuga (Āśvamedhikaparva 4. 2), as the author of a work on Arthaśāstra (Dronaparva 7. 1). The Manusmrīti (VII. 42) itself states that Manus became king by his disciplined behaviour (vinaya).

In the Taittiriya Saṁhitā and the Tāṇḍya-mahā-brāhmaṇa it is said ‘whatever Manus said is medicine’. Taittiriya-Saṁhitā (II. 1. 5. 6) also says that mankind is Manus's
(Mānavyo hi praṇāḥ). In the Taittirīya Śamhitā (III. 1. 9. 4–5) and the Aitareya Brāhmaṇa (V. 14) we have the story of Manu dividing his wealth among his sons and of the exclusion of his son Nābhānediśtha. The Śatapatha-brāhmaṇa (S. B. E. vol. 12 p. 216) gives us the story of Manu and the deluge. In the Nirukta (chap. III) there is a discussion about the rights of sons and daughters. One of the views there propounded is that children of both sexes take their father’s wealth and a rik and śloka are cited in support of that position. The śloka refers to the opinion of Manu Svāyambhuva. It is noteworthy that that śloka is opposed to a rik, which means that the śloka is not Śruti but is Smṛti. So before Yāska wrote there were smṛti texts in verse in which Manu was spoken of as a lawgiver. We have seen how Gautama and Vasiṣṭha quote the views of Manu and how Āpastaṁba connects Manu with the promulgation of śrāddhas (II. 7. 16. 1). The Mahābhārata in numerous places speaks of Manu, sometimes as Manu simply, sometimes as Svāyambhuva Manu (Śānti 21. 12) and also as Prācetasā Manu (Śānti. 57. 43). In the Mahābhārata (Śānti. chap. 336, 38–46) we are told how the Supreme Being composed a hundred thousand ślokas on dharma, how Manu Svāyambhuva promulgated those dharmas and how Uṣanas and Brhaspati composed śāstras based on the work of Manu Svāyambhuva. In another place the account is slightly different and Manu does not figure therein. Śānti-parva (chap. 59. 80–85) describes how the original work of Brahmā on the three, Dharma, Artha, and Kāma, in 100000 chapters was successively reduced to 10000, 5000, 3000 and 1000 chap. respectively by Viśālakṣa, Indra, Bāhudantaka, Brhaspati and Kāvyā (Uṣanas). The prose introduction to the Nārada-smṛti says that Manu composed in 100000 ślokas, 1080 chap. and 24 prakaraṇas a Dha-

317 अबिशेप्येण मितुना: पुत्र दायार्य इति: | तदेदोक्षोकान्यायुक्तम्। | अहादार्शा- | सबवस्म ह्रदयादिविशिष्ये: | आस्मा वे पुजनामभसि स: जीव शरद: शतम्। ||

318 अभिशेप्ययति: तात्त्वाद्विन्द्रवृत्त: पुरवोचम्। | हते: वतसहस्क: हि: गोकानामित्तस्मम्। ||

लोकोन्तस्य हलस्त्रय वस्त्वादम्: प्रवतिते। | ... तस्मात:पवस्ते: धर्मवाच मनु: | लोकोन्तस्य: ब्रह्मवा। | शत्रु:। | ... लोकोन्तस्य हलस्म: शहोऽर्थ चावश्च। | इति: | इद्भवतितेऽवेच | लेवै: | प्रतिवारिते। ||
rmaśāstra and imparted it to Nārada, who abridged it into 12000 verses and taught it to Mārkandeyā, who in his turn compressed it into 8000 ślokas and passed it on to Sumati Bhārgava, who again reduced it to 4000 ślokas. The Nārada-
smṛti then gives the first verse313 of that work which is a combination of the extant Manu I. 5–6 and says that vyava-
hāra was the 9th prakaraṇa out of 24 in the original work of Manu. It will be noticed how this version differs from that of the Mahābhārata wherein Nārada is altogether ignored. The extant Manusmṛti (I. 32–33) narrates how from Brahmā sprang Virāj, who produced Manu, from whom were born the sages including Bhṛgu and Nārada, how Brahmā taught the śāstra to Manu, who in his turn imparted it to the ten sages (I. 58), how some great sages approached Manu and sought instruction in the dharmaś of the varṇas and the intermediate castes and how Manu told them that his pupil Bhṛgu would impart to them the śāstra (I. 59–60). This appearance is kept up throughout the work. The sages interrupt Bhṛgu’s discourse in several places (as in V. 1–2 and XII. 1–2). Manu is said to be omniscient (II. 7) and Manu is mentioned by name dozens of times in the work with the words “Manu-
rāha” (IX. 158, X. 78 etc.), or “Manu-abravid” or “Manor-
anusāsanam” (VIII. 139, 279, IX. 239, etc.). That the intro-
ductive words in the Nārada-smṛti are not spurious or a later addition follows from the remark of Medhātithi that, according to the Nāradasmṛti, Prajāpati composed a work in 100000 ślokas which was abridged by Manu and others.320
No one should take very seriously these varying accounts even in the Mahābhārata and in the Nāradasmṛti, as they are intended to glorify some particular text or texts. According to the Bhaviśya-purāṇa as quoted in Hemādri, the Saṃskāra-
mayūkha and other works, there were four versions of the Svāyambhuva śāstra composed by Bhṛgu, Nārada, Brahmaśpati

319 ततायांबाद: थोःक: आवरिद्रे त्योभुतं न प्राणायत किचन। तत: स्त्र्म-भूयधत्तव्यासदुरासीत्वत्वांशु:। मान्द: I. 5 is quoted as the verse of a
स्खलिका by कमलबिल in his comment on बान्त्रवेश्वर त्यभुमाहि
(कारका 3118) in the middle of the 8th century A. D. Vīśa
सुरेर्सर 39 बृहदारण्यकाम्बमायवातिक p. 487.
320 नारदवञ्जन भृगु:। वत्साहिनो ग्रन्थ: प्रणयविना इति: स मन्वाधिपती: कपेष
संझि इति। भृगात्तिथिः on मन्व: I. 58.
and Aṅgiras.\textsuperscript{321} So early a writer as Viśvarūpa cites verses from Manuṣmṛti as those of Svayambhū (vide com. on Yāj. II. 73, 74, 83, 85, where Manu 8. 68, 70–71, 380 and 105–6 are respectively quoted as Svayambhū's), while quotations from Bhṛgu cited by Viśvarūpa (on Yāj. I. 187 and 252) are not found in the Manuṣmṛti. In the same way most of the verses quoted from Bhṛgu by Aparārka are not found in the Manuṣmṛti. One verse which Aparārka quotes from Bhṛgu (on Yāj. II. 96) speaks of the view contained therein as that of Manu.\textsuperscript{322}

It is almost impossible to say who composed the Manuṣmṛti. It goes without saying that the mythical Manu, progenitor of mankind even in the Rgveda, could not have composed it. What motives could have induced the unknown author to palm it off in the name of the mythical Manu and to suppress his identity it is difficult to say. One motive may have been to invest the work with a halo of antiquity and authoritiveness. Bühler following Max Müller says (SBE vol. 25 p. XVIII) that the Manusmṛti is based on or is a recast of an ancient dharmaśūtra, viz. that of the Mānavacarana. The question whether the Mānavadharmasūtra existed has been discussed above (sec. 13, pp. 141–149). Bühler himself candidly admits (SBE vol. 25, p. XXIII) that the recovery of the writings of the Mānavas has not only not furnished any facts in support of the alleged relation between the Mānavadharmasūtra and the Manusmṛti, but on the contrary has raised difficulties, as the doctrines of the Mānavagīryasūtra (edited by Dr. Knaur) differ very considerably from those of the Manusmṛti. To take only a few examples: Mānav Gr. S. II. 12. 1–2 are opposed to Manu 3. 1; Mānav Gr. S. I. 4. 7 to Manu 4. 95; Mānav Gr. S. I. 20. 1 to Manu 2. 34; Mānav Gr. S. I. 21. 1 to Manu 2. 35; Mānav Gr. S. I. 22. 1 to Manu 2. 36; Mānav Gr. S. II. 12. 1–2 to Manu 3. 84–86. Besides, there is nothing in our Manu corresponding to the Vinayakaśānti in the Mānavagīrya (II. 14) nor to the tests for selecting a bride prescribed in Mānav Gr. S. I. 7. 9, which corresponds to

\textsuperscript{321} अर्कश्रिया नारदीया च बाहुस्यात्मदिनस्य:। सार्वंप्रायथ गात्रस्य चतस्य। संहिता मान:। चतुर्थगोऽं दानकं ध्वनिकम ॥ संरक्षकमूङ्क्ष: प. ४२८, संस्कृतमूङ्क्ष द. २। ।

\textsuperscript{322} येः पापेः दिल्लिनी ग्रामसुधारानि बनतः। कार्यास्त्वनित्तानि नामियानां खण्डेनमुः। अपरार्क,॥
31. The Manusmṛti

Āśvalāyana Gr. S. I. 5. 5–6. Dr. Caland points out (R. und S. p. 17) that, though single verses of the Manusmṛti tally with the Śrāddhakalpa of the Mānava School, yet the descriptions of funeral rites widely differ in the two works. There are no doubt some parallels as pointed out by Bradke (in ZDMG, vol. 36, pp. 417–477). There is one circumstance about the authorship of the Manusmṛti that deserves to be noted. The Mahābhārata seems to distinguish between Svāyambhuva Manu and Prācetasa Manu. The former is said to be the promulgator of dharmaśāstra and the latter of arthaśāstra (or politics). For example, Śānti 21. 12 speaks of Svāyambhuva Manu and Śānti 57. 43 and 58. 2 speak of prācetasa as an author on rājasāstra or rājadharmā. In some places Manu alone without any epithet is associated with rājadharmā or arthaśāstra. It is not unlikely that originally there were two distinct works, one on dharma and the other on arthaśāstra, attributed to Manu. When the Kautiliya speaks of the Mānavas, it probably refers to the work on politics attributed to Prācetasa Manu. It is extremely doubtful whether Rājasekhara, when he mentions the several views on the number of vidyās (including that of the Mānavas, that they were three), had the Arthaśāstra of the Mānavas before him or only copied a passage from Kautilya (vide Kāvyamimāṃsā, p. 4). It is not unlikely that the work on dharmā attributed to Manu may have contained general directions on the duties of kings. It is therefore (i.e. because there were two different works on dharma and arthaśāstra attributed to Manu) that the views ascribed to the Mānavas by the Kautiliya are not found word for word in the extant Manusmṛti. One may hazard the conjecture that the author of the Manusmṛti, whoever he might have been, combined in his work the information contained in the two works on dharmā and arthaśāstra and supplanted both the earlier works and that this result had not been either accomplished at the time when the Kautiliya was composed or was then quite recent. In the extant Manusmṛti, the work is ascribed to Svāyambhuva Manu and then six other Manus, of whom Prācetasa is not one, are enumerated (I. 62).

323 अथबीच्छवि राजभवस्वायव ते मनुमन्विता। वनपब 35. 21; बदें षडङ्क । वेदािमयरविश्रा च मानवाम् || दोपपृष्ठ 7. 1.
The extant Manusmṛti is divided into twelve adhyāyās and contains 2694 slokas. Dr. Jolly’s edition (published in 1895) prepared after collating numerous mss. and printed editions contains only one sloka more. The Manusmṛti is written in a simple and flowing style. It generally agrees with Pāṇini’s system, though it contains some deviations from it as in the verse ‘sākṣiniḥ santi metyuktvā’ (8. 57). The foregoing pages have sufficiently shown how it agrees closely with the doctrines contained in the Dharmasūtras of Gautama, Baudhāyana, Ājñāstamba. We have also seen how numerous verses are common to the dharmasūtras of Vasistha and Visnu and the Manusmrīti. The Kautūliya also exhibits remarkable agreement with the Manusmrīti in phraseology and doctrines.\(^\text{324}\) What conclusions are to be drawn from this will be discussed later on. Some verses are repeated, e.g. V. 164–165 are the same as IX. 30 and 29. The contents of the Manusmrīti may be briefly summarised as follows:— (I) Sages approach Manu for instruction in the dharmas of the vārṇas; Manu describes the creation of the world from the self-existent God more or less in the Sāṃkhya manner; the creation of Virāj, of Manu from Virāj, of ten sages from Manu; creation of various beings, men, beasts, birds etc.; Brahmā imparts Dharmasūstra to Manu, who teaches the sages; Manu bids Bhṛgu to instruct the sages in dharma; six other Manus sprang from Svāyambhuva Manu; units of time from nimesa to year, the four yugas and their twilights; one thousand yugas equal a day of Brahmā; extent of manvantara; pralaya; successive decline of dharma in the four yugas; different dharmas and goals in the four yugas; the special privileges and duties of the four vārṇas; eulogy of Brāhmaṇas and of the sāstra of Manu; ācāra is the highest dharma; table of contents of the whole sāstra; (II) definition of dharma, sour-

\(^{324}\) Compare अद्वैतवादयोऽद्वैतविरङ्गनी रक्षिताविरङ्गनी ह्रदय तीर्थं प्रतिबन्धनी च। कौटिल्य (I. 4) with मनु 7. 101 अद्वैताचारेऽध्वेब रक्षेदक्ष्यमा। रूक्ति रूक्तिदद्यः हृदं पावेव। सिद्धिप्रेय न। ‘तस्मानोक्षक्षा तार्किक निम्तिप्रकरणः स्थानः’ कौटिल्य (I. 4) with मनु 7. 162 निम्तिप्रकरणः स्थानः; ‘अस्मान्ये देशे साध्विभिस्मिष्ठ संभासते’ कौटिल्य (III. 1) with मनु 8. 55 ‘अस्मान्ये साध्विभिष्ठ देशे संभास्ये मिथ्यते’; ‘साधव-मन्वक्षेत्र संभास्य’ कौटिल्य (III. 17) with मनु 8. 332 ‘स्मार्तिस्मृतं तन्त्रवदूर, प्रस्मेव कर्त्ते यदु क्षम’.
ces of dharma are Veda, smṛti, ācāra of the good, one’s own satisfaction; who has adhikāra for this Śāstra; limits of Brah-
māvarta, Brahmarshidēśa, Madhyadeśa, Āryāvarta; why saṁ-
skāras are necessary; such saṁskāras as jātakarma, nāmadhe-
ya, cūḍākarma, upanayana; the proper time of upanayana for the varṇas, the proper girdle, sacred thread, staff and skin for the Brahmaśari of the three varṇas; duties of the Brahma-
śari and his code of conduct; (III) Brahmaśarya for 36, 18, 9
years; samāvartana; marriage; marriageable girl; Brāhmaṇa
could marry a girl of any of the four varṇas; eight forms of marriage defined; which form suited to which caste; duties of husband and wife; eulogy of women; the five daily yajñās;
praise of the status of householder; honouring guests; madhu-
parka; śrāddhas; who should not be invited at śrāddhas;
(IV) mode of life and means of subsistence for a householder;
the code of conduct for a śnātaka; occasions for cessation
from study; rules about prohibited and permissible food and
drink; (V) what vegetables and meat are allowed; period of
impurity on death and birth; definition of sapindu and samā-
nodaka; purification from contact with various substances in
various ways; duties of wife and widow; (VI) when one
should become a forest hermit; his mode of life; parivrājaka
and his duties; eulogy of grhaṣṭha; (VII) rājadharman, eulo-
gy of dāṇḍa (the power to punish); the four vidyās for a
king; the ten vices of kings due to kāma and eight due to
krodha; constitution of council of ministers; qualities of a
dūta; forts and capital; purohitu and superintendents of
various departments; code of war; the four expedients, sāma,
dāna, bheda, and dāṇḍa; hierarchy of officers from the village
headman upwards; rules about taxation; the constitution of
a circle of twelve kings; the six guṇas, peace, a state of war,
march against an enemy, āsana, taking shelter and dvaidha;
duties of victor; (VIII) king’s duty to look to the adminis-
tration of justice; the 18 titles of law; the king and judge;
other persons as judges; constitution of sābhā, king’s duty to
look after minors, widows, helpless people; treasure trove;
king’s duty to restore stolen wealth; creditor’s means of reco-
vering his debt; grounds on which the claimant may fail in
his suit: qualifications of witnesses; who were not proper
persons as witnesses; oaths; fines for false witnesses; methods
of corporal punishment; Brāhmaṇa to be free from corporal
punishment; weights and measures; lowest, middling and
highest fines; rates of interest; pledges; adverse possession
does not affect a pledge, boundary, minor's estate, deposit,
kings' estate etc.; rule of dumdaṇṇaḥ; sureties; what debts of
the father the son was not liable to pay; fraud and force viti-
ated all transactions; sale by one not the owner; title and
possession; partnership; resumption of gift; non-payment of
wages; violation of conventions; rescission of sale; dispute
between owner and herdsmen; pastures round villages; bound-
dary disputes; abuse, libel and slander; assault and battery
and mischief; whipping only on the back; theft; sīhasa i.e.
offences in which force and hurt are an element, such as robb-
ery, homicide etc.; right of private defence; when even a Brāh-
mana may be killed; adultery and rape; no sentence of death,
but of transportation for a brāhmaṇa; parents, wife, children
must not be forsaken; tolls and monopolies; seven kinds of
dāsas; (IX) legal duties of husband and wife; censure of
women; eulogy of chastity; to whom does the child belong, to
the begetter or to him on whose wife it is begotten; nīyoga
described and condemned; succession of the first wife when
allowed: age of marriage; partition, its time, eldest son's spe-
cial share; pātrikā; daughter's son; adopted son; rights of
brāhmaṇa's son from a śūdra wife; twelve kinds of sonship;
to whom pinda are offered; nearest sapinda succeeds; sak-
uya, teacher and pupils as heirs; king ultimate heir except as
to brāhmaṇa's wealth; varieties of strīdham; succession to
strīdharm: grounds of exclusion from inheritance; property
not liable to partition; gains of learning; re-union; mother
and grandmother as heirs; impartible property; gambling and
prize-fighting must be suppressed by the king: the five great
sins; prāyaścittas for them: open and secret thieves; jails;
the seven aṅgas of a kingdom; duties of Vaiśya and Śūdra; (X)
Brāhmaṇa alone to teach; mixed castes; mlecchas, Kāṃbojas,
Yavanas, Śakas; rules of conduct common to all; privileges
and duties of the four varnas: modes of subsistence for a brā-
hmaṇa in adversity; what articles should not be sold by brā-
hmaṇa; seven proper modes of acquisition and the means of live-
lihood; (XI) eulogy of gifts: different views about prāyaścii-
ttas; various seen results, diseases and bodily defects due to
sins in former lives: five mortal sins and prāyaścittas for
them: upapattakas and prāyaścittas for them; prāyaścittas
like Sāntapana, Parāka, Candrayana; holy mantras for remo-
ving sin; (XII) disquisition on karma; kṣetrajña, bhūtātmā,
The extent of the literature known to Manu was considerable. He mentions the three Vedas and the Atharvaveda is spoken of as the Atharvāgīraśi śruti (XI. 33). He refers to Āranyaka (IV. 123). The Vedāṅgas are said to be six (III. 185) and they are often referred to without stating the number (II. 141, IV. 98). He speaks of dharmaśāstra (II. 10) and also knew many dharmaśāstras (III. 232). By dharma-pāthaka (XII. 111) he probably means one who has studied dharmaśāstras. He mentions several authors on dharmaśāstra, viz. Atri, the son of Utathya (i.e. Gautama according to commentators), Bhrgu and Śaunaka (all these in III. 16), Vasiṣṭha (on the rate of interest in VII. 180 which agrees with Vasiṣṭha-dharmaśāstra II. 50), Vaikhānasa-mata (in VI. 1). He mentions Ākhyānas, Itihāsa, Purāṇas and Khilas (III. 232). He speaks of brahman as described in the Vedānta (in IV. 83 and 94) and is probably thinking of the Upaniṣads. That he knew some generally accepted works opposed to the teaching of the Vedas is quite clear from his reference to 'Vedabahuḥ śmṛtayah' (XII. 95). He is probably referring to the writings of the Baudhhas, Jainas and others. He speaks of heretics and their guilds (IV. 30 and 61). He refers to atheism and calumny of the Vedas (IV. 163) and of various tongues spoken among men (IV. 332). He frequently refers to the views of others in the words “kecit” in III. 53, 261, IX. 32, ‘eke’ in X. 10, XI. 45, ‘apare’ and ‘anye’ in III. 261. In IX. 49 Manu refers to Gāthās of Vayu and it appears that at least verses IX. 43-45 are quotations. Yoga had been well developed at the time of the Manu-sūtṛi. In Manu VI. 70 it is laid down that even three Prāṇāyāmas when accompanied by Omkāras and the Vyāhrtis constitute the highest lopa and that by prāṇāyāma all the aberrations of the senses (including the mind) are destroyed. In VI. 72 are briefly indicated the results of Prāṇāyāma, Pratyāhāra (withdrawal of the sense organs from the objects of sense), Dharana (the holding of the mind to a certain spot or a certain point such as the tip of one’s nose)
and Dhyāna (contemplation) i.e. one-pointedness of the apprehension of the object contemplated upon. Vide H. of Dh. Vol. V. pp. 1444-49 for explanation of Pratyāhāra, Dhāraṇā, Dhyāna. The word Dhyānayoga occurs in Manu VI. 73 and 79 and it is stated that by dhyānayoga, one realizes brahman. The words 'Dhyānayoga,' 'Dhāraṇā' and others occur in some of the Upanisads as illustrated in the note 325 below. The Yogasūtra is not later than the 2nd or 3rd century A.D.; vide H. of Dh. vol. V, pp. 1395-98, but the Upaniṣads had developed much of the yoga technique centuries before the Yogasūtras and the Manusmṛti is based on the Upaniṣads and not on the Yogasūtra.

Numerous interesting and difficult problems are connected with the Manusmṛti. Bühler in his elaborate introduction (S. B. E. vol. 25) exhaustively deals with these problems. It is not possible to go at great length into those questions here. A separate volume would be required to deal with the problems raised by Bühler and to examine the arguments of Bühler, Hopkins and others who have written on them. Only a brief discussion of these problems can be attempted.

Bühler takes considerable pains to refute the claims of Manu to be regarded as the first legislator (S. B. E. vol. 25 pp. XXIII-XXX). But no serious refutation of the claim is really needed. The very extent of the literature known to the Manusmṛti and the mention of several writers on dharmaśāstra by name are sufficient to negative that claim.

Bühler devotes a great deal of space to the consideration of the question as to what circumstances led to the substitution of a universally binding Mānava-dharmaśāstra for the manuals of the Vedic schools (S. B. E. vol. 25 pp. XLVI-LVI)

325 The word व्यापपोष occurs in the Śvetāśvatārāpaniād I. 3; the मेत्त्रायणी Upaniād (VI. 18) regards Yoga as साधारित्व पापात्म: प्रत्याहारो ध्यानं ध्यान: तत्त: समाधि: पर्श्यं हस्तुच्यते योगः. 1; ततः योग-मिति मन्त्र्ये स्तिंधरणिन्द्रयास्याम्. कृत्याग्निष्ठ, VI. II; तत्सुर्कुञ्जकत्तेन धूलुद. नस्य विमाय ज्ञातं सुखतमुपपति: अधिष्ठाय दुःखतम:। त एष विसु-हट्टेन विद्वृढ्यु ब्रह्म विद्वृढ्यु व्रह्मविद्वृढ्यु व्रह्मविद्वृढ्यु व्रह्मविद्वृढ्यु. कृत्याग्निष्ठ, I. 4. Manu VI. 79 summarises this, employing some of the very words of that Upaniād.
and as to why the special law schools selected just the Mānapadharmaśāstra among the large number of similar works for the basis of their studies (ibid. pp. LVII–LXV). Bühler then considers the question how the Mānapadharmaśāstra was converted into the present Manusmṛti. Bühler concedes that the last is a problem of great difficulty and admits of an approximate solution only. The discussion of all these questions by Bühler is extremely thought-provoking and brilliant in many places, though it must be said with great respect that the arguments are often a priori and savour more or less of special pleading. As I question the very foundation of Bühler’s edifice (viz. the actual existence of a Māna-dharmaśāstra), it would be futile for me to enter into a discussion of the problems referred to above.

Jolly in Introduction to the Viṣṇudharmaśāstra (p. XXVII n. 3) admits that Manu has little in common with the Mānavagrhyā, both in mantras and otherwise, Manu is recognised as an ancient writer on Dharmaśāstra in the Dharmaśāstras. Gaut. Dh. S. 21. 7 refers to Manu’s view that three out of the five mortal sins (Mahāpātakas) could not be wiped out except by death (this has a counterpart in the extant Manusmṛti in XI. 89, 90, 103–4). The Āp. Dh. S. II. 6. 13. 11 refers to the tradition that Manu divided family property among his sons and also to the tradition (in II. 7. 16. 1) that Manu was the founder of the institution of Śrāddha rites. Manu is called Śrāddhadeva in Brahmāṇḍa-purāṇa III. 59. 38. The Band. Dh. S. also mentions Manu’s division of property among his sons, refers to Manu’s opinion that the father is a sinner if he does not arrange a marriage for his daughter within three years after her first monthly illness (IV. 1. 14) and further that the Aghamārṣaṇa hymn (Rg. X. 190. 1–3) is declared by Manu as a penance for all sins (Band. Dh. S. IV. 2. 19 20). This reflects Manu XI. 260. The Vas. Dh. S. in numerous places mentions Mānavam ślokam or simply Mānavam, besides verses containing words like Manuh prāha (in XI. 23) or Manur-āha praṣāpatiḥ (in Vas. XII. 16), abravin–manuḥ (in Manusmṛti V. 41 and in Vas. IV. 6). This question of the relation of the Manusmṛti and Vas. Dh. S. has been dealt with at some length above (pp. 99–103).

The Purāṇas differ as to the number of Manus and their names; e.g. Vāyu (26, 32–46) and Padma V. 7. 81–115 speak of fourteen Manus, while the Viṣṇu–purāṇa III. 1. 6 ff, Brahma-
māṇḍa II. 36. 3-5 name twelve Manus. Vāyu (100.53) derive the word Manus as ‘Mananān-māṇānāc-caiva tasmāt te Manavāḥ; smṛtāḥ’. It is interesting to note that Kumārila (650-700 A.D) asserts that there are 14 Manus. 326

An extensive literature 327 has accumulated in modern times about Manu and the Manusmṛti, about the relation of the Manusmṛti to the Dharmasūtras, to the Mahābhārata, to the Arthaśāstra of Kauṭilya and about the development and spread of his doctrines to countries in South-East Asia. The present author has read some of it, but he cannot expatiate on all the topics about Manu in one volume of the History of Dharmāśāstra.

In ancient times it was held to be the king’s duty 328 to protect the kingdom and the people, to see that the rules of vārgas and āśramas were carried out by them, to make them conform to the dictates of Śāstra if they swerved from them, to punish the wicked and to dispense justice. The Arthaśāstra says ‘people of the four vārgas and in the (different) āśramas protected by the king with the Rod (of punishment) and attached to the actions prescribed as their (respective) duties keep to the paths appropriate to them.’ Kauṭilya (in Arthaśāstra III. 1. 38) calls the king ‘Dharmaprabhavarta’ (propounder or promulgator of Dharma). Many works (particularly the Mahābhārata) hold that all dharmaśas and all vidyās

326 भाष्यमत्वः चैव स्थलतिर्थम् विशेषतः । स्वतःमाणीतिन्यं कस्य कथे चतुर्दशं दत्तविद्वारिकः प. 202.

327 Vide Mair’s Original Sanskrit Texts, vol. I. article on Manu pp. 161-283 (2nd ed. of 1872); E. W. Hopkins on ‘Professed quotations from Manu found in the Mahābhārata’ in J. A. O. S. vol. XI. pp. 239-275; Hopkins’s ‘Great Epic of India, its Character and origin’ (1901); Bähler’s Intro. to his translation of Manusmṛti (in S. B. E. vol. 23, pp. XI-LXXXVII); ‘Manu and Yājñavalkya’ by K. P. Jayaswal (Calcutta, 1930); ‘Hindu Polity’ by the same author (2nd ed. of 1943); ‘Aspects of the Social and Political systems of the Manusmṛti’ (1919) and ‘Some aspects of the Social view of life’ (1952), both by Prof. K. V. Rangaswami Aiyar; ‘History of Indian Political Ideas’ by Dr. U. N. Ghoshal (1939).

328 वर्णनाला माणेद्य भावलोभिर्ब्रजयन्। चतुर्दशानाम स्थलयुपमयो। वर्णश्च देशभावनवतिनु। मी. XI. 9-11; देशवर्गमार्गिकोऽस्मांस्यविशेषात्तनामं प्रशिक्षण रागा च श्रीरो वर्णस्वयमं स्थापयो। न वत्सर्वेणु रण्डे धर्मशे। वसिष्ठ (Continued on the next page)
abide in Rājadharma, that the welfare of the people depends on the king (Śāntiparva 141. 9). Though the general tendency was to say that Dharma progressively declines in each of the four yugas, yet this idea was not universal. The Mahābhārata and the Manusmṛti state (in IX. 301) that conditions described about the four yugas are not immutably fixed parts of Time, but it is the ruler (who by conducting himself properly) can create the conditions of even Kṛtyuga in what common people call Kaliyuga. There is a great difference between ancient societies (like those in India) and some modern western societies. In several modern societies there are legislatures that lay down many laws to be observed by the people. In ancient times (in India), the legislative activity of the ruler was extremely limited. Besides, India was divided into many kingdoms and great conflict of laws might have arisen. Moreover, there was no single ruler who could have legislated for the whole of India, even if the task of legislation was attempted. Manu (in VIII. 3) and Kātyāyana provide that causes (law-suits) were to be looked into (i.e. decided) by the king according to the Śāstras and in the absence of Śāstric dicta, by

(Continued from the previous page)

19.7-8; वर्णानामात्मानोऽराजा श्रेष्ठोपरिवर्तितम् || मनु VII. 35; चतुर्विनीपि लोकोऽराजा श्रेष्ठेण पालितः || स्ववर्गमामिति वर्णेण स्ववर्गमामिति अथवा अर्थसाधः I. 4. 16.

329 हृदन्तलयां चैव द्वारे कांटित्वेत् न || राज्ञो यन्ति सर्वाणि राजा हि युगमुच्येत् || मनु IX. 301; हृदन्तलयां चैव कांटित्वे भवति मन्त्रभवम् || राजस्वेण हि भवति मन्त्रभवम् नास्त्वद्वारे निष्ठास्त्वद्वारे सववारे || राजस्वेण हि भवति मन्त्रभवम् नास्त्वद्वारे निष्ठास्त्वद्वारे सववारे || राजस्वेण हि भवति मन्त्रभवम् नास्त्वद्वारे निष्ठास्त्वद्वारे सववारे || राजस्वेण हि भवति मन्त्रभवम् नास्त्वद्वारे निष्ठास्त्वद्वारे सववारे || राजस्वेण हि भवति मन्त्रभवम् नास्त्वद्वारे निष्ठास्त्वद्वारे सववारे.

330 अन्यायी वेदकिवादय परानिकक्षमवादय || आयुर्विज्ञाय राजेऽस्ति वाक्ये स्ववर्ग हृदते || तत्साहाय्यां तत्साहाय्यां राज्यसंग्राम स्वायतन || वाक्यसारं हु सर्वया देशस्थितेन तत्किते || काम्यं q. by अपराक्रम on यथा II. 1 (p. 599); हृदते हु मात्रस्य तेषांनेन तेषांनेन सूचित: स्वतः || तत्रैर्तर्षाश्वदुःखिते विषस्य पारासारः स्मृतः || पारासार I. 24 q. by स्मृतिच (अध्वि p. 11).
the usages of the country and that if the king decides causes by
his fiat when there is in existence a Śastric text, it leads him
away from heaven, it brings danger to him from enemies and
reduces the span of his life. Manu (VII. 13) laid down that
since the ruler has in him the glory of eight deities (Indra,
Vāyu, the Sun, Yama, Agni, Varuṇa, the Moon and Kubera)
whatever rules as regards desirable matters he (the king)
established, whatever rules he makes about undesirable
actions should not be transgressed by the people. Medhā-
tithi and other commentators expressly state that the ruler
could not make a rule opposed to the Śāstras and the long-
standing usages of the people. Therefore, changes in the
practices of the people could be provided only by resorting to
such devices as the Kalivarjya topics (indicated in H. of Dh.
III. pp. 885-968) or by composing fresh śāstras acceptable to
the learned and the leaders of people or by saying that in the
four different yugas four different smṛtis were predominant as
stated in Parāśara-smṛti (I. 24). Manu (IV. 176) says ‘One shall
abandon what was (once) Dharma, if it ends in unhappi-
ness or it has become hateful to the people’ and Yāj. (I.
156) also remarks ‘what was (once) allowed to be Dharma
should not be practised, if people have come to hate it and it
does not lead to Heaven.’ The Viṣṇu-Purāṇa (III. 11. 7
says the same thing. It is very rare to find one Smṛtikāra
expressly stating that he dissents from the views of other
named smṛtikāras. Yāj. (I. 56) remarks ‘what is said (by
some) that persons of the twice-born classes can marry a
śūdra woman is not my view.’ Manu (in III. 13) allows a
brāhmaṇa to marry a śūdra woman, but in the following ver-
ses (III. 14-19) he severely condemns such marriages. That
means he condemned the practices of a former age. Similarly,
the practice of niyoga (appointment of a brother-in law to
procreate a son on the widow of a sonless person) was set out
at some length by Manu in IX. 53-62, but immediately

331 अस्त्र्य लेक्षणविद्यम् च चिन्तामणि तु या. I. 156. The सम्प्रदाय, cites as
an instance मधुरके गोवितश्; यदुपवित्रद्विगुरुसंहः।
नैतिकम में अरिस्तार्थम जापने स्थवरम्।। या. I. 56; this has in view
Manu III. 12-13, the last being श्रद्धवृत्तार्थः श्रद्धवृत्तार्थः सा च स्वा च विशः
स्ते। ते चैव स्वा च राज्यः ताभ्य स्वा च भवज्ञनम्।।
afterwards he condemns it (in IX. 64–68) as beastly (‘paśu-dharma’ in IX. 66) and waters down the whole idea by saying (IX. 69) that, when after the betrothal of a girl, the selected bridegroom dies (before actual marriage), then the brother of the deceased should marry that girl. Brhaspati refers to these passages of Manu by saying that Manu described the procedure of nyoga but ultimately he himself forbade it (vide Brhaspati quoted by Aparārka p. 97 (on Yāj. I. 68–69)).

Confusion is caused by the fact that ancient texts refer to Svāyambhuva Manu, Prācetasa Manu and Manu simply. To take first the Manusmṛti itself. The views of Svāyambhuva Manu are mentioned in Manu VI. 54 (on the vessels to be used by ascetics), VIII. 124 (the parts of the body where corporal punishment was to be administered in the case of all offenders except brāhmaṇas), IX. 158 (on the twelve varieties of sons such as aurasa, kṣetraṇa &c. ). In the first two cases the verb ‘abravīt’ is used and in the 3rd ‘āha’. No Manu is cited in chapters II and VII. In Manu IX. 138 the etymology of the word ‘putra’ is attributed to Svāyambhuva Manu (Manu not being added). The words ‘tan-manor anuśāsanam’ occur in VIII. 139, 279 and IX. 239. The words ‘Manur-abravīt’ occur many times, as in III. 150 and 222, IV. 103, V.

332 उजो नियोगी मनुस निषिद्धः: स्वयमेव हि। गुणकाराद्वयों कठौमण्ये-
विभावतः॥ दृष्टस्ति, काल्पनिक on Manu IX. 68. It may be noted that Medhatithi on Manu IX. 68 refers to Rg. X. 40.2 (ko vam sayutrā vidhavā devaram) as an indication of the practice of nyoga in those far-off ages. Further, it is found that Viśvarūpa on Yāj. I. 68–69 raises a pārśvapakha (a prima facie view) that Nyoga is alluded to in the Rgveda (X. 40.2) and therefore it is clear that it was practised; to this he replies that the Smṛti texts about nyoga are meant for śūdras and the Manusmrti (in IX. 64) forbids nyoga for dvijātis and that such a practice prevails (among śūdras). He boldly asserts that Vyāsa’s procreating sons from the wives of Vicitravirya should be condemned like the marriage of Draupadi with five brothers. He provides that nyoga was allowed only for kings when the dynasty would have come to an end if there were no son. He further says that the Vedic Mantra (X. 40.2) should be explained as referring only to Śūdras and quotes two verses of Vṛddha-Manu viz. श्रद्धानामेव धर्मोऽयं पति
प्रेतेवन्द्यसय:। कोमा-मृतैविविध: क्षत्रियंतं चर्च्य॥ वायुमहात्मं तथा
गार्त्यं पञ्चत्त्वं स्यातिरिणः। विष्णुं न नियोगस्ति प्रति पति न वेदमू॥

H. v.—41
41 and 131, VIII. 168, 242, 339, IX. 182 and X. 63. In Manu-
smṛti IX. 17 Manu is said to have consigned certain special
matters to women in general (Manur-akalpayat). Manu
Prajāpati is mentioned in X. 78 and in XII. 123 it is stated
that the highest Purusa is called by some as Manu Prajāpati.
I have not been able to find in the Manusmṛti any mention
of Pracetasa Manu as having said something, but in I. 35 among
the ten Prajāpatis that primeval Manu (son of Virāj) created
Pracetasa is one. Therefore, it boils down to this that in the
2684 verses of the Manusmṛti (in the Nir. edition) Manu
(whether simply as Manu or as Svāyambhūva or as Prajā-
pati) is mentioned only about twenty times. In many of
these cases the words ‘Manurāha’ or ‘Manur-ābravit’
or ‘Manor-anuśāsanam’ are ‘pādapūraṇa’. The earliest ex-
tant commentator (Medhātithi) on Manu IV. 103 expressly
says ‘Manugrahaṇam ślokapūraṇārtham, vikalpārtham-anye.’
This shows that there was at least among those who could
read and understand the Manusmṛti, no idea about deceiving
anybody and that learned people at least did not understand
the words as meaning that the primeval Manu had said so.
The general tendency in the Manusmṛti is to have a complete
proposition or idea (and not more or less) in one verse of 32
syllables. In several cases where that seemed difficult these
words were added as ‘padding.’ In the few cases where great
conflict of views is expressed in the extant Manusmṛti, the
words ‘Manurabravit’ or ‘Manurāha’ or ‘Manor-anuśāsanam
do not occur. For example, as to the propriety of a brāhma-
ṇa marrying a woman of the śūdra class the opinions of four
sages are mentioned (in Manu III. 16). But no words like
‘Manu svāyambhūva’ or ‘Manur-ābravit’ occur there. The
opinion of the extant Manusmṛti is that by marrying a śūdra
woman a brāhmaṇa falls into naraka (hell) and by procre-
ating a son from her he loses his status as a brāhmaṇa (Manu
III. 17), while Bhṛgu’s view seems to be that a brāhmaṇa be-
comes a condemned sinner by having a child (son or daugh-
ter) from her. If the entire extant Manusmṛti proceeds from
Bhṛgu, pupil of the primeval Manu, the Bhṛgu (in III. 16)
seems to be a different person altogether. It may be noted
that Aparārka on Yāj. II. 96 (p. 696) quotes a verse of Bhṛgu

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333 विद्यासानिवेदीशु महोत्कामी च संहिते। आचार्यमन्नवयायमेतेऽ मनुस्मर्तायेत्।
मनु. IV. 103.
on ordeals in which the view of Manu is stated. That means that there was a work of Bhrigu before Aparārka in which Manu was cited. There are only two cases (in the present author’s opinion) where Manu’s views are set out and where he may be said to assert his views as against those of others. One is connected with the question of the śrāddha to be offered to three ancestors, when the performer’s father and great-grandfather are dead, but the grand-father is alive. In this case Manu gives two alternatives in III. 221–222. The Kalpataru on Śrāddha (p. 240) states three views about this matter. The other case is about eating the flesh of animals (discussed at length in the Manusmṛti in V. 26–56). The general tenor of the extant Manusmṛti is against flesh-eating, but there was Vedic authority for offering flesh on certain occasions; therefore, Manu allows the killing of animals only on four occasions (in Madhuparka, in Yajña, in Śrāddhas and rites in honour of gods) and forbids it in other cases (in V. 41).

E. W. Hopkins, in his paper on ‘Professed quotations from Manu found in the Mahābhārata’ in J. A. O. S. Vol. XI. pp. 239–275 indulges in some very strongly worded and uncalled-for criticism of the extant Manusmṛti and of the views attributed to Manu in the Mahābhārata and in later legal and other works. A volume would be required to refute the one-sided remarks of Hopkins. But a few samples must be given. On p. 268 he observes ‘the Śāstram was in great part collated between the time when the bulk of the epic was composed and its final completion, that previous to its collation there had existed a vast number of sententious remarks, proverbial wisdom, rules of morality etc. which were ascribed, not to this treatise of Manu at all, but to the ancient hero Manu as a type of godly wisdom. These I conceive to have floated about in the mouths of the people, not brought together but all loosely quoted as laws or sayings of Manu and these sayings were afterwards welded into one with the laws of a particular text (sect) called the Mānavas. ... I fancy this sect built up their ācāra (usages) and Kuladharma (family law) out of their own heads, not ascribing them to Manu.

334 भेद:। येषु परिपुर्व दिग्द्वान सृतिचुता (v. 1. यूतिश्वाा) वलतु:। कार्येन-। त्वज्जनलाति नामविशव्वत्व त्यज्जनमु:। अपराध:। p. 696.
Hopkins is obsessed by the occurrence of words like 'Manurābravit' in the Manu-smrīti and asks "if Manu says all, why emphasize a few? According to my theory these Manu verses found in the Manu treatise were simply caught up and drawn from the hearsay of the whole Brahmana worlds. Doctrines utterly at variance with the Mānava treatise are palmed off upon us with "Manu said" doctrines". It has been shown above that there are less than two dozen 'Manu said' (to use Hopkin's phrase) verses in about 2700 verses of the extant Manu and most of them do not at all teach doctrines at variance with the Mānava treatise. This is a specimen of what some Western Scholars on account of preconceived baseless notions write about Indian works and Indian people. On p. 270 he winds up his diatribe in the following words 'in my opinion the devotees of the legal Śāstra were more knaves than fools.' There is no need to criticize these baseless and purely subjective remarks and wild theories about thousands of floating Sanskrit verses among people thousands of years ago, their being welded into one śāstra and new custom started on the basis of these verses by a sect like the Mānavaśas. Apart from the Manusmṛti (in which phrases like 'Manurābravit occur a number of times) such references do not occur at all in Yāj.; there are only a few places in Nārada where such phrases occur and in other early smṛtis also there are only a few such references. Some later smṛtis do mention Manu in some cases. The reason is obvious. Manu was famed as the great law-giver of ancient times. Some practices and rules had changed in the course of centuries. Later writers wanted changes according to their lights to be recognised, but, if they had stated them in their own names, little weight would have been attached to them, therefore they probably hit upon the plan of saying in some cases that the view propounded by them had the authority of Manu. Hammurabi professed to have received laws from the Sun. Prophets of several religions profess that what they say is inspired by God Himself. Luther, who rebelled against the authority of the Pope, denounced Copernicus as a fool and relied upon the Bible for proving that it was the Sun that had motion and not the earth. One should like to know whether Hopkins would have been prepared to dub as knaves ancient prophets who claimed to have received directly from God what they preached. Hopkins (in JRAS Vol. XI. pp. 243-246) collects some impreca-
tory verses occurring in grants of lands stating that he who deprives a donee of land given by former donors or by himself incurs great sin and falls into hell for long periods and so forth. Sometimes such verses are ascribed to Vyāsa (as in E. I. Vol. VI. p. 363 of śaka 500 i. e. 578 A.D., where the three verses ‘Bāhubhir Vasudhā ... ... phalam,’ ‘Svadattām ... pālānam,’ and ‘Svadattām ... ... kilbiṣam,’ sometimes to Manu and rarely to God Brahmā, as in E. I. VIII. p. 233–235). He does not notice that comparatively very early grants do not associate the verses with any name whatever e. g. in the Oṅgūḍa plates of Sālaṅkāyana rular Vijayaskandavarman (in E. I. Vol. XV. p. 249) the grant ends with the words ‘atra ca dvau slokāvudāharanti’ and the two verses ‘svadattām’ and ‘na vīṣam’ are cited without anybody’s name and which are Nos. 3 and 11 of the 43 imprecatory verses collected by the present author on pp. 1271–77 of Vol. II. of H. of Dh. He himself points out that the extant Manu does not contain anything of this sort, that Manu XI. 26 is the only condemnatory verse about theft of land which merely asserts that the man who steals the property dedicated to God or to brāhmaṇas has to subsist in his next birth on the leavings of virtutes. He also shows that the Mahābhārata (Śānti 136. 2) exhorts the king not to fill his treasury by taking the property of those who perform sacrifices nor the property dedicated to Gods. Yet he could not avoid the temptation of having a fling at Manu in the words ‘the fact that these quotations are often ascribed to Vyāsa as well as to Manu points to the real worth of this Father Manu’. If people, in order to frighten those who might intend to grab property of temples and brāhmaṇas use the name of Manu (human lawgiver).

In E. I. VIII p. 233 at p. 235 (Chandalur Plates of king Kumāraviṣṇu II of the Pallava dynasty) the account ends with the words ‘अपि वात्र बहामीतः चोकः’ and four verses condemning the resumption of lands once granted are set out viz. the verses ‘भूमिदानलपते दानं, स्वदत्तं परदत्तं बा, ौ, ौ: पूर्वतेरैवेव दशों भूमि हदेनु य:’, and बहामीर्युथादन्कस्मयः. Vide II. of Dh. Vol. II. pp. 1271–1277 in which I have collected 43 verses occurring in Inscriptions and Sanskrit works condemning the resumption of lands granted where the four verses of E. I. VIII occur as nos. 23, 3, 26, 1 respectively and for which several references are given.
Manu is not at fault. And such people are certainly not as blamable as men claiming to have direct messages from God in this matter.

There is a rather involved account in the extant Manu-smṛti about the creation of the world by Paramātmā. Sages ask Manu to expound the Dharma of Varna and intermediate castes; the evolution is briefly described in the summary of the first chapter above. Towards the end of the first chapter the Manusmṛti winds up by stating the appropriate actions for the four varṇas, the pre-eminence of the brāhmaṇa and by proclaiming that the highest Dharma is ācāra as propounded by the Vedas and the Smṛtis and that the Smṛti declares the Dharmas of countries, castes, families, heretical sects and of gaṇas (guilds and oligarchies).

The description of Manu as the son of Brahmā and the primeval promulgator of laws is a mere camouflage or disguise. The extant Manusmṛti mentions such human authors as Atri, Utathyaṇayanā, Śaunaka, Bṛgu (all in III. 16), Vasiṣṭha (as laying down the proper rate of interest in VIII. 140); also mentions Smṛtis beyond the pale of the Veda (XII. 95) and above all refers to dasyus who speak mleccha languages and Ārya languages such as Paundrakas, Odras, Kāmbojas, Yavanas, Pāradas, Pahlavas, Cīnas, Śakas, Kīratas, Daradas and Khaṇṇas (X. 44–45). Similarly, the Śāntiparva (in chap. 65) mentions in a dialogue between Indra and Māndhātṛ (verses 13–14 quoted below) sixteen dasyu-like peoples and in verses 17–21 sets out the Dharmas that should be practised by those people described as living like dasyus. We know from the 13th Rock Edict of Aśoka that he tried to propagate dhamma among Yona-kambojas, Nabhāka, Nabhapanti, the Andhras and Pāradas, Bhoja-pitenikas and in the 5th Rock Edict also he mentions Yona-Kambojas, people of Gandhāra, the Bītiṇikas, Pitenikas and other Western people. These references to people to the West of Āryāvarta would indicate that the extant Manusmṛti is not older than about 200 B.C.

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336 यवना: किरता गान्धाराधीना: सवर्णवर्गः। शकासुतप्रायः कहावें महा दायर्यता-संकेतः। पौष्ण: पुरुषोपत्ता रमणोऽस: काम्बोजाधीव सर्वशः। कथा धर्माकारिकथिता सवं विद्यवसिन:। माध्येत कथा स्थायीः सवं वः दस्युवसिन:। शाश्वि 65,13-15
I shall now address myself to the discussion of the age of
the Manusmṛti from external and internal evidence. That ques-
tion is bound up with other problems, viz. whether there
are earlier and later strata in the extant Manusmṛti, whether
the Manusmṛti was recast several times or once only, what
relation exists between the Manusmṛti and the Mahābhārata.

First the external evidence may be taken up. The bhā-
sya of Medhātithi is the earliest extant commentary on the
Manusmṛti and was composed about 900 A. D. as will be
shown later on. The text commented upon by Medhā-
tithi was the same (barring a few various readings) as
the one we now possess. Therefore, long before 900 A.D. the
Manusmṛti was the same as now. Viśvarūpa in his commentary
on Yāj. quotes over two hundred verses of the Manusmṛti
either wholly or in part from all the twelve chapters beginn-
ing with the very first verse. The text that Viśvarūpa had
before him was the same as the present Manusmṛti and the
verses were arranged in the same order as at present. Viśva-
rūpa quotes eight verses (Manu XI. 108–115) from Manu (on
Yāj. III. 262). Śaṅkarācārya in his Vedāntasūtra-bhāṣya
quotes the Manusmṛti very frequently. For example, he quo-
tes Manu I. 5 and 21 (on V. S. I. 3. 28), I. 27 (on V. S. IV.
2. 6), II. 87 (on V. S. III. 4. 38), X. 4 and 126 (on V. S. I. 3.
36), XII. 91 and 105–6 (on V. S. II. 1 and 11). In his bhā-
sya on the Br. U. he quotes Manu dozens of times and calls
the Manusmṛti 'Mānavam' (on Br. U. I. 4. 17). He looks
upon the Manusmṛti as one of the authorities on which the
author of the Vedāntasūtra relies. The Tantravārttika of
Kumārila stands in a special relation to the Manusmṛti.
Vide J B B R A S for 1925 pp. 98–100. He places Manu at
the head of all smṛtis, even higher than the dharmasūtra of
Gautama. He cites numerous quotations from the first chap-
ter of the Manusmṛti to the last. He looks upon all parts of
the extant Manusmṛti as equally authoritative and regards
the Manusmṛti as the highest authority on matters of dharm-

337 ṁanaye न सर्व श्रद्धा कामदेहुक्तवेचि. Vide. मण. II. 4.
338 On the Sūtra सर्वदेह म (वेदांतशृण्य III. 1. 14) Śaṅkara adds
"मनुव्यासप्रमुखय: भिन्नः: ".
ma. The Mrçchakatuaka (9.39)\textsuperscript{339} refers to the ordinance of Manu that a Brâhmaṇa sinner was not to be sentenced to death, but was to be banished. An inscription of the Valabhi king Dharasena dated in the year 252 of the Valabhi era (i.e. 571 A.D.) speaks of a king as one who obeyed\textsuperscript{340} the rules composed by Mauu (I.A. vol. 8 p. 303, Gupta Inscriptions p. 165). Vide also I.A. vol. IV. p. 105 where the same words occur in an inscription from Valabhi dated 216 of the Valabhi era (i.e. 535 A.D.). Šabarāsvāmin, the bhāṣyakāra of Jaimini’s sūtras, who cannot be placed later than 500 A.D. and may be a few centuries earlier still, says “Manu and others have given instruction”\textsuperscript{341} and quotes a verse as a smṛti passage which is practically the same as Manu VIII. 416 and similar to Udyoga-parva\textsuperscript{342} 33.64. Aparārka and Kullūka point out how the Bhavisyapuruśa expounds passages of the Manusmṛti (vide Kullūka on Manu XI. 72, 73, 100 and Aparārka pp. 1071, 1076).\textsuperscript{343} It will be shown below that Bhṛhaṣpati must have composed his work before 500 A.D. Bhṛhaṣpati says that the Manusmṛti occupies a pre-eminent position because it correctly represents the sense of the Veda and that a smṛti which is in conflict with Manu is not esteemed.\textsuperscript{344} Bhṛhaṣpati in nume-
rious places pointedly refers to the present text of the Manu-
smṛti. One such quotation about niyoga has been cited above
(note 187 ). Brhaspati says “Manu has spoken of quantities
(units of weights) beginning from the mote in the sun-beam
to the kārsāpaṇa.”345 This is obviously a reference to Manu
8. 132-136. Brhaspati says “Manu enumerated thirteen sons
and, just as in the absence of clarified butter, oil is a substitute,
so in the absence of an aurasa son or a putrikā, the eleven
kinds of sons are a substitute.”346 This has in view Manu IX
158-160, 180, 127-130, where Manu speaks of the twelve
sons, out of whom eleven are substitutes and advocates that
a sonless man should appoint a daughter (putrikā, who then
is the 13th kind of son). In another place Brhaspati347 decla-
res “Manu forbade gambling as it destroys truth, purity and
wealth; but others allowed it, provided a share was given to
the king (in the gains of gambling).” This very aptly
describes the attitude of Manu (IX. 234) and of Yāj. (II. 201–
203). Brhaspati says “If a man kills a cow with a weapon
&c., he should perform the penance laid down by Manu, but if
he kills a cow by forcible restraint, then he should perform
the penance laid down by Āṅgiras or Āpastamba.” The
reference is to Manu XI. 108-115, Āpastamba Dh. S. I.
9. 28. 1 and Āṅgiras verse 27 (Jivananda, part I. p. 556).
In one place Brhaspati seems to criticize Manu (IX. 219) when
he says: ‘those who declared clothes and other things to be
impartible have not considered the position that the wealth
of the rich may consist of clothes and ornaments”.”348 In

345 संख्या रसिकोपमृत्त गुरुनाम स्वस्तिकपूर्वति सा दिव्यविनय स्वरूपमति तथा ||
quoted by अपारको on याज. II. 99 and by the स्वैराणि (व. p. 211).

346 पुत्रमेकोत्सत भूकं मनुना येन पुरेढः || सन्तानकारणे तेषामौरस: पुत्रिका यथा ||
आज्ञा विना नया तेधल सिद्धे: प्रतिनिधि समुद्रम् || तथा दादते पुत्रमेकोत्सत
पुत्रिकासमारोपितम् ||, quoted by अपारको on याज. II. 128-132 and the
दक्षिणापत्यम् (p. 39).

347 यूर्ति निषिद्ध मनुना सत्य (वृृ) शौचयनन्दाश्वम् || तत्सवयत्यस्यैस्य स्राव्यमथानः
न्तिचतुम् || सर्वधकारिणी कथे तत्सवयान्तिहुना ||. It is striking that याज्ञा uses
the word तस्करणाकारणादृशी in II. 203.

348 व्याक्योऽविनामया यैलंक तैत्तिक्तिपुरुष || वहने भवेत्रमुद्रामां व्याक्योऽविनामया
सर्वधकारिं || quoted by अपारको on याज. II. 119 and by the
व्यवहारसुयसु.

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another place Brhaspati says "Bhrigu spoke of sale without ownership after deposit; listen to it attentively, I shall speak of it with more details." This keeps in view Manu VIII. 4 and clearly shows that Brhaspati was well aware of Bhrigu's connection with the extant Manusmrti. Angiras as quoted in the Smrticandrika (I. p. 7) speaks of the dharmastras of Manu. In the Vajrasuci of Asvaghosa (ed. by Weber) several verses are quoted as from the 'Manavadharma' which occur in the extant Manusmrti, though it must be admitted that there are others that do not occur. In the Ramayana also there are verses cited as from Manu which occur in the extant Manusmrti; vide Kiskindha 18. 30-32 (Gujarati Press, 1915-1920), where two verses are quoted as 'sung by Manu' which correspond to Manusmrti VIII. 318 and 316 respectively.

The foregoing discussion of the external evidence shows that writers from the 2nd century onwards (if not earlier) looked upon the extant Manusmrti as the most authoritative smrti. This position it could not have attained unless several centuries intervened between it and these writers. Therefore it must be presumed that the Manusmrti had attained its present form at least before the 2nd century A.D. Even the Mahabhasya contains a verse which is Manu II.

349 निश्चयानन्तर आंको मुख्यालयानिक्षिप्तम्। संयतां ते प्रयत्नेन सतिः वेगत्वमेहम्। विवादतामध्यः। p. 100. The words of मनु are: तेषामावधियानां निश्चयानन्तराय प्रस्तावनिक्षिप्तम्।

350 e.g. उर्फः हि मानवे धर्मं—सतः वति मातिः लक्ष्यम् लक्षणस्य वा। व्यासस्वाप्ते भवति ब्राह्मणः: श्रीरविक्रयात्। (this is मनु X. 92); उर्फः हि मानवे धर्मं न श्रीवेंपिनिष्ठत्वा निश्चयानन्तराय प्रस्तावनिक्षिप्तम्। (this is मनु III. 19); उर्फः हि मानवे धर्मं श्रीवेंपिनिष्ठत्वा निश्चयानन्तराय प्रस्तावनिक्षिप्तम्। (this cannot be traced in the extant Manusmrti); द्वाः हि मानवधियानन्तराय प्रस्तावनिक्षिप्तम्। अर्यमर्यामस्यमः केषो नाम महामुनिः। तपस्वा ब्राह्मणो जातमायास्वार्धतिः। तस्मात् श्रीवेंपिनिष्ठत्वा निश्चयानन्तराय प्रस्तावनिक्षिप्तम्। This is followed by several verses citing instances of व्यास, तत्त्वज्ञ, विश्वास्य, विश्वामित्र, नारद and others, who, though born of women of low class, became sages. These verses also are not found in the extant मनुस्मृति.
120. But as the verse occurs also in the Anuśāsana (104, 64–65) no chronological conclusion can be drawn therefrom. The Pratimānātaka (after V. S.) speaks of ‘Mānaviyadharmāśāstra’ and ‘Prācetasa-srāddhalkaṇa’ but as it is in controversy whether that work can be ascribed to the ancient Bhāsa this reference will serve no useful purpose.

The next question is whether the Manusmṛti contains earlier and later strata. There can be no doubt on this point. On numerous points the Manusmṛti contains conflicting doctrines. In Manu III. 12–13 a Brāhmaṇa is allowed to have a śūdra woman as wife, while in III. 14–19 it is emphatically asserted that a śūdra woman cannot be the wife of a brāhmaṇa and heavy disabilities are prescribed for him who breaks the injunction. In III. 23–26 there are contradictory statements about the appropriate forms of marriage for the several castes. In one breath Manu seems to permit niyoga (9. 59–63) and immediately afterwards he strongly repudiates it (9. 64–69). The lengthy discussion on flesh-eating in Manu V. 27–56 discloses different mentalities. At several places the work seems even to recommend flesh-eating in sacrifices, srāddhas and madhuparka (V. 31–32, 35, 39, 41), while elsewhere it recommends total abstinence from meat on all occasions whatever (V. 48–50). In one śloka (Manu II. 145) the father is said to be equal to a hundred ācāryas, while in the next verse the ācārya is said to be superior to the father. In V. 1 Bhṛgu is said to have sprung from fire, while in I. 35 he is said to be one of the ten sons of Manu Svāyambhūva. Vide also IX. 32–56.

Bühler devotes considerable space to this question (S. B. E. vol. 25, pp. LXVI–LXXIII). He arrives at the conclusion that the cosmological and philosophical portions in the first and 12th books, the philosophical disquisition in II. 89–100, the classifications of pitaraḥ in III. 193–201, the means of subsistence for Brāhmaṇa in IV. 1–24, verses 1–4 of the fifth book, the rule about mixed castes (X. 1–7) and the duties of castes that are repeated in X. 101–131 were put in when the work was versified from the Mānavadharmasūtra. Though
one may not agree with all the details of Bühler’s examination and with his theory about the versification of the Mānavadharmaśāstra, it may be admitted that most of the passages pointed out by him have rather the flavour of comparative modernity about them. My own position is that the original Manusmṛti in verse had certain additions made in order to bring it in line with the change in the general attitude of people on several points such as those of flesh-eating, niyoga &c. But all these additions must have been made long before the 3rd century A. D. as the quotations from Brhaspati and others show.

In this connection it is pertinent to note that the text of the Manusmṛti has been the same with very few exceptions at least from the 6th century onwards (as the quotations in the Tantravārtika and in the Śaṅkarabhaṣya on the Vedāntasūtra and as the commentaries of Medhātithi and others show), while the text of the Mahābhārata differs greatly in the different editions published in our country.

To cite a few examples; Śaṅkaracārya on V. S. I. 2. 19 quotes the latter half of Manu I. 5, on V. S. I. 3. 28 refers to Manu I. 21 in slightly different words, on V. S. IV. 2. 6 quotes Manu I. 28 (‘aṁvyo’ &c.), on V. S. I. 3. 36 refers to Manu X. 4 (about Śūdra) and quotes the first half of Manu X. 126; on V. S. II. 1. 1 quotes the whole of Manu XII. 91 and on V. S. II. 1. 11 he quotes Manu XII. 105-6. From this it is clear that he had before him the extant Manusmṛti (from its first to the last chapter) and treated it as an authoritative Smṛti. Similarly, Kumārila (who, according to the present author, wrote his Tantravārtika between 650-700 A. D. (as shown on pp. 1191, 1198 and notes 1946 and 1952 of H. of Dh. Vol. V.) quotes many verses of Manu (sometimes as Mānavam).

The Tantravārtika stands in a special relation to the Manusmṛti. Whenever the author speaks of Smṛtis, that of Manu is the first to come to his mind and Kumārila refers to him even before the Gautamadharmaśāstra. A few examples may be cited. After finishing the discourse on the importance of Veda (consisting of Vidhis, Arthavādas, Mantras and nāmadheyas), Kumārila starts his discourse on the Smṛtis and mentions Manu as the representative of or foremost among Smṛtis. On p. 165 he quotes Manu II. 6-7, though he employs
the plural 'smṛṭṛbhīḥ' i.e. smṛṭikāraḥ). On the question of
the duration of the stage of student-hood (brahmacarya) for
various periods, he first quotes Manu (III, 2) and then Gau-
tama Dh. S. II. 51–52 (on p. 192). The Tantravārtika states
that authors of Śmrīti are generally prepared to accept as
authoritative the usages of countries, castes and families, that
are not opposed to the Vedas and first quotes Manu II. 6 and
then Gaut. Dh. S. XI. 20.

Another problem is whether the Manusmrīti has under-
gone several recasts. This does not seem likely and the evi-
dence adduced in support of the theory that the Manusmrīti
suffered several recasts is quite inadequate for the purpose.
The occurrence of several conflicting passages can as well be
explained on the theory of a single recast and it has also to be
borne in mind, as Bühler points out, that Sanskrit writers
down to the most recent times are in the habit of placing side
by side conflicting opinions without actually preferring a
particular view to others. The tradition of the Nāradasmṛti
that the śāstra of Manu was successively abridged by Nārada,
Mārkaṇḍeya and Sumati Bhārgava is, as has been observed
above, not worth much, since it is merely intended to glorify
Nārada’s work. The other traditions given above either
ignore Nārada altogether or assign him a secondary position.
The present Manusmrīti is put into the mouth of Bhṛgu.
Nārada’s smṛti is clearly based upon Manu, though the former
diverges from the latter on many points. Brhaspati
generally takes Manu as his text and amplifies the dicta of
the Manusmrīti (as the verses quoted above in notes 345–348
show) and so his work may by analogy be regarded as a
Vārtika on Manu, as Dr. Jolly puts it. Āṅgirasa also looks
upon Manusmrīti as most authoritative. It is therefore that
the Paurāṇic account (note 321 above) regards Bhṛgu and
other works as the redactions of the original Manusmrīti.
The quotations cited from Vṛddha-Manu and Brha-Manu do
not establish that the original Manusmrīti underwent many
recasts. Quotations cited under these names are later than
the Manusmrīti. Viśvarūpa (on Yaj. I. 69) quotes the views
of Vṛddha-Manu on niyoga, who allows it only to śūdras.
The Mitākṣarā quotes a verse from Vṛddha-Manu about the
widow of a sonless man being entitled to all her husband’s
wealth while Manu is silent on that point. The Mit. on Yāj. II. 135–136 and Mādhava (in Parāśaramādhaviya) quote a verse and a half from Brhan–Manu, which are expansions of Manu (V. 60). The fact that many quotations ascribed to Manu in several works are not found in the extant Manusmṛti is explicable in several ways and not only by the theory of several recasts. For one thing the authors quoting from memory may be found tripping. For example, in an inscription of the Badami Cālukyas of the 7th century two verses that occur in most grants of lands are ascribed to Manu, but are not found in the extant Manusmṛti. No one can for a moment doubt that the extant Manusmṛti was an authoritative work in the 7th century. Therefore, there is hardly any reliable evidence to support the theory that the Manusmṛti suffered several recasts.

Turning now to the internal evidence, the extant Manusmṛti seems to be much older than Yājñavalkya, since the rules of judicial procedure are incomplete and awkward in Manu as compared with Yāj., since there is no reference to documents as evidence in Manu, as ordeals are not treated of in Manu, as legal definitions are almost absent in Manu, while frequent in Yāj., and as Manu is silent about the widow’s rights, while Yāj. gives her the first place among the heirs of a sonless man. So the Manusmṛti will have to be placed some centuries earlier than the third century A. D., the latest date to which the Yājñavalkya smṛti can be assigned with any show of reason. In X. 44 Manu mentions the Yavanas, Kāmbojas, Sakas, Pahlavas and Cinas and in X. 48 Medas

352 अनुभाव शयनं भूतः पावयन्ति घर्तिता। पर्यन्येऽद्यात्मिकं द्वारामयं लघुते 
II मिता. on याज्ञ. II. 135.

353 तद्यर्थम् बुद्धमनुना—सभिषिता दुष्पर्यं सत्त्वं विनिमित्तोते। समानोदकमावस्थु 
निर्वर्तेन्द्रवर्षयात्। जननामस्त्रेततेऽत्परं मृणमुच्यते। परशारायणयाय 
vol. III, para 2, p. 528.

354 मनुभृतं जेर्मुद्दहनन्ति मुक्त: राजभ: समग्राधिभः। and 
स्वतं परदता वा यो हृदत वसुवर्दनम्। &c. I. A. vol. VIII. p. 97.

355 पौराणिकोऽद्विदा: काम्बोजायणं शक्ता:। पार्श व: पहलवीनाः। किराण 
दर्शा: ख्याता:।
and Andhras. This shows that the extant Manuṣmṛti could not be much earlier than the 3rd century B.C. The Yona, Kāmbodha and Gāndhāra people are mentioned in the 5th rock edict of Aśoka. Manu forbids Brāhmaṇas to dwell in the kingdom of a Śūdra (IV. 61) and condemns the appointment of a śūdra as a judge (VIII. 20-21). The late Mr. Jayaswal in his work 'Manu and Yājñavalkya' p. 32 refers to Manuṣmṛti XII. 100356 (among other matters) which states 'a person who knows the science of the Veda deserves the post of the commander—in-chief, the kingdom itself, the leadership in Government and the overlordship of all the world'. He thinks that this is a sample of the aggressive brāhmaṇa spirit that arose when Puṣyamitra Śuṅga became king. Puṣyamitra was a Senāpati before he became king. Mr. Jayaswal cites other examples of this spirit (such as Manu VIII. 20 which states that 'even a brāhmaṇa in name only who maintains himself out of the superiority of his caste may be a judge but a śūdra never.' This was nothing new. Centuries before the extant Manuṣmṛti, the Tai. S. (I. 7. 3. 1) states that Brāhmaṇas are gods that are directly seen. Gaut. VIII. 1 placed the learned brāhmaṇa on the same level as the king. The extant Manuṣmṛti in its arrangement and doctrines is much in advance of the ancient dharmasūtras such as those of Gautama, Baudhāyana and Āpastamba. Taking all these things into consideration Bühler (S B E vol. 25 p. CXVII) was certainly right in saying that the extant Manuṣmṛti was composed between the second century B.C and 2nd century A.D. But the question of the date when the original Manuṣmṛti to which additions were made between the 2nd century B.C. and 2nd century A.D. was composed presents very great difficulties. That question is largely bound up with the relation of the Mahābhārata to the Manuṣmṛti.

This question is an extremely intricate one. The late V. N. Mandlik (Intro. to the Vyavahāramayūkha XLVII) held that the Manuṣmṛti borrowed from the Mahābhārata. Bühler after an elaborate examination of the question (S B E vol. 25, pp. LXXIV-XCVIII) came to the conclusion that it was indisputable that the 12th and 13th parvama of the Mahābhārata knew a Mānavadharmasāstra which was closely

356 सेनापतिः च राज्यं च दृढ्मेतुमेव च। सचेत्काथितं च वेदशास्त्रविद्धिः II
मनुस्मृतिः XII. 100; तत्स्य. संस्कृतम्। अते वै देवतः क्यस्य यदृ भ्राष्टरः;
connected with but not identical with the present Manusmr̥ti. Bühler expresses himself very cautiously and it seems to me that the great scholar was unduly prepossessed in favour of the Mahābhārata as against the Manusmr̥ti. Bühler somewhat contradicts himself when he says that the author of the epic only knew the dharmasūtras (SBE vol. 25, p. XCVIII). Hopkins (Great Epic of India p. 21-22) seems inclined to hold that the 13th book which alone, according to him, recognises the śāstra declared by Manu, knew the present Manusmr̥ti, though the earlier books cannot be held to have known a śāstra of Manu even when they employ such expressions as "Manu said." He thinks that there was a floating mass of verses containing philosophical and other lore attributed to the mythical Manu on which the earlier books of the Mahābhārata and the Manusmr̥ti both drew and that the matter that is common to both works was not borrowed from any systematic treatise. Bühler accepts this view with the slight modification that the floating mass of verses was not all attributed to Manu (SBE vol. 25 p. XC). Before giving my individual views on this vexed question as against the array of such eminent scholars as Bühler and Hopkins some facts must be clearly set forth. The Mahābhārata is nowhere mentioned by name in the Manusmr̥ti, though the word "itihāsa" (in the plural) occurs in Manu (III. 232). The Manusmr̥ti mentions many historical and legendary personages, about most of whom the Mahābhārata contains similar stories. The following are the persons so mentioned in the Manusmr̥ti. Āṅgirasa (in II. 151-152, addressing his elders as ‘putrakāh’); Agastya (V. 22, in connection with sacrificing animals); Vena, Nahusa, Sudās Paijavana and Nimi (all in VII. 41; coming to grief through insolence); Prthu, Manu, Kubera and the son of Gādhi (VII. 42), benefiting by their good conduct; Vasiṣṭha (in VIII. 110, taking an oath before king Paijavana); Vatsa (in VIII. 116, undergoing fire ordeal); Aksamāla and Sāraṇgi (in IX. 23, though of low birth, respectively were united to Vasiṣṭha and Mandapāla); Dakṣa (in IX. 128-129; gave his daughters to Dharma, Kāśyapa and Soma); Ajīgarta (in X, 105, who was ready to sacrifice his own son); Vāmadeva (in X, 106, desired dog’s flesh to save his life); Bharadvāja (in X. 107, who accepted the gift of many cows); Viśvāmitra (in X. 108, who took from a Cauḍāla’s hand a dog’s leg). Prthu is also mentioned (in IX. 44) as the husband of the earth and in IX. 314 Brāhmaṇas are credited with having
made fire all-devourer, the ocean undrinkable and the waning (phthisical) moon to wax. Most of the names mentioned here go far back into Vedic antiquities. For example, Vasiṣṭha’s oath occurs in Rgveda (VII. 104. 15) and the Brhaddevatā (VI. 32–34), Ajigarta figures in the Aitareyabrāhmaṇa (VII. 16) and Āṅgirasa’s story occurs in the Tāṇḍyamahā-brāhmaṇa (13. 3. 24). Besides, the Manusmṛti does not say that the stories are taken from the great epic. The Mahābhārata also was not the first to originate these stories but is only a storehouse and encyclopaedia of the numerous popular traditions that were current in ancient India. When our Manu (9. 227) says that gambling was seen to have produced in former ages deep-rooted enmities, it is unnecessary to suppose that there is a reference to the Mahābhārata, for, from Vedic times the evil effects of gambling were known (vide Rgveda X. 34) and even the Mahābhārata contains the same verse (Udyoga 37. 19), though this fact was not noticed by Bühler. On the other hand, there are numerous passages in the Mahābhārata scattered over almost all the parvams, where occur such expressions as, ‘Manur-abravīl,’ ‘the rājadharmas of Manu,’ ‘the śāstra of Manu’ etc. Some of these passages agree with the extant Manusmṛti, while some do not. Besides, there are hundreds of verses in the Mahābhārata that are identical with the verses of the Manusmṛti, though they are not expressly attributed to Manu. Dr. Bühler says that in the Vana, Śānti and Anuśāsana parvams alone he could identify either wholly or partly 260 verses with those of our Manu. What then is the conclusion? Prima facie it should be, on account of all these above-mentioned facts, against the Mahābhārata and in favour of the Manusmṛti being the earlier of the two. Hopkins at all events holds that the Anuśāsana-parva knew a Manusmṛti essentially the same as we have now. Bühler expresses himself more cautiously and says that the Śānti and Anuśāsana parvams knew a Māṇava-dharmasāstra closely connected with the extant one, though not identical. Both are agreed that the earlier books when they speak of Manu are either referring to the Māṇava-dharmasūtra or to the floating mass of popular verses, but not to our Manu.

357 अथ गुरौय यदि गातुरानै असि &c.

h. d.—43
We must now closely examine the data. The Anuśāsana-parva distinctly speaks of ‘a śāstra declared by Manu’.\(^{358}\) In the Śāntiparva are quoted two slokas ‘sung by Manu in his own dharms,’ one of which is identical with Manu\(^{359}\) (9. 321). In another place the Śāntiparva speaks of the ‘rājadharmas of Prācetasa Manu’ and quotes two verses therefrom.\(^{360}\) In the Dronāparva (7. 1) ‘Mānavi arthavidyā’ is referred to and in Vanaparva the rājadharmas as proclaimed by Manu are referred to (Vanaparva 35. 2. 21). In other places, the words ‘Manu Svāyambhuva said’ occur (e. g. Śānti 21. 12, Anuśāsana 114. 12, Vanaparva 180. 34–35, Ādiparva 73. 9, 110. 32–36, Udyoga 37. 1–6). In most cases the words ‘Manu said’ occur without the appellation ‘Svāyambhuva’ or ‘Prācetasa’ (e. g. Śānti 73. 31, 88. 14–16, 121. 10–12, 152. 14, 152. 30, 266. 5; Anuśāsana 44. 18 and 23, 65. 1 and 3, 67. 19, 68. 31, 88. 4, 115. 52–53; Vanaparva 32. 39, Udyogaparva 40. 9–10, Ādiparva 41. 31, 74. 39). The words ‘Manor-anuśāsana’ occur in a few cases as in Anuśāsana 61. 34–35.\(^{361}\) These two verses are very interesting. ‘When the

\(^{358}\) मनुनामाहितः सांभरिष्टाय कुरूदन्त। अतुः 47. 35.

\(^{359}\) मनुना चैव राजेन्द्र गातितः श्रेष्ठो महासमन। च्यमेव खेकु दौर्यधि तैः कलिम्बहसि। अद्यमिभवेद्रतः श्रमसमो लोहमूलितम। तेषां सर्वस्य तेजः सनातन योगिः। अयो इति वदासमाम्र्मिन 'चारियं हृदये। वेदव ज्ञाननाथ उप्सी। तदार्थिनि सीद्धस्ते ते तथा। शास्ति। 56. 23–25.

\(^{360}\) प्रत्येकस्य मनुना श्रेष्ठो चैव वामवुधाते। राजमेव खेकु राजेन्द्र तार्किन्यकः। शूष। वेंतनातुमयो जातार्क्षः नावृत्तियमभासि। अपवगार्गाचारयमन्वित्यमन्त्रों। मृत्तिकार्यं जान्यं बायीं जातिवादातीमी। शास्त्रामं गोपलं वनकामं गोपासनमं। शास्ति। 57. 43–45.

\(^{361}\) पारं कदन्तः यविविक्रमाः रजाः हराध्विनाः। चतुर्थ सत्य पास्य राजा बिन्दति भारत। अथाहृतः सर्वं स्वेच्छां भूयोऽर्थिणं। निष्याः। चतुर्थ मतस्मातः मनोः। ब्रजमयूषाः। अतुः 61. 34–35. Here भीम is supposed to address युधिष्ठिर। Compare भुम्मुक्ति 8. 18 पादश्रवेरमियं कर्त्यां पाद: शालिग्रामधति। पाद: समास्तः सजात्नाप्याधि राजानमुद्गति। प्रजापिलितं केत्तं श्रीं स्वस्तन्त्रय्यही। अतुः 20. 14 and पिता रक्षति कौमारः भर्ति रक्षति यौवने। पुजाय वृहिः काशे नास्ति श्रीं। शतन्त्र। अतुः 20. 21. मनु 9. 3 is almost the same.

(Continued on the next page)
subjects are not guarded by the king, he shares in the 4th part of whatever sins they commit. Then some say 'that the whole sin is the king's,' while again some say he certainly shares in half of them (the sins); but on hearing the ordinance of Manu our view is that he shares in the 4th part of the sins. Here the author of the Anuśāsana expressly says that he puts forward his own opinion after hearing Manu's ordinance. There is no doubt that the Anuśāsanaparva clearly refers in several places to the extant Manusmṛti. In Anu. 19. 88-89 reference is made to those who know Dharmashastras about adultery. In Anu. 45. 17-20 reference is made to the Gāthās declared by Yama and set down in Dharmashastras and one verse 'Ārse gomithunam' is mentioned there, which is the same as Manu III. 53. In Anu. 20. 14 it is said that it is the view of Prajāpati that women do not deserve independence and 20. 21 is almost the same as extant Manu 9. 3. Jayaswal arrives at this conclusion (on p. 50): 'the main date may be regarded to be circa 150 B.C., the final revision and the present form would have been fixed by 100-150 A.D., not later.' He seizes upon the word 'Senāpatya' in Manu XII. 100. The word was placed first for preserving the regularity of the Śloka metre (in which the 5th letter in each pāda is required to be short) as the wording 'Rājye ca Senāpatye ca' would have the fifth letter long. Further, Manu had already stated in several places the greatness and worth of brāhmaṇasthāpita e.g. Manu in I. 93 says 'Brāhmaṇa is the lord of this whole creation, because he sprang from the mouth (of the Creator as stated in Rg. X. 90. 12), as he is the senior (among the four varṇas), as he preserves the Veda (by memorizing it) and since he propounds Dharma'. Vide also I. 99-101 (which

(Continued from the previous page)

अभावित्विविद्धोण्य दुस्तरां मुनु मुनस्त: नुष्ठ: । सत्ववर्षे यथा सत्वस्तः पुराण अर्कशु:।
सुरार्जुणवर्ष: 7. 6.
लय: पराये, किंतु साधन: प्रतिभू: कुटवः। चतुर्वत्तीयान्ते विश्र वाच्यो वचित्र तुष्य:। मनु VIII. 169; ३८६ नानुपूर्वो ज्ञातवित्ततः नाविवित्ताः। अग्रवाक्रमायमन्तरेऽवाग्मयान्तिवयम्। अरकशितार्य राजाम् भायाम्
चापिवारिन्निम्। वायुवर्ष: च गोपालं वनवाम् च नागिनः। शास्त्रिः।
57. 44-45, उद्वार्त्त: 33. 79-80; अतीषोत्राः राजस्वयम्या वै मनुर्वव:।
वनवर्ष: 35. 21.
occur also in Śānti 72.6,10,11 first half), also Manu VIII, 37, IX. 317, 319, X. 3. Further, there was the tradition of the Mahabharata war that after Bhima was mortally wounded, Drona, a brāhmaṇa teacher, was made commander-in-chief of the Kaurava army. The Dronaparva expressly refers to the ceremony of abhisēka in the case of Drona as commander-in-chief. Although, the Āp. Dh. S. (I. 10. 29. 7) states that a brāhmaṇa should not take in his hand a weapon even for testing it, that was an extreme view; other Dharmasūtras (like Gautama VII.25, Baud. II.2.80, Vasishtha III.24) allowed a brāhmaṇa to use arms in danger to life, for protecting cows and brāhmaṇas &c. We learn from Pāṇini (V. 2. 71) that there were before his time brāhmaṇas as professional soldiers and he teaches that the word 'brāhmaṇaka' means a country in which brāhmaṇas follow the profession of arms. Kauṭilya (in A. IX. 2. 21-24) refers to armies of Brāhmaṇas, Kṣatriyas, Vaiśyas and Śūdras. Therefore, Jayaswal's remarks on Manu XII.100 are worthless for settling the date of the Manusmṛti. Jayaswal's 'Manu and Yājñavalkya' is full of information, but it is sometimes marred by specious assumptions about ancient times for which there is hardly any solid basis. It would be impossible to deal with many such matters here for want of space. One matter, however, may be briefly mentioned here. On p. 288 of that work he propounds the somewhat startling proposition that 'Manu VIII. 169 shows that professional lawyers were already in existence in the time of the Māṇava Code'. The verse is quoted below. It literally means 'three persons have to undergo trouble (in litigation) for others viz. witnesses, sureties, kula (family members); while four persons prosper or benefit (in litigation) viz. the brāhmaṇa, the rich (i.e. the creditor who supplies money to the litigants), the trader and the king. No word in this verse can mean a lawyer by itself. Vipra ordinarily means brāhmaṇa. Gaut. Dh. S. 13. 26, Manu VIII. 9 and Yāj. II.3 expressly provide that when the king cannot himself look into the causes of his subjects, he may appoint as judge a brāhmaṇa learned in the Dharmaśastras, along with sabhivas. The Mit. quotes Kātyayana to the effect that if a brāhmaṇa learned in the Dharmaśastras cannot be found then a Kṣatriya or Vaiśya learned in Dharmaśastras may be appointed. So the general rule was that a brāhmaṇa was to be the presiding judge. He benefitted by litigation in the sense that he was paid his salary whatever the result of the litigation
might be. The king benefitted by the receipt of the fines paid by the losing parties in litigations. The commentators do not say a word about a class of lawyers helping litigants for fees. Sarvajña Nārāyaṇa and Rāmacandra paraphrase ‘vipra’ as prāḍivika; Kullīka and Govindarāja simply paraphrase ‘vipra’ as brāhmaṇa. ‘Medhātithi’s’ text as printed is not clear, yet he commented that this verse has to be connected with the preceding verse that condemns the use of force and that ‘vipra’ should not be forced to accept a gift. So it is clear, that Manu and his commentators do not speak of a profession of lawyers at all. Jayaswal refers to the Burmese code as giving a scale of fees (p. 288 n. 3). That may have been the law in ancient Burma and the Burmese might have grafted it on Manu, when they adopted Manu. He should have mentioned, if he wanted to place the matter on a sound footing, a Sanskrit Smṛti setting out a scale of fees for lawyers. Hopkins says that the words ‘the sāstra of Manu’ occur only in the Anuśāsana-parva and so only that parvan knew the Manusmṛti, while in the other parvams we have the expression ‘Manu said,’ and therefore these other books did not know the Manusmṛti but are only referring to floating verses attributed to the mythical Manu. This, however, is not a reasonable conclusion. The words ‘sāstra of Manu’ occur only once even in the Anuśāsana while in about ten places in the same parvan we come across only the words ‘Manu said.’ If the words ‘Manu said’ in the Anuśāsana indicate in the Anuśāsana a reference to the extant Manusmṛti, there is no cogent reason why the same words in other parvams should not be regarded as referring to the Manusmṛti. Besides, in the Śāntiparva also we meet with the words ‘Dharmas or rājadharmas of Manu’ and in Ādiparva the word ‘dharma-dārsane’ (120. 32). There are some important references to Prācetasā Manu in the Mahābhārata, though in the Manusmṛti no text or view is ascribed to him. The Śāntiparva (in chap. 58. 1–3) names seven propounders of Rājadharmaviz. Brhaspati, Viśālākṣa, Kāvyā (Uśānas), Sahasrākṣa, Mahendra, Prācetasā Manu, Bhāradvāja and Gaurasīras, all of whom speak highly of protection (of subjects) as the (one) Dharma for kings. The great epic quotes the views of Prācetasā Manu in Śānti (57. 44–45) that Prācetasā Manu set forth two verses in (his work on Rājadharmas.) A reference to Prācetasā’s dictum in Anuśāsana 46. 1–2 to the
effect that what the relations of a girl receive from the bridegroom's side is not a sale but that it is really meant as honour to the girl and as to be paid over to the girl. This is almost the same as Manu III. 54. In Vanaparva 35. 21 we have the words 'you have heard the Rajadharmas that were declared by Manu.' This Manu must be Prācetasa since in Śānti 58. 1–3 Prācetasa Manu is said to have been one of the expounders of Rājaśāstra.

A remarkable reference to Viśālākṣa as a writer on Niti (Rājāniti) is found in an inscription from Cambodia (No. 64 in 'Inscriptions of Kambuja' edited by Dr. R. C. Majumdar) in praise of Yaśovarman, king of Kambuja, about 889 A.D. in a highly paronomastic verse.362 That is obviously a reference to some work of Manu. Hopkins further says (Great Epic of India, p. 21) that all the express citations of Manu in the Anuśāsana except one agree very closely with our Manu, while in the other parvaṇus the citations agree only up to one-third or one-half. In the first place I demur to the latter statement. The agreements of the citations in the other books are as close and almost as frequent as in the Anuśāsana, e.g. excepting Śānti 21. 12 and 57. 43–45 all citations of Manu therein, referred to above, agree closely with Manu 7. 89, 9. 225–26, 9. 17–19 and 27, 6. 33 and 81, 11. 259–60, 5. 43 and 45 and 48–49. The same is the case with the few citations of Manu in the Vanaparva. Buhler says that the Mahābhārata knew only of the dharmasūtras. But there is positively not one express citation attributed by name to the well-known writers of dharmasūtras, such as Gautama, Baudhāyana, Āpastamba, Vasiṣṭha or Śaṅkha-Likhita. That the Mahābhārata knew several dharmasāstras is clear from over a dozen references to dharmasāstras, often in the plural (e.g. Śānti 167. 4, 298. 40, 341. 74; Anuśāsana 19. 89, 45. 17–20; Vanaparva 207. 83, 293. 35, 313. 105; Ādiparva 3. 32 and 77 etc.) The only place where a sūtrakāra is cited on matters of dharma is Anu. 19. 6; but no name is mentioned.363

362 पारदः स्थिरकर्त्यानि गुणाधिकारे : प्राकृतातिथि: । अन्नतितः विशालकाश्चुरैः न्यायविद्वाम: । (verse 69). Viśālākṣa was an author on niti; the king Yaśovarman had large eyes (but though Viśālākṣa, he wrote no work on Rājāniti). The other paronomastic words are easy.

363 अनुता: यिय इत्यवच सूत्रकारो व्यक्तिः । अनु. 19. 6; compare मनु 9. 18 निरियन्त्रया दस्तान्ताथि सियोनुमार्मिति स्वतः: ।
Hastisūtra, and Aśvasūtra are mentioned in Sabhā 5. 20, but no Dharmasūtra or Nītisūtra occurs anywhere. On the other hand Bühler is not prepared to admit that the views expressly attributed to Manu in the Mahābhārata are taken from a treatise and refers them to a floating mass of verses the authorship of which was unknown and was fathered upon the mythical Manu. Distrust of ancient Indian authors could go no further. A volume would have to be written to expose the mistakes, underlying the assumptions and fallacies in the writings of Hopkins, Bühler and some other Western scholars. The former collects two groups of passages from the Manusmṛti; group A containing 9 passages, 8 of which he admits to be ancient and holds Manu VI. 54 (about Yatipātras including ‘alābu’) to be doubtful and group B with 13 passages (3 he holds ancient, 5 doubtful and 5 others suspicious). It is impossible to agree with Hopkins in many cases which he treats as doubtful. For example, he cites Manu VIII. 59 as contradicting VIII. 139 and therefore he suspects that VIII. 139 is not genuine Manu. It has been shown above that Manu makes contradictory statements on some matters such as the practice of niyoga and the validity of the marriage of a brāhmaṇa with a śūdra woman. Besides, the apparent contradiction is easily resolved, if we hold that VIII. 59 lays down a general rule for fines and VIII. 139 contains special rules about debts only viz. if the defendant admits in court his indebtedness but has not paid the debt, then the fine for him is five pāṇas for each hundred of debt, but if he denies the debt he should be fined ten pāṇas for each hundred of debt (proved). Besides, Hopkins has misunderstood words like Manur-abravīt or-āha. Those words have not a single meaning, but are capable of several explanations; firstly, a quotation may be meant; secondly, only the gist of Manu’s words (but not his exact words) may be intended; thirdly, the quotation may be only what the writer remembers of the original text of Manu and fourthly, he may think that what he states is the proper rule and enhances its authority by ascribing it to Manu. Bühler’s assumptions are, to say the

अलकूदे दास्यात्रेण भुवनयं वैदत्ते तथा। एतानि यात्राणि पाठाणी ष्ठुं: स्वायम्भूवरं

ब्राह्मण: // मनुVI. 54. The word पाठ्र occurring only in दास्यात्रे is to be understood with all the others. Hopkins (J. A. O. S. vol. XI. at

(Continued on the next page)
least, gratuitous and are prompted by his unwillingness to assign an early date to a versified smṛti of Manu. Not only are there identical verses in Manu and the Mahābhārata, but some verses of the latter (e.g., Udyoga 35.31 and Śānti 111.66) occur in the Nāradasmṛti (pp. 103 and 26 respectively). In my humble opinion the following seems to be the relation of the Mahābhārata and the Manusmṛti. I must state frankly that it is a mere theory, a conjecture which may be taken for what it is worth. Long before the 4th century B.C., there was a work on Dharmaśāstra composed by or attributed to Śvāyambhuva Manu. This work was most probably in verse. There was also another work on Rajadharma attributed to Prācetasa Manu, which also was prior to the 4th century B.C. It is not unlikely that instead of there being two works there was one comprehensive work embodying rules on dharmā as well as on politics. There is one circumstance that points in this direction. The Mahābhārata quotes a saying (vacana) of Prācetasa which is almost the same as our Manu364 (3.54). It is to these (works or work) that Yāska, Gautama, Baudhāyana, and Kauṭilya refer whenever they cite the opinions of Manu or the Mānavas. The Mahābhārata also (particularly in the earlier portions) probably refers to the same. This work was the original kernel of the present Manusmṛti. Then between 2nd century B.C. and 2nd century A.D. the Manusmṛti was finally recast probably by Bhṛgu. That work must have compressed the older works in some cases and expanded it in others. This

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p. 274 remarks that alābu occurs nowhere else; what he means is not clear. Alābu is the bottle gourd. The Mahābhāṣya mentions alābhāḥ on vārtika of Pāṇ. IV. 1. 66. It is much older than that, Alābu-pātra occurs in Atharvaveda VIII. 29.5 (वत्स आसीदल्लाखु-पात्रम्).

The Amarakosā has तुम्बालातुभम् समी. Several Western scholars are often too cocksure. However learned and industrious he may be, a scholar would not be able to read and master the whole of the extant Sanskrit Literature. Besides, a vast literature in Sanskrit (that once existed) has perished. All scholars when stating their opinions in such cases should be cautious in what they say and should not make dogmatic statements or assertions.

364 प्रचैतस्य वचन कृतविनिष्ट पुराणिद्: || यथा: किंविवाद्यत्तो जात्यो न स विक्रयः: || अर्थं तत्कुमारीणामागुरोऽस्यतमं हि तत्: || अनुशासन 46.1-2.
hypothesis would explain why some of the verses and views quoted as Manu's occur in the extant Manusmṛti and why some do not.\textsuperscript{365} In my opinion the extant Mahābhārata is later than the extant Manusmṛti. When Nārada mentions the tradition that Sumati Bhārgava compressed the vast work of Manu into 4000 verses, he is somewhat obscurely hinting at the truth. The extant Manusmṛti contains only about 2700 verses. Nārada probably arrives at the larger figure by including the verses attributed to Vṛddhā-Manu and Brha-Manu. If Vṛddhā-Manu was a separate work it must have been composed before at least the 7th century A.D. at the latest. Viśvarūpa on Yāj. I. 69 (p. 75, Trivandrum ed. of 1922) quotes two verses on nīyoga. The Mit. on Yāj. II. 270 (first half) and 272, III, 5, 20 (latter half), 260 quotes a few verses of Vṛddhā-Manu, while Aparārka quotes him twenty times and on p. 908 quotes Manu II. 67 and immediately afterwards quotes a verse of Vṛddhā-Manu. Kāliataru on Vya. quotes Vṛddhā-Manu eight times, but in one case (on p. 402) one half of the verse is the same as Manu VIII. 157 (first half). The Śmrīcandrikā quotes Vṛddhā-Manu verses 23 times on ācāra, 6 times on Vyavahāra and 12 times on Śrāddha.

Brha-Manu is cited by the Mitakṣara only a few times i.e. on Yāj. II.135-36 (1½ verses on limits of saṁvīda and saṁvīdodaka relationship), on Yāj. III. 20 (latter half) two verses on āśauca. Aparārka cites Brha-Manu only once (on p. 910) on Āśauca. The influence of the Manusmṛti spread even beyond the confines of India. In A. Bergaigne's 'Inscriptions Sanscrites de Campā et du Cambodge' (p. 423) we have an inscription in which occur verses,\textsuperscript{366} one of which is identical

\textsuperscript{365} It is to be noted that so early a writer as शान्तरक्षित in his नवरथेश्वर (कारिका 3524, G. O. S.) expressly attributes the verse (पुराण मानवो यथा: साद्रा वेदविष्कितिर। आचारिष्वान चवारि न हन्तवादिह हेवंभ: ॥) to मनु, which was not commented upon by मेघातिथि and later commentators. शान्तरक्षित flourished about 750 A. D. i. e. a century earlier than मेघातिथि.

\textsuperscript{366} आचार्यरङ्गुहानिधिः मानवायो बहुत्रः। अभ्यायनमुणानां च परा विदेषो तत्तत्वः ॥ विचारं पार्वत्येऽः कर्म विद्या मयावी विश्वम्भवाः। एतत्तम मानवस्थायत्ती गंगो विष्णुरस्तत्रः ॥ The latter is मनु 11. 136 and the former summarises मनु 11. III. 77-80.
with Manu (II. 136) and the other is a summary of Manu (III. 77–80). The Burmese are governed in modern times by the dhammathat, which are based on Manu. Vide Dr. Forkhammer’s essay on the sources and development of Burmese Law (1885, Rangoon). Dr. E. C. G. Jonker (Leyden 1885) wrote a dissertation on an old Javanese lawbook compared with Indian sources of law like the Manusmṛti (which is still used as a lawbook in the island of Bali).

Vide the paper of Louis Finot in I. H. Q. Vol. I (1925) pp. 599-622 on ‘Hindu Kingdoms in Indo-China’ (who remarks that India has laid her mark on all the great Far Eastern countries, some of them received from her a substantial part of their religious and artistic culture and others are indebted to her for their very existence as civilized, Indo-China being the foremost among the latter). Vide an article by R. Lingat in A. B. O. R. I. Vol. XXX, pp. 284–297 on ‘Buddhist Manu or the propagation of Hindu Law in Hinayānist Indo-China’ and Dr. R. C. Majumdar in S. Krishnaswamy Aiyangar Presentation Volume pp. 445–461 on ‘Hindu Law in Java and Bali’.

Manu had numerous commentators. As to Medhātithi Govindaśarāja and Kullūka, vide below sections 63, 76, 88. (1st ed.). Besides these, Nārāyaṇa, Rāghavanandana, Nandana and Rāmacandra also wrote commentaries on Manu. Mr. Mandalik published all these commentaries. Dr. Jolly published (in 1885 for the Bengal Asiatic Society) extracts from all these commentaries (except Kullūka’s and Rāmacandra’s) and from an anonymous Kashmirian commentary on the first three chapters. Asahāya seems to have written a commentary on Manu (vide below section on him). The Vivādaratnakāra quotes a commentary on Manu by Udayakara (pp. 455, 560, 583, 590). The same work seems to suggest that Bhāguri wrote a commentary on Manu.367 For the predecessors of Medhā-

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367 On मनु 8. 198 the विवादरत्नाकर (p. 104) remarks: कल्यात्करस्य असस्तरन्तने स्माभिनः सत्यावादनमिति प्रतिगायितिनीपायः असस्तर: स न बिद्यते यथे तथा। एतच भागुपालपतिवंदनंकराणामुमत्मिलाढः।

एवं तत्त्वद्वयवदमन्नमेवायार्थम्मय सदस्य धम्म प्रतिपोषः साधितः। इत्याती पौशेद्योथ स्यार्थमार्थार्यविविध सनवादिण्यातन्तवत्वभन्न स्थति-

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tithi, vide sec. on him. Kullūka on Manu 8. 184 tells us that Bhojadeva arranged the four verses of Manu 8. 181–184 in a particular manner and therefore suggests that Bhojadeva probably commented on Manu. He also names a commentator Dharaṇidhara on Manu 2.83 and says that he was later than Medhātithi. He is also referred to elsewhere by Kullūka (on Manu 4.50).

The commentator Narāyaṇa is certainly earlier than 1550 A.D. as his commentary is cited by Bhatṭoju in his commentary on the Caturvīṃśatimāṭa (vide p. 61 of the Benares Sanskrit Series edition, 1907). A ms. of Narāyaṇa’s commentary was written in 1497 A.D. and he appears to have been quoted by Rāyamukūta in 1431 A.D. (Jolly in R. und. S. p. 31). He cites the explanation of Govindarāja on Manu VIII. 123. He appears to have composed a work called Kāmadhenudipīkā in which he dealt exhaustively with the prāyaścitās for various sins (as said on Manu XI. 71) and on the topic of flesh-eating at some length (as stated on Manu V. 56). He also wrote a work called Śuddhidipīkā in which he wrote at some length on Āśaṅca (as stated on Manu V. 79 and 104) and on the

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वनिवंद्रेण चाचारेण चिन्ता | p. 159 of the edition of Sābarabhāṣya and<br>Tantravārtika (Ānand, ed. by Kinjavdekar-shastra); अपि च<br>‘वेदांतिकलो वर्षमोदे, कस्यं वविनयस्ते बदेन’ इति च स्वयंभव म्वनिवंद्रेण तवद्वा समविधतं प्रमुनाम | etc. p. 165; ‘स्वतत्वार्थक बाचाराव्रेख साधुपान, देशातित्वमन्दिरानविनु विद्व: प्रमुनाम’ इति वेदविरहदनामावातां सामान्यत: प्रामाण्यमनुमन्यन्ते। तत्वा. p. 205; तथा च मानवेष्ठमाहिने....प्रयश्चरणांमवातां | सच्चत: | तथा यस्तेक्षणाः...नेतरः. These are Manusmṛti<br>XII. 105–106; तथा च मनुमुनावुकमादर्शमयैतण्त्र: प्रति। तत्तवपावेश्चणांति तत्तेक्षणां मन्त्रे श्रीवच्च भविष्यति। कर्मण: वेन केनवह मृदुसा दशाल्पद: वा। उद्देश्यनासमांति समयो धर्मानवारससु | here the verse कर्मण: वेन etc. does not occur in Manu but in Sāntiparva 140.38 (reads तेनेक्षणां for केनवह).

एवं स्मरितं | भार्या दासार्थ पुत्रक निष्ठान: स्वे एवं ते। यते समाधिकालम् बस्य ते तस्य तदंनुम | इति, शब्र on पु. मी. मূ. VI. 1.129. The<br>मनुस्मृति (VIII. 416) text runs भार्या पुत्रक दासार्थ तव एवाध्यन: स्मृताः। यते... तदंनुम। इति. The उद्देश्यपदि 33.64 reads: तव एवाध्यना राजार्थ भार्या दासार्थाः मुः। यते... तदंनुम.
prāyaścittas for Mahāpātakas (as stated on Manu XI. 209). He also refers to a Malākāra (probably the author of a lexicon) on Manu V. 81. He does not comment on some verses such as on Manu III. 174 and 278 (Mandlik’s ed.). He is generally brief in his comments but he has longer notes than Medhatithi or Kullūka on Manu V. 16, 31, 56, VI. 34–35, 67, X. 42, XI. 130. He is later than Govindarāja and flourished between 1100 and 1300 A. D. Raghavānanda mentions by name Medhatithi, Govindarāja, Nārāyaṇa, and Kullūka and so is later than about 1400 A. D. When Nandana flourished it is difficult to say. But he is a late writer. There are several other commentators mentioned in the catalogues of mss. who may be passed over for want of space.

The Tantravārtika (p. 159) after dealing with the usefulness of the Veda (which is constituted by Vidhi, Arthavāda, Mantra and Nāmadheya) for understanding what Dharma is, comes to the consideration of Smṛtis such as those of Manu and others that have human authors. It further quotes the words ‘Vedōṣkhilo Dharmamālam’ (Manu 2. 6 and 7) and concludes from the words of these passages that the Smartas (i.e. Smṛtikāras) have bound themselves by stating that Veda is the source of Dharma. The Tantravārtika further says that the Smṛtikāras (p. 205) accept the authoritativeness of usages that are not opposed to the Veda in such passages as are quoted above. Similarly, Mānavam (i.e. Manusmṛti) states in 12. 105, 106 that one who desires to find out the pure Dharma has to rely upon Pratyakṣa and Anumāna, and that man really knows Veda who makes use of logic in interpreting Veda. The Tantravārtika (p. 191) further quotes a passage as of Manu which does not occur in the present Manu but occurs in the MBH, Śāntiparva 140.38, which states that a man should first extricate himself from distress by any action, soft or hard, and then when he becomes able, should practise what Dharma requires. Similarly, Śabara on P. M. S. VI. 1. 12 quotes a verse as Smṛti which is almost the same as the extant Manu (8. 416) and which is also similar to Udyogaparva, ch. 33.64. For further references to Manu, vide the present author’s paper in JBBRAS (New Series, 1925) Vol. I pp. 98–102. In one or two cases it appears that Kumārila had before him a text of Manu slightly
different from the extant Manu. For example, on p. 191 he quotes a verse as Manu's which does not occur in the extant Smṛti.

The above discussion shows that the extant Manusmrți was practically the same long before the 7th century A.D.

It may be noted that Śabaravāmin on PMS. VI. i. 12 quotes a verse as Smṛti which is practically the same as extant Manu VIII. 116. Śabara has to be placed between 200 and 400 A. D. (nearer the former date); vide H. of Dh. Vol. V. p. 1197. Hence the extant Manusmrți cannot be placed later than 2nd century A. D. Vide the present author's paper on 'Gleanings from Śabara and the Tantravārtika' in JBBRAS (old series) Vol. 26 (1924) pp. 83-98.

Viśvarūpa (on Yāj. I. 69), the Mitāksara, the Smṛticandrākā, the Parāśaramādhaviya and other works quote dozens of verses from Vṛddha-Manu on āhārika, vyavahāra and prayāścitta. The Mitāksara (on Yāj. II. 135-6, III. 20), Aparārka p. 910 and other works cite a few verses from Brḥan-Manu. No independent works going under these names have yet been unearthed. Those works, if they ever existed independently, appear to have been later than our Manu. For example, our Manu is silent about the widow's right to inherit to her husband, but Vṛddha-Manu recognises the right of a chaste widow to take the entire wealth of her husband (Mit. on Yāj. II. 136); similarly, Brḥan-Manu (according to the Mit.) seems to refer to Manu's view about the meaning of 'samānodaka' (Manu 5. 60) and modifies it. It is not unlikely that those verses which were not recognised as Manu's by ancient commentators like Medhātithi and were yet found in the mss. of the Manusmrți were regarded as Vṛddha—or Brḥan-Manu.

32. The Two Epics

The two great Epics of India, the Mahābhārata and the Rāmāyaṇa, contain (particularly the first) numerous passages bearing on many topics of Dharmaśāstra and are relied upon as authorities in medieval and later works. The Mahābhārata itself claims (in Adi Parva, 2. 83) that Vyāsa composed the work as a great Dharmaśāstra, as Arthaśāstra (treatise on politics and Government), Mokṣaśāstra and also
In the last parvan it claims that whatever is said in it would be found elsewhere and what is not contained in it would not be found anywhere else i.e. it claims to be encyclopaedic and hence there was a great incentive to later scholars to add to it fresh matter. In the Udyogaparva (130.18) and in Ādi, 62.20 the Mahābhārata is spoken of as Jaya (jayo nāmetiṣhāsoyam śrotavyo vijigīṣunā) and in the last parvan (5.51) the epic is also called samhitā (1.16, 63.90), Purāṇa (1.17), ākhyāna (2.388–389), itihāsa (1.19 and 26 and 2.36, 41 and 62.18), itihāsottama (in 2.385), Kāvyā (1.61 and 73, 2.390), Kārsnaveda (1.268 and 62.18). It further states (Ādi, 1.52) that different beginnings of the epic existed. In the last parvan (svargārohana) it states that the epic is so called because of its greatness (great extent) and the weightiness (of its contents) and that the epic is equal (in importance) to the 18 Purāṇas, all the Dharmaśāstras and the Vedas with their subsidiary lores (chap. 5 45–46). Ādi (1.81) states that there are 8800 slokas in the whole work, the import of which only Vyāsa and Śuka know and Sanjaya might know or not. It is further stated that

368 अर्थशास्त्रनिर्देशपूर्वक पर्यायसमयाद्वितीय महत्। कामाशास्त्रप्रार्थक व्यासनामाति वृद्धिना। आदि 2.83 and 62.23; अवश्यः कथनः केवलस्थापनानन्तरे। आध्यात्मिक तत्वानाचार्यं इतिहासानाम भुविणा। आदि 1.26; अपम चाच्यं च कामे च मेघे च महस्तम्। यदिहाति तदस्य येवेहार्दत्रेन न कुञ्जविच्छिन्न। स्वार्गोऽस्माद भारते केचिदासीकारे तथापि तथापि विद्या सम्मानयिते। आदि 1.52.

369 महावाक्यावचार महाभारतमूलते। निहलस्वस्य यो वेद सर्वपायः प्रमुखः। आदि 3.44 यात्रा नागार्याणा गृहशास्त्रीि सवर्णा।। वेदः साक्षात्केन्द्र भारतं वैवलं। रसिकतम्। स्वार्गरीयन्। 5.45–46; the words महर्भा...मुन्येत् occur in आदि also (1.274).

370 अद्धी अवस्थष्टिनाति अधी अवस्थानानि च। अद्धी वे शीवो वेषो निःस्वेच्छ वेषि बा न वा।। इति शतसहस्रादूर्तातनाः। उपास्यामिनि यहे से सयावर्ण भारतमूलमुः॥ जयविहरनिन्द्रहृ चके भारतविहितमुः॥ उपास्यामिनि ताबद्दातात् पौशेयते।। आदि 1.81, 102–103.

371 These 8800 verses are known as kūṭa (riddles). But the number 8800 is extremely exaggerated. If the figure were correct, it would mean that in the Mahābhārata one verse in twelve verses is a riddle. Vaidya in his work ‘Mahābhārata, a criticism’ gives 27
Bhārata means the epic without the upākhyānas (tales) and contains 24000 verses and the work Mahābhārata consists of one hundred thousand verses inclusive of the upākhyānas (Ādi. 1.101–2). The Ādiparva (63.89–90) states that Vyāsa taught the four Vedas together with the Mahābhārata as the fifth to four pupils viz. Śumbantu, Jaimini, Paila, Vaiśampāyana and to Śuka his own son and these five promulgated separate five versions of the story. The Śantiparva (chap. 327. 26–33 and 340. 10–12) repeats the same story about the five pupils of Vyāsa. The extant Mahābhārata is supposed to be the one that Vaiśampāyana narrated to Janamejaya, son of Parikṣit, the latter being the grand-son of Arjuna and son of Abhimanyu. It is said in Ādi (1.9–10) that Sauti heard the story narrated to Janamejaya and told it to Śaunaka and other sages. Thus there are (acc. to the epic itself) three stages, viz. (1) Vyāsa first transmitted the epic to five pupils; (2) these five including Vaiśampāyana composed separate works and Vaiśampāyana narrated it to Janamejaya, and (3) Śakti who heard the recital by Vaiśampāyana narr-

(Continued from the previous page)

Examples of Kūta verses in Appendix, Note III pp. 190–193. One of these may be quoted here from the Udyogaparva; 'ekāya dve viniścitya trīṇ caturbhir vaṣam kuru pāñca jītvā sa viditvā saptahita jītvā sukhi bhava || उद्योगपरव 33. 44. Most of these seven have two meanings, one relating to Rājaniti, the other relating to 'adhyātma', briefly as follows: ekāyaḥ buddhyā (by one's intellect); 'dve' means kāryā (what should be done) and 'akāryā' (in Rājaniti) and 'nītyā' (permanent) and 'anītyā' (evanescent) (in adhyātma); trīṇ (three) viz. mitra (friend), udāśina (neutral), sātṛu (enemy); or 'Kāma' (desires), Krodha (anger), Lobha (greed); caturbhir (four) viz. sāma, dāma, bheda and danda (in Rājaniti) and samsā, dama, uparama, śraddhā (in adhyātma): pāñca (the five organs of sense, in both rājaniti and adhyātma); sa l (six) viz. sandhi and others enumerated in Manu VII. 160 and in Vedāṅta 'aśānyā, pipāṣa, śoka, moha, jaru, mityu'; saptah (seven) viz. rīṣaṇas—women, gambling, hunting, drinking, vākpāraṣye, dandāpāraṣye and arthaṛṣhata (in Rāja) and the five senses plus mind and buddhi in adhyātma. For the last, compare Maitrīya Upaniṣad VI. 30 (Yadā pāñcāvatishhante jūnāni manasā saba Buddhiśca na viçeṣate támahūḥ paramām gatim ||).

372 वदनयापमास महाभारतपथांमाद || समन्तौ ज्ञातिः पैले षुरक वैव स्वामात्मजम || प्रभुविरिहि वर्दो चैवत्साप्यनमेव च || सांहिताती: यौर्यक्ष्वेय भारतस्य प्रक्षिणां: || आदि 63. 89-90.
ted it to Śaunaka and others. Therefore, the author for the extant Mahābhārata is Sauti and Vyāsa is only connected with it mediately. In this respect it differs from the Rāmāyaṇa, the author of which is Vālmīki according to all. Janamejaya Pārīksita is a famous name in Indian Antiquity. In the Ait. Br. (VIII. 21) it is stated that Tura Kāvaśeṣya performed the Aindra Mahābhiseka for Janamejaya Pārīksita, who conquered the whole earth and performed the Aśvamedha sacrifice and there is recited a Yajña-gāthā with regard to it. He is mentioned also in the Śatapatha Br. XIII. 5. 4. 1. What became of the other Saṁhitās said to have been composed by the other disciples of Vyāsa is not known.

In the daily tarpāṇa as prescribed in the Āśvalāyana grhyasūtra (III. 4) we find an echo of what we learn from the Ādiparva about the four pupils (excluding Śuka) of Vyāsa viz. Sumantu - Jaimini - Vaiśampāyana - Paila - Sūtra - bhāṣya - Bhārata - Mahābhārata - Dharmācārya - trpyant. Āśvalāyana was probably aware of the difference made between Bhārata and Mahābhārata. The Saṁkhyaṇanagrhyā omits the words 'Bhārata…Dharmācāryāh'.

In the present edition (of the H. of Dh.) the Chitraśālā edition of the Mahābhārata with the commentary, Bhārata-bhāvadīpa of Nilakaṇṭha Caturdhara, has been used. It generally agrees with the Bombay oblong edition; sometimes, however, there is a difference of one adhyāya or a sloka or two. The Bhandarkar O. Institute’s edition is not referred to, because when I collected my materials it had been only recently begun and even now it is not yet complete, though nearing completion. But, as that edition gives in the margin of each page, references to the text of three editions of the epic, it is easy to find out a passage from the text of that edition also.

373  The यज्ञाणाः is: 'आसन्देव' भान्यादें रत्निम्यं दृष्टिसंजय. अर्थं वचनं सारे द्वेष्यो जनमेयः (Ⅱ पृ. Ⅷ. 7.

374  सुमन्तु-जैमिनि-वैशाम्भाय-पक्त-पूत्त-भाव -भारत-भारतार - धर्माचार्याः: (तुप्रयन्तु)। आय. गृ. पृ. III. 4. 4. The शास्त्रायणयाः omits भारत-भारतार-धर्माचार्याः; and adds after the word भाव 'गार्य - ब्रह्म - ब्राह्मवय- महामाणवया; गार्गी वाज्नकुत्वा’ &c. ed. by Dr. S. Sehgal (1960). Since completed.
In the following table an attempt (not meant to be exhaustive) is made to indicate where Dharmasastra topics have been dealt with in the Mahabharata at some length.

| Abhiseka (coronation) — Śānti 40. | Dāyabhāga — Anuśāsana 45-47. |
| Arājaka (evils of anarchy) Śānti 67. | Putras (of various kinds) Anuśāsana 48, 49. |
| Ahimsā—Ādi. 11, Anuśāsana 115. 1 ff, Āśvamedhika, chap. 28 and 43, Śānti. 330. | Prāyanaśīla—Śānti 34, 35, 165. 34 ff. |
| Āśrama—dharma—Śānti 61, 212-15 | Bhākṣyābhākṣya—Śānti 36, 78. |
| Ācāra—Anuśāsana 104 | Rājaniti — Sahā 5, Vanaparva 150, Udyoga 33-34, Śānti 59–130, Āśrama—Vāsika 5-7 |
| Āśvamedhika 45. | Varmudharma—Śānti 60, (mixed castes) Śānti 65, 297; Anuśāsana 48-49. |
| Tirthas—Vanaparva 82 ff, Anuśāsana 25-26, Śalya 35-34. | | |
| Dāna—Vanaparva 186, Śānti 234, Anuśāsana 57-99. | | |
| Dāndastuti—Śānti 15, 121. | | |

Many difficult questions arise about the two epics (which have come down to us in different recensions), such as the origin and development of the two epics, the inter-relation of the two, the dates of the two epics; the strata, if any, in the two epics; the literature known to them, their versification; their influence on the early and later Dharmasastra works; their influence in comparatively early times on peoples beyond India. A great deal has been written on these topics by Western and Indian writers for over a century. Considerations of space make it impossible to enter upon the detailed discussion of the questions stated above. Yet a few remarks must be made on some of the topics discussed by scholars. The following works and papers will give some idea of the problems connected with these two heirlooms of Indian antiquity. “Zur Geschichte and Critik des Mahabhārata” by Holtzmann (Kiel, 1892-94); ‘Das Rāmāyana, Geschichte und Inhalt’ by Dr. Jacobi (Bonn, 1893); ‘The Great Epic of India’ by Prof. E. W. Hopkins (1901); Das Mahābhārata &c. by Dahlmann.
(Berlin, 1895), 'Mahābhārata, a criticism' by C. V. Vaidya (1903); 'The riddle of the Rāmāyana,' by C. V. Vaidya (1906); 'Das Mahābhārata, seine Eustehung, sein Inhalt, seine Form' by Oldenberg (Göttingen, 1922); M. Winter- nitz's 'History of Indian Literature' vol. I (Calcutta, 1927) pp. 475-517; Dr. V. S. Sukhthankan published several Epic Studies in JBBRAS (New Series) Vol. IV, pp. 185-202, Vol. XI pp. 165-191, 259-283, Vol. XVI, pp. 70-113, Vol. XVII, pp. 185-202, vol. XVIII pp. 1-76, Vol. XIX pp. 20-262 and in Kane Festschrift pp. 478-487 on "Rāmopākhyāna and the Rāmāyaṇa," in which he details 86 verbal agreements between the two; Dr. V. S. Sukhthankan's four lectures on 'The meaning of the Mahābhārata' (1942), three of which were delivered and he passed away suddenly before the 4th could be delivered; this last is monograph No. 4 of the Bombay Asiatic Society; 'State and Government in ancient India' by Prof. A. S. Altekar (Bénaras); 'History of Indian Political Ideas' by Dr. U. N. Ghoshal (1959); 'Political Theory of Ancient India' by I. W. Spellman (Oxford 1964); Rev. C. Bulcke's 'Rāmakathā, Utpatti aur Vikāsa,' Allahabad, 1950; and a paper on the 'Rāmāyaṇa its history and character' in Poona Orientalist Vol. XXV pp. 36-60 and "Three Rāmāyaṇa Recensions" in J. O. R. (Madras) vol. 17 pp. 1-32.

It would not be proper to say nothing in this work about some of the vexed and important questions concerning the two epics, such as the approximate dates of the two, the inter-relation of the two and the question of the existence of different strata in them. These questions are inseparably intermixed and cannot be dealt with separately. Some points will first be brought out and briefly discussed and then the present author will state his own conclusions for whatever they may be worth. Winternitz (in History of Indian Literature Calcutta, 1927, p. 469) went so far as to say that 'each stanza of the Mahābhārata must be judged on its own merits' and Sukthankan remarks that this is so 'when we want to use the stanza for historical and comparative purposes' and he points out (on p. 475 of Kane Festschrift) that even a great scholar like Oldenberg commits abysmal mistakes in the estimate of the age and character of the passages of the Mahābhārata.
It is clear that the Mahābhārata had become, long before the 7th century A.D., a work for popular education and was being recited before general audiences of men and women in India as in the 19th century. For example, on p. 61 of Peterson's edition of the Kādambarī, it is said that the queen Vilāsavatī learnt when the epic was being recited that the son saves his father from Pūt hell. Similarly, it is stated in the Kādambarī (p. 71) that the one thousand names of Nārāyaṇa used to be recited continuously. The Kādambarī (p. 90) refers to the famous Gīta declared by Kṛṣṇa, one of whose names is 'Ananta'. Going further backwards, we find in the famous Besnagar Column Inscription (set out in JRAS for 1909 p. 1055) of the 2nd century B.C. of Heliodorus, a devotee of Vāsudeva and a Yona (yavana) ambassador from the Greek king Antahkīta to the court of king Bhāga-bhadra. The last portion in Prakrit words is 'dama, cāga, appamāda' (dama, tyāga and apramāda), which occur in Udyogaparva 43.22 and Strīparva 7.23.

375 महाभारते बाच्चामानि पुनः पुत्रामणि नरकात्राथम् इति पुनः इति। कादंबरी, p. 61 para 14. This is आदि 74, 39, आदिपर्व 229, 14, and also मृतु 1X, 138, विशुद्धमूल्य 15, 44; अविभिच्छिन्नमेनानान्तरच्यस्यनामसहस्रम्। कार. p. 71 para 64. नारायणानीतमव्युत्त्रार्णतिंनलिंगम् occurs in अलंकारचम्प 149, 14-120; महा-भारत्मिवान्तगतिकर्मनानानियतविनयम्. There is double entendre here. Nara means Arjuna and also 'man' and अन्तमीति would mean 'man songs'.

376 In 'The Indo-Greeks' (Oxford, 1957) Dr. A. K. Narain provides a plate (VI), at the end of which he sets out the Heliodorus Inscription on the Besnagar Pillar in nine lines as follows (in Brāhmi characters):

1 (दे)देवस वा ( मुद्रेः) ज्ञस महाभ्रष्टे अर्थे
2 कारिते ए (अ) हेतिकोडित्रेण भागे-
3 वेतन दियस पुनः तत्सर्विक्षेत्र
4 योन-दत्तेन (आ) गतेन महाराजस
5 अंतविकित्तम उपं ता सक्षाते रवी
6 (को) सिसु (अ) स (भ) गम्यस्य अनारस
7 ब्रह्मणं (तु) दस्य राजेन वर्मानानस
8 तिनि अमुनवयांनि इस (यु) अनुतिपानी
9 नेत्रिति (स्वयं) दम चाहम अपमार.

(Continued on the next page)
It has been shown above that the Āśv. gr. sūtra, which represents the last phase of Vedic literature, includes the ācāryas of Bhārata, Mahābhārata and Dharma among the sages in the daily āūrpaṇa. The Markaṇḍeya-purāṇa starts by saying that it has four doubts as to Bhārata (vide H. of Dh. Vol. V. p. 901 for the four questions and p. 903 for the date). The Mṛchakatīka (III. 12) refer to the Saṃpti parva (mārgo hyesa narendra-Sahāntikavādhe pūrvaṃ kṛto Draūnīnā). In several places where the Vedāntasūtra relies on Smṛti for support Śaṅkarācārya quotes only verses from the Mahābhārata. For example, on V. S. II. 3. 47 (smaranti ca) he quotes only two verses of the Mahābhārata. Vide note below. This establishes that Śaṅkarācārya held that the Mahābhārata including the Śautāparva (which modern critics regard as interpolated later) was earlier than the Vedāntasūtra. The present author has attempted to establish that when the Gitā (in 13.4) speaks of Brahmāṣṭriyapadas it does not refer to the Brahmāṣṭra of Bādarāyaṇa but to several Brahmāṣṭras such as those of Bādari, Audulomi and Āśma-rathya (vide H. of Dh. Vol. V. pp. 1173–74). Sabara in his bhāṣya on the Purvamimamsa–sūtra quotes passages from the present Mahābhārata text; vide a paper in Sukthankar volume pp. 221–229 by Prof. V. M. Apte and D. V. Garge.

Before proceeding further it must first be emphasized that the Mahābhārata claims to be itikāsa (history) as stated above, while the Ramāyaṇa is a kāvyā as expressly stated in the Ramāyaṇa itself several times and as comparatively early

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Vide also JRAS 1919 pp. 1033–6 and 1087–92 and JBBRAS vol. 23 pp. 164–166 for prior attempts at reading this very important inscription. दसस्मामोऽर्थम एवतिर्मवर्माहितम्। ततो सल्मुरबन्धवादु-भ्रणने व मृत्यिष्य।। उद्वेषयर्थ 43–22। दसस्मामोऽर्थम ते ब्रह्माणि हया।। ब्रह्मण 7, 23. Beseungar is about two miles to the north-west of Bhusla in the Gwalior State.

377 (1) स्मरन्ति च ब्र. २. ५. II. 3. 47; संक्षर्य remarks: स्मरन्ति च स्मरन्ति च व्याख्यायो वेदयॊ येतेन हुस्कन्ते न परमार्था हुस्कन्ते हृति। ततो यः परमार्था...स सत्यसत्यायाय धारिता युध्यते पुनः।। These verses are Śauti

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and famous poets like Kālidāsa often say. Therefore, it was possible for Vālmiki to give free rein to his imagination, while in the Mahābhārata some restraint had to be observed since what was being put forward was dubbed itihāsa.

The words Gāthā and Śloka occur in the Rgveda. Gāthā (derived from the root ‘gāt’ to sing) means a song or verse. Vide Rg. VIII.32.1, VIII. 71.14, VIII.98.9, X.99.4, IX.85.6 for gāthā. The word Śloka occurs more frequently in the Rgveda than the word gāthā and means a verse. In the Māhābhārata Gāthās sung by the Pitrās (Anuśasana, 88.11-14), by Yama (Anu. 45.17 and 104.72) or by Janaka (Śānti 17.18-20), by Kāśyapa (about Kṣamā, Vanaparva 29.35-44), Gāthā about Paurava in Droṇā (57.11) and about Bhagiratha (in Droṇā 60.8), of Yayāti (in Śānti 26.13 and in Droṇā 63.8-9), gāthās sung by Ambarīsa and by Alarka (in Āśvamedhika 31.12ff and 30.30-31 respectively), by Brhaspati (Śānti 23.14-15), by Brahman (Śānti 136, about king’s treasury), gāthās sung by Uṣanas on distrust (Śānti 138.192) and many more occur. Ślokas also are quoted with the words Ślokau cātra bhavatāḥ (Vanaparva 192.27-29) or ‘bhavanti cātra ślokāḥ’ as in Van-

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357. 14-16; no other smṛti passages are quoted by him on this sūtra and also on the next sūtra quoted here. (2) अति व सार्थार्थ नामानायम. वे. सु. III.2.24; शास्त्राचार्य explains ‘प्रवशनामानायम् बुद्धिस्वतिः-यामिन्येऽः’ and quotes a verse and a half; the first occurs in Śānti 47.54 and also in 284. 69; (3) स्मयं च त. वे. सु. IV. 2. 14 शास्त्राचार्य explains: स्मयेत च महामार्ग गन्यकार्येरासाः-सर्ववृत्तार्थ-भूतस्य सम्बन्धाते | त्रेया अति मार्गे दृश्य्याद्यथ शब्दिण्यः || इति || तथा च त तत्त्वार्थसङ्गमः । भक्तु मार्थकीकां गाति हृद्वान्तरिक्षणः ।

dāśīमित्रः प्रचाभम् संभवधृततोभवत् || इति || The verses are Śānti-parva 262.32 (and also 269.22 and 333.19-20).

378 न ते वामनुता कार्ये कारिदम महत्वत् || तत्स विद्विषयं ज्ञाता वामके-मोगितामाना ।

इत्यथे रामायणान कार्यमात्राः: करारयमाहम् । समाक्षे: शः कृतदेय्याशिवानी यथास्त्रेत्र कार्यपुरुषार्धस्युपूर्णिः: || वाल्मीकिः 2.35, 41; आदिकाव्यमिदं लाप्य पुरा वामके: कार्यमिकिता कृताम् । वृद्धाकाण्ड 131.107; कर्म: कुर्ष्याववंच चक्रां किल नामत: || सक्रिति गायकामास कामप्रथमवद्युति || कथेरायस्य साश्वानाः । रुपवत्स 15.32, 33, 41.
parva (199. 13-15); Ślokas by one who ponders over dharma as in Saunātikā (1.53-55). Then many ślokas and gāthās are quoted as Ānuvaṁśa or simply as Anuvaṁśam (meaning genealogies handed down in families) e.g. Vanaprava 129.8 says ‘atraṇuvaṁśam pāṭhataḥ śrūṇa me kuranandana’ and then quotes two verses. For ‘Anuvaṁśam,’ vide also Vanaprava 87.16-17 (yatātraṇuvaṁśam bhagavān Jānapadasya-tathā jayu). For Ānuvaṁśa ślokas, vide Ādiaprava 95. 8 (for sons379 of Devayānī and Śarmiṣṭhā).

For other Ānuvaṁśa Ślokas, vide Ādi. 95. 27, 95. 30-31, 95.46 (about Śantanu). In Vanaprava 88.5 there is an ānuvaṁśya gāthā about Nṛga. Sometimes, even itihāsa is spoken of as sung i.e. recited (gītā). The word itihāsa is ancient. It occurs in the Atharvaveda,380 in the Śatapatha-Brāhmaṇa (XI.1.6.9), in the Brhadāraṇyaka and Čaṇḍogya Upanisads (III.4.2, VII.2.1 respectively).

The above brief statement is quite enough to show that before the Mahābhārata was composed there were numerous verses handed down in families and that the Mahābhārata utilizes and incorporates a large mass of ballads and bardic verses preserved in many prominent families. The Rāmāyaṇa, on the other hand, is a Kāvya and not an itihāsa and is confined to the life of Rāma, his brothers and their vicissitudes.

There is another quarter which sheds useful light on the epics. From Panini’s sūtras, the Vārtikas thereon and

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379 The com. on Vanaprava 129.8 says Anuvāṁsya prāpavaraṇamātyān-ṣaṣṭīṣhakṣṇ. 
380 Two ślokas are interesting: Ānaṇuvaṁśaḥ kotiḥ bhavati: । भ्रात्र माता पितृः। पुजो वेन जात: स पूर्व स: । मरस्य मृत्युः दुष्यन्त मार्गस्यः: शाकुन्तलाम् । रेतोऽथः। पुंज उजयति नरेत्रेण यमक्षयात्। वच चास्य धाता गर्भस्य साविकाः शकुन्तला । आदिशय 95.30-31. Vide Udyogaprava 33.103 अन्वाधातनस्तीमातिहासिन पुरातनम्। पुराणमुलुकेन भीत बैव उघनन्तव।; then twenty verses follow; तत्त्वातिहासिन: पुराण: च गाथाय नातामस्तीमातिहासिन। अन्वाधात् XV.6.11; अरे जस्य महतो मुनि: निरतिमातिहासिन जयुवेदः। सामवेदादिवरतिहासिन। आदिशय पुराण: विशा उपतिनिः: बुधदा। उप. II.4.10, IV.1.2, IV.5.11; The Mahābhārata on Pāṇ. IV.2.60 and Vartika 'आत्मवाच्यायथितिहासंपुर्णितवेर्थ रचनात्मः' explains अन्तित्वातिहासिन (यिन्द्रायमणमे बैस्त वा इति एन्तित्वातिहासिन: ).
Patañjali’s Mahābhāṣya we learn a good deal about some of the prominent personages of the Mahābhārata, their associates, enemies and their doings.

There are in the Rāmāyaṇa hardly any Ānuvamśya Ślokas referring to Daśaratha or Rāma. According to the Sarvanukramaṇi Rāma, son of Jamadagni, is the seer of Rg. X. 110. Rāma appears to be the name of some person in Rgveda X. 93.14. Rāma Mārgaveya is the name of a person of the priestly family of Śyāparṇa in the Ait. Br. VII. 5. 1.

In Pāṇ. IV. 3. 98 Vāsudevaka, a devotee of Vāsudeva, and Arjunaka (a devotee of or one who likes Arjuna) are derived in the sense of ‘bhakti’ (IV. 3. 95). In VIII. 3. 95 (‘gaviyudhibhyām’ sthirāḥ) the name Yudhiṣṭhira, one of the principal personages in Mahābhārata, is mentioned. On Vārtika 7 (bhrātusca jyāyasaḥ) on Pāṇ. II. 2. 34 (‘alpāc- taram’) Patañjali states the example ‘Yudhiṣṭhirārjunau,’ where the word Yudhiṣṭhira is put before Arjuna, though it has four vowels, because of his being the elder. In VI. 2. 38 Pāṇini provides for the accent (svaru) of ‘mahān’ occurring in the compound Mahābhārata (along with nine other words). Vārtika 7 on Pāṇ. IV. 1. 85 provides for the name ‘Āsvatthāmaḥ.’ Kiellhorn brings together (in I. A. vol. XIV pp. 326-27) all the verse quotations (of either whole verses or half verses or pādas) cited by Patañjali in the Mahābhāṣya.

381 भक्ति: । वासुदेवार्जुनाय वृन्द। पा. IV. 3. 95 and 98; भज्यते सेव्यते इति भक्ति: । सि. कृ. The Mahābhāṣya explains that Vāsudeva is not merely the name of a Kṛṣṇa but that it is a designation of the Divine.

382 गवियुधिश्वर्य स्थित: । पा. VIII. 3. 95 (examples गवियुधिश्वर्यः युधिश्वर्यः.)

The word ‘Bhakti’ in the sense of worship occurs in VI. 23. The word भक्ति: relates back to सौत्स निवासः (पा. IV. 3,89) and also reaches forward. Therefore ‘bhakti’ in ‘Pāṇini’ has a wider sense than mere worship; it also means ‘resort’, ‘liking’ as in ‘Ārupika’ (apūpā bhaktir-asya), the sense of object of worship is not excluded from the word ‘bhakti’ in Pāṇini, but that word is larger in meaning than ‘worship’ in Pāṇini. Therefore, in IV. 3. 95 (Vāsudevārjunābhīyāṃ vun) it is quite correct to take ‘Vāsudevaka’ as meaning worshipper of Vāsudeva, while Arjunaka may mean ‘one who has a liking for Arjuna or who worships Arjuna’.
On Pāṇ. IV. 1. 97 (sudhātur-akaṇḍa) the first vārtika is ‘Sudhātur-vyāsayoh’ and we get ‘Vaiyāsakih’ (as son of Vyāsa) i.e. Śuka (and Mahābhāṣya on it says Vaiyāsakih Śukah’). Some of the verses or their parts are very important and interesting about the heroes of the Mahābhārata. On Vārtika 22 on Pāṇ. II. 2. 24 we have two quotations, viz. ‘asidvitiyoṇusasāra Pāṇḍavam’ (he, armed only with a sword, followed the Pāṇḍu hero) and ‘Saṅkarsana-dvitiyasya balam Krṣṇasya vardhatām’ (in this both Krṣṇa and his brother Saṅkarsana are mentioned). The first quotation (on II. 2. 24) clearly shows that it must have been taken from some work dealing with Pāṇḍava heroes. Another interesting quotation is ‘Dhanaṇjaya rāne rāne’ on Vārtika 3 on Pāṇ. III. 3. 58. It is well-known that Arjuna was called Dhanaṇjaya (vide Bhagavadgītā X. 37 ‘Pāṇḍavānām Dhanaṇjayaḥ’).

On Vārtika 11 on Pāṇ. IV. 2. 104 Pataṅjali cites the words ‘Akrūra-vargyāḥ’ and ‘Akrūravargiṇāḥ’ as well as Vāsudeva-vargyāḥ and Vāsudevavargiṇāḥ. This reminds one of the dialogue between Krṣṇa and Nārada reported in Śāntiparva, chap. 81. It appears from that chapter that there was jealousy among the Yādavas.383 Akrūra and Aḥukaḥ were two chiefs among the Andhaka-Vṛṣṇis (verse 8) and Krṣṇa was the President of that Saṅgha and that Nārada advises Krṣṇa that a saṅgha comes to grief from internal dissensions (verse 25) and that Krṣṇa should act in such a way as not to lead to the destruction of the Saṅgha. Pāṇ. (IV. 1. 114) knew the Andhakavṛṣṇis and Kuruṣ and Pataṅjali on Vārtika 7 cites and explains the words Augrasenya (from Ugrasena of the Andhaka clan), Vāsudeva and Bāladeva (among Vṛṣṇis) and Nākula, Sahadeva and Bhaimasena (among the Kuru clan)

383 Ādi. 2 21. 29 shows that Akrūra was a Senāpati of the Vṛṣṇis and was called ‘dānapati’. Krṣṇa says in Śānti 81. 9-10 ‘स्य न शुचि
वै स स्यायस्य स्युः क्रृष्णेऽवधूत ततु। द्वार-वा निवारितो नित्यं वनोधिकतरं न च।
स्यातर्व यस्यादुर्वृक्षाति कि न दुःखरते तत। स्यायां च न तौ स्यातो
कि न दुःखरते तत।’ The com. makes this clear: द्वार-वा
निवारितो यवनेतरर्गं मथ्यायस्य सम महर्षीः कुष्ठस्य वाहि
स्यायां यान्यापि द्वार-वा निवारितो त। एकर्ष्य जयमाहिते द्वार-वा
राजयायम्. Verse 11 is apt: सोभि किंतु निवारितो द्वार-वा
रघुविन्धीयो महामरते।
from Nakula, Sahadeva and Bhimasena respectively. Vide also Pāṇ. VI. 2.34 ‘Rājanyabahuvacana-dvandvesndhaka-
vrṣniśu’, which refers to several rājanyas among Andha-
kavṛṣus.

From the above brief references in Pāṇini and Patañjali one may affirm that the central story of the Mahābhārata is
certainly older by centuries than the story of the Rāmāyaṇa.
Reference has been made to the fact that there is a Rāmopā-
khyāna in Vanaprav (chap. 273-292 containing about 750
verses). It does not completely agree with the present
Rāmāyaṇa text. In this Kumbhakarṇa is said to have been
killed by Rāma (Yuddha. 67. 180-181), while in the Rāmopā-
khyāna it is Laksmana who does so (Vanaprav 287.18-19).
Besides, in the Śāntiparvā (chap. 29) there is a brief reference
to Rāma’s rule for 11000 years and the ideal happiness of
the people under his rule. In the Droṇaparav also Rāma is briefly
referred to in the Saṇḍha-rājakīya section (chap. 55-71, that
relating to Rāma being chap. 59). Stray references to a few
other incidents of the Rāma story may be made here. For
example, Rāma being led to pursue the gold-coloured deer;
the Śāntiparvā refers briefly to the story of Śambūka. The
Śalyaparvā mentions that Rāma cut off the head of a rākṣasa
and the Śānti refers to the killing of Rāvana by Rāma through
anger (361.15).

Hopkins refers to certain passages where Vālmiki is
mentioned in the Mahābhārata and divides them into two
classes. In the first class he puts certain references to Vāl-
miki as meant for a mere saint (a rṣi), as in Sabhā 7.16,
Vanaprav 85.119, Udyoga 93.27, Śānti 207.4 (along with
Asita, Devala and many others). In my opinion Anuśāsana
13.8 (where Vālmiki is styled bhīgavatā) belongs to this first
category. Then Hopkins mentions ‘four passages as referring’
directly to the Rāmāyaṇa (vide ‘the great Epic of India’)
pp. 61 ff).

384 असम्भवे हेमक्षेत्र जन्तीत्वाभि रामीं छड़िये नगय ॥ समा. 76. 5; भूयते
शब्दे हेतु हत नागाण्डकः । जीविते अर्ब्मासाय रामात्सवनपरकालकाम् ॥
शालिनि 153. 67; पुरा वै द्रव्कारणः राधिये महात्माना । ... जनसाने शिर-
भिषे राजसाय दुरासमन् ॥ शालि 39. 9-10.
Before proceeding to examine these four passages relied upon by Hopkins a few words must be said about the present text of the Mahābhārata. There are three elements in it, viz. the bare story of the Pāṇḍava brothers and their cousins (usually referred to as Kauravas), the upākhyānas (abounding in the Vanaparvava and scattered about in other parvans also) concerning gods, sages, brāhmaṇas, kings and others and didactic matter insisting on doing one’s duties and the role of dharma as in Udyoga 148.16 ‘yato dharmastato javah’ and in Kunti’s last message to Yudhishtīra in Āśramavāsikaparvava 17.21 ‘Dharme te dhiyātām budhir-manastru mahad-astu ca’ and philosophy (Sāṅkhya, Yoga, Vedānta). There was, therefore, great scope at all times for adding stories and didactic matters. Thus the Mahābhārata became very much inflated by additions made at different times. Anyone could add a story by saying ‘atrapyudāharantimam itihāsām purātanam’. In the Anuśāsanaparvan alone in 25 chapters stories are introduced with these words, apart from several stories introduced in a different manner. Chap. 98 of that parvan is remarkable. There Bhīṣma introduces (in the words ‘atrapyudāharanti’) the story of a dialogue between Manu Prajāpati and one Suvarna who asks how the practice of the worship of deities with flowers originated and what the rewards of such worship are. Then Manu cites the story (again with the words ‘atrapyu’ etc.) of the dialogue between Śukra and Bali Vairocana. Two examples may be cited about Rāma story being interpolated by devotees and enthusiasts. In chap. 74 of the Anuśāsana, apart from the evil results of the killing of a cow, the merit issuing from the gifts of cows or gold is praised and the chapter is wound up (verses 11–14) by Bhīṣma who says that he learnt all this from his Upādhyāya to whom it came from the sages, to whom Laksmana imparted the story in the forest which Rāma had heard from his father Daśaratha who learnt it from Indra. Another similar example occurs in chap. 137 of the same parvan, which names numerous great men of the past that achieved highest worlds by making gifts of various kinds, among whom Rāma (in verse 14), son of Daśaratha, is mentioned as having reached inexhaustible worlds by offerings in yajñas.

Not only were tales interpolated but there are several repetitions in the Mahābhārata. A few examples may be noted. There is in Śānti (chap. 227) an enlarged version of
the brief dialogue between Indra and Bali in chap. 223; chap. 175 (dialogue between father and son) is practically the same as chap. 277. Śalya 38, 39–45 are the same as Vanaparva 83. 116–121. The Sodasaraṇaṭi occurs twice, once in the Droṇaparva (chap. 55–71) and again in the Śaṅtiparva chap. 29. The story of Āstika occurs twice, in Ādi 13ff and in chap. 48ff again.

The literature known to the Mahābhārata furnishes some data for making a statement about the probable date of the extant text of the epic. But as the present text is very much inflated owing to additions made at different times, it would be impossible to assign definite dates, and references to Vedas and Brāhmaṇa works need not be cited. The six Āṅgas are mentioned in Ādi. 170. 75. In Śaṅti 342, 38 the Nāighantu-ka-padas are mentioned and the word Vṛṣa therein. The Nirukta of Yāska and its explanation of the word ‘śipivista’ (which occurs in Rg. VII. 100. 6–7) is mentioned in the Śaṅtiparva. The Nirukta (V. 8) gives the explanation of the word provided by Aupamanyava which is derogatory (to Viśṇu), while Yāska appears to prefer a laudatory sense and applies the word to Viśṇu (as Śūrya), meaning ‘in which rays enter on all sides’. The Śaṅti (310. 21–22) mentions that Brhaspati knew (composed?) the Vedāṅgas, Bhārgava Niṭiśāstra (polities), Nārada music (Gāndharva), Bhāradvāja archery, Gārgya the doings of Devārṣis, Kṛṣṇātreya medicine, and some disputants (composed?) several siddhāntas based on logic (such as Tārākika, Vaiśeṣika and Kāpila). It will be stated in the section on Manusmṛti how hundreds of verses are common to the Mahābhārata and the Manusmṛti. In the Anuśāsana we have (in 47. 35) mention of the Śastra declared by Manu. Itihāsa and Purāṇa are called the fifth Veda as early as the Chāndogya Up. VII. 1. 2–4 and the Śatapatha Brāhmaṇa requires that in the Pārīplava some Purāṇa and Itihāsa passages were to be recited on the 8th and 9th days respectively. Therefore, the numerous references to Purāṇa in the Great Epic are not here set out. It is important to note that a Purāṇa declared by Vāyu is mentioned in Vanaparva (191. 16). The Svargārohānaparva (5. 46–47) states that there are 18 Purānas composed by Kṛṣṇa Dvaipāyana.

385 स्खलना मात्र सिद्धिक्षिति यास्त्र व्यविद्यार्थीः । मत्तसादाद्यथे नर्य मित्रविभ- । जमिवान् ॥ शास्त्रि 342–73.
Upavedas are mentioned in Dronaparva 202. 75. Dhanurveda is mentioned in Sānti 49. 32, 50. 233 and 167. 31.

The word 'Dharmaśāstra' occurs frequently as shown above (vide pp. 13, 300-1). Individual writers on Dharmaśāstra (apart from Manu) are also quoted e.g. Yama in Sānti 82. 31, Aṅgiras (two verses) in Sānti 69. 71-73; Usanas on slaying an atatāyin (a desperado like an incendiary or a poisoner) may be killed outright in self-defence.

In Annasana 18. 38 Garga is said to have obtained the knowledge of the sixty-four kulās (arts) and in Salya-parva 37. 145 Garga is said to have gained on the banks of Sarasvatī knowledge of kāla and about the movements of heavenly bodies. Astronomer Garga is assigned to 50 B. C. by Kern (vide Preface to Brhat-samhitā p. 50) and H. of Dh. Vol. V pp. 79 and 592 n 878.

It appears that by the time the Mahābhārata assumed its present form Buddhist and Jain ideas had acquired influence among the people. For example, the Vanaprsva says 'truthfulness, self-restraint, tapas, charity, ahimsā, constant adherence to dharma, these are the means (of higher life) among men, not caste nor family.' Sāntiparva says

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386 चेष्को वाणनसा गौता पुरा तान सहारण ट... उदय्य शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखा शाखা...
(188.10) 'there is no difference among the (four) varṇas; this world is Brāhma (belongs to Brahmā), because it was formerly created by Brahmā and was (later) reduced to different varṇas by their (diverse) actions'. The Śāntiparva announces 'Truthfulness, charity, freedom from hatred and wickedness, humility, kindness and tapas,—where these are seen, he is known as brāhmaṇa. If these characteristics are found in a śūdra and these do not exist in a twice-born person then the Śūdra is not a śūdra and the so-called brāhmaṇa is not a brāhmaṇa. This approaches the teaching of the Dhammapada verses 383, 393 (yamhi satyam ca dhammo ca so sukhī so ca brāhmaṇaḥ). Similarly, in Anuśāsana 115 Yudhiṣṭhira asked Bhima 'you have often declared that ahiṃsā is the highest dharma and you also said that in śrāddhas the pitarś desire to have flesh offered'. Buddhist vihāras (Vana⁰ 188.56) had come into existence and Edukas (structures over the bones of the dead) are mentioned in Vana-parva (90.65,67). A naked Kṣapāntaka (Digambara Jain) is mentioned in Ādi 3.126; in Śānti 232.21⁹ the Jain position seems to have been alluded to and also in Āśavamedhika 49.2. In Ādi-parva 70.46 it is stated that in Kāṇva's hermitage there were leaders of Lokāyatika views along with students of Vedas and Mokṣadharma.

On Pāṇ. III.2,111 the Mahābhāṣya cites 'jaghāna Kāṁsaṁ kila Vāsudevaḥ' (on Vārtika 2 'parokte ca lokavijñāte prayoktur-darśanaviṣaye') and on Vārtikas 6 and 15 the Mahābhāṣya makes very interesting remarks about Kāṁsavādha (the killing of Kāṁsa by Kṛṣṇa) described in stories, drawn in paintings and represented in dramas; vide Vol. V. p. 130 notes 329-30 and p. 203 note 521. The Mahābhāṣya asks the question how one can use the present tense (in Kāṁsam ghatayati) when Kāṁsa was killed in antiquity. That shows that centuries before the Mahābhāṣya works (stories and dramas) had been composed on the killing of
History of Dharmaśāstra

Kaṁsa by Kṛṣṇa. That some verses quoted by the Mahābhāṣya are found in the Mahābhārata is shown in the note below.\(^{389}\)

The date of the Mahābhāṣya is generally accepted to be about 150 B.C.; vide (pp. 75–79 above). It quotes a quarter of a verse stating that some person followed the Pāṇḍava hero with only a sword in his hand and Pāṇini knows the central figures of the great Epic viz. Yudhiṣṭhira and Arjuna. It has been shown above (p. 75) that Pāṇini flourished about 450 to 400 B.C. Therefore, it follows that there were poems about Pāṇḍava heroes and about Kṛṣṇa killing Kaṁsa some time before 400 B.C. Scholars would have to assign 500 B.C. as the latest date for the core of the Mahābhārata.

Another circumstance pointing to the same conclusion is that the Āśv. Gr. mentions "Bhārata-Mahābhārata-dharmācāryāḥ". The Gṛhyasūtras belong to the latest phase of the Vedic literature. The mention of Bhārata and Mahābhārata as preceding the Āśv. Gr. would make it very probable that the Mahābhārata was in existence at least just before the end of the Vedic period.

One warning already given by Winternitz in 'History of Indian Literature' (Calcutta, 1927 p. 469) and accepted by the late Dr. V. S. Sukthankar (in 'Epic Studies' VIII in Kane Festschrift p. 474) with an addition is that 'when we want to use a stanza for historical and comparative purposes each

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389 On Vārtika 6 on Pāg. III. 1.26 the examples are: कृत्वाचतुसोऽतन्त्रेऽन्त्रेऽतन्त्रेऽन्त्रेऽन्त्रेऽतन्त्रेऽतन्त्रात् बन्धुयति. Then on Vārtika 15 on the same sūtra the Mahābhāṣya has 'इद्दुः कथं वर्तमानकल्ता कृत्वा ग्राह्यति बन्धुय-तीतिः चिरहे कर्णं च चिरव्रीर्यं च चल्ली।'; then Patañjali justifies it in the words 'अनापि युक्ता' etc.

390 On Pāg. III. 3.167 (Kielhorn vol. II. p. 167) we have the half verse कल: पंचत्रि भूमानि कल: संहरिति प्रजा; this occurs in श्रीवर्य 2.24; on Pāg. V. 1.115 the Mahābhāṣya remarks 'सर्वं एते शब्दं गुणसुवदेशु वर्तं भावण: श्लोकः प्रमेयं अतथं गुणसुदेशं एवं व्याख्या' and quotes a verse: तसः शुद्धं च योनिष्ठेऽपि बाह्यः कारणम्। 'तपः:श्रुतांया ये दीपो जातिवाच एवं सः.' The Anuśāsanaṇya 121.7 has 'तसः शुद्धं च योनिष्ठे वेदतद् भाव्यकारणम्।' तिरिक्षि: समुदितस्यस्ते भनति वै द्विजः॥
such stanza must be judged on its own merits. But life being short, this would be an almost impossible task for one scholar for the one hundred thousand stanzas of the Mahābhārata.

But if we turn to the Rāmāyaṇa, none of the great personalities depicted in that epic such as Daśaratha, Rāma, Laksmaṇa, Bharata (Rāma's brother), Hanūmat, Sugriva, Bibhīsana is mentioned by Pāṇini or in quotations cited in the Mahābhāṣya. Those who want to argue that the present Rāmāyaṇa was known to Patañjali rely on a few matters, such as the reference to Kīśkindhā and two verses about Vānaraśayāna in the Mahābhāṣya. These two verses do not occur in the Rāmāyaṇa at all; besides, here 'Vānaraśayāna' does not necessarily mean an 'army of monkeys'; it may playfully be applied to a crowd or number of monkeys; and moreover such verses illustrating the use of the same root in the Parasmaipada and Ātmanepada might have been composed by a teacher of grammar for the benefit of his pupils. As there is a parody of Daśaratha, Rāma and Sitā in the Daśarathajātaka, it is probable that some decades before 250 B.C. there existed a popular story about these three. Some further remarks will be made in the section on Rāmāyaṇa.

The first of the four passages relied upon by Hopkins is 'api cāyam pura gitaḥ śloko Vālmikinā bhuvi na hantavyāḥ striya iti yad−braviṣ plavaṅgama...Piḍākaram amitrāṇām

391 किकिन्धा is described as the capital (in Kīśkindhā-kāṇḍa chap. 25,5) and also a cave (same chapter verse 10 and elsewhere). In modern days it is said to be a village on the north bank of the Tuṅgabhadrā near Hāmpī in Bellary District (Madras State).

Two verses on Vārtika 1 (Upāntvāyaśasāntakarāṇa:) on Pañ. I. 3. 26 (Upāntaśakarāṇa) are (Kielhorn's ed. vol. I p. 281): शुद्धमायांचित्तो नामिको कवति चितवान्। पद्य बानरसेनेधरसम्म यद्यमुपागङ्गते॥३७१\|२७३| भैव भैव पृथिवी-पृथिवी हि यथा धूम्। एतद्द्वाय कवियेण यद्यमुपागङ्गते॥

These illustrate the rule that 'Stā' with 'upa' takes Ātmanepada when it means 'to worship' but if there is no question of worship but there is an action natural to some one if takes only Parasmaipada.
yat-syāt kartavyam eva tatt (Dronāparva 14.67-68). The criticisms against this citation are several. One is that what is quoted is not a Śloka at all, but only a pāda (quarter) at the most; secondly, the Śloka in the Rāmāyaṇa does not amount to an absolute rule, but there is a counterpoise in the latter half of the śloka; another criticism is that the Mahā-bhārata itself had already stated in the Ādi-parva and Vana-parva the same rule against killing a woman. So it is probable that some interpolator mentioned it in the Dronāparva to show off his knowledge of the other epic. As regards the 2nd citation I am sorry to say that Hopkins is carried away by his enthusiasm to prove direct quotations from the Rāmāyaṇa in the other epic. In the Rāmāyaṇa, the verse 'rājānām prathamam vinādet' does not occur at all. Hopkins is obliged to say that it agrees closely enough in sense and words with the verse in Ayodhyā 67.11. The verse from Ayodhyā is not Ipsissima verba'. There is another gratuitous assumption made by him. He thinks that Bhārgava is Vālmiki. Bhārgava means Usānas. Vide Amarakośa quoted below. Hopkins, in spite of his learning and industry, here forgets that the Śantiparva (210.20) ascribes a Nitiśāstra to Bhārgava and among the exponents of Rājaśāstra the Śantiparva mentions

392 न हन्ताय: खियेत्ति यत्रविनाश प्रवृणम् शति- ज्ञेन तंतुः। सुदलार्क 81.29-30: Compare अञ्ज्यां खियेत्ति यवहरणसामर्पनिन्धिषे। आदि 158.31; अञ्ज्यां: खिये: सुङ्गा मन्यन्ते धर्मचारिणः। आदि 217.4; vide also बनवयः 296.4।

393 आश्वस्येत रामचरित नृपति प्रति भारत। राजायं प्रथम बनेदिस्ते भायाँ ततो धनम्। राजस्विनी देशस्य कुले। भायं कुले धनम्। शान्तिः 57.40-41; अयो-याकां 67.11 is 'अराजके धर्मं नासित नासित भारावराजेः। इतस्याहिति वाच्यकुलत: सत्यराजेः।'; राजमुस्तिः कुले धर्मं धर्मसाधनति कुले: परम्। शान्तिः 320.59।

394 शुभम देवायुक्त: काव्य उदाहरे भारमेच्छि कहिँ। अमरकोश।

395 भारमेच्छि नीतियां तु जगाद्य जगती हितम। शान्तिः 210.20. इत्यदे राजस्थानां नन्नोने मुनिदिक्षित। वृहस्पतिहि भगवान्यांशि धर्मं प्रसारितः। विश्वास्त भगवान्क्रियाश्च सहस्त:। राजस्तानः प्राच्यमानांतः ब्रह्मणो महावादिनः। शान्तिः 58.1-3।
Kāvya (i.e. Uṣanas) and Bhārgava as identical. Vālmiki's name has nowhere been mentioned as that of an expounder of Rājaśāstra. The Rāmāyaṇa itself regards Uṣanas (Sukra) and Bhārgava as identical when it describes the auspicious appearances on Rāma's invasion of Rāvana's capital (Yuddha 4.49). Vide above under Kauṭilya's Arthaśāstra where passages from the Mahābhārata on the Rājaśāstra of Uṣanas have been quoted. Hopkins misunderstands the verse. What it means is: the life of Rāma was recited to some king by a court poet or possibly by Bhārgava Uṣanas himself the expounder of Rājaśāstra, who thereon recited the famous verse 'rājānam prathamam vindet &c,' because the underlying idea of that expounder was 'no king, no dharma nor security.' It is quite possible that both (i.e. Mahābhārata and Rāmāyaṇa) quote from a common source viz. the Rājaśāstra of Kāvya Uṣanas which once existed but has not yet been recovered.

The third passage occurs in the Vanaparva, where Bhīma is said to have met Hanūmat on the Gandhamadana but did not recognize him and took him to be a mere ordinary monkey (chapters 146 ff). There he speaks of Hanūmat as his brother and very famous in the Rāmāyaṇa (147.11). Vālmiki's name is not mentioned in those chapters and this story was probably interpolated later. The Vanaparva is in extent next to the Śāntiparva. These two and the Anūśāsanaparva cover about two-fifths of the whole of the extant Mahābhārata. The 4th passage (quoted in the note below) on which Hopkins relies occurs in the last chapter of the Harivamśa (which is a kīla) and not at all in the text of the Mahābhārata in the Chitrashala edition and others.

The above discussion shows that out of the four passages relied upon by Hopkins one is wrongly interpreted, two are not in the Mahābhārata at all and the remaining one is probably interpolated.

396 उशा च प्रस्लोचितम् ज्ञान भार्ष्यस्य गत: । 
चरित्राणि 4.49 (48 in some editions).

397 भार्ष्य समुस्तवेऽपि वृविद्विक्षितकरणित: । 
रामायणेऽतिविच्यत: भौमान्व- 
नारुजः ॥ बनवः 147.11.

398 वेदे रामायणं पुष्पे भारते भरतर्थम् । आदी चाचन्ते च मथे च हरि: सर्वे 
गीयते ॥ हरिवंश 132.95 (भविष्यपर्र).

H. d.—47
The most puzzling question concerning the Mahābhārata is how the members of a polyandrous family became the heroes of the great national epic. Even in the extant epic attempts are made to explain the matter in a supernatural way. In the Āśramavāsikaparva it is stated that after the carnage in the great war, Dhrtarāstra, Vidura, Kunti (the mother of five Pāṇḍavas), Gāndhāri, Draupadī, Subhadrā met together and sages like Vyāsa, Nārada, Parvata and others also came when Dhrtarāstra complained that he had no sleep and no peace of mind and Gāndhāri requested Vyāsa to vouchsafe to Dhrtarāstra the sight of his fallen sons. Kunti told Vyāsa (Āśramavāsikaparva chap. 30) how Durvāsas (an irate sage) came to her father (a king) for alms when she was yet a maiden and as she pleased the sage by her assiduous hospitality, he gave her five mantras on repeating any one of which the god addressed in that mantra would come to her. She proceeded to say that when she saw from her father’s palace the rising sun, she called him to come by reciting the appropriate mantra; the sun came and she duly requested him to grant her a son, when the Sun’s refulgence entered her and she secretly gave birth to a son (later) called Karna, whom she let down in a river. She wanted to see that son whom she abandoned. Then Vyāsa consoled her that she was not to be blamed, that deities enter human bodies, that human limitations do not apply to deities and he recited a verse that everything is pure and wholesome to the strong.399

In the Ādiparva (chap. 169) a similar story is repeated almost in the same words that a maiden requested God Śaṅkara five times to bestow on her a husband and so he blessed her that she would have five husbands (pāti) and she became later Draupadī, daughter of king Drupada. Ādiparva (197. 35–36 and 44 ff) states the same kind of story, but it is Lakṣmī (in Svarga) who asks five times for a husband.

In Ādiparva the question how a polyandrous marriage was allowed in the case of the five Pāṇḍava heroes has been raised and dealt with in chapter 195, verses 27–31. Drupada (father of Draupadī) urges that five brothers should have one wife is adharma, it is opposed to the Veda and the usages

399 सर्वं बलवत्ता पर्यं सर्वं बलवत्ता धुधि। सर्वं बलवत्ता धर्मं: सर्वं बलवल्ला स्वकुम्॥ आध्यपावासिक 30. 24.
of the people. The reply of Yudhiṣṭhira is: 'Dharma is subtle; we only follow the path of our predecessors. I never told a lie nor am I bent on adharma. But my mother says that we five should have the same woman as wife.'

If one may speculate on the origin of the Pāṇḍavas, it is possible that they hailed from the hilly regions in the Himalayas where polyandry prevailed up to recent times, that they were formidable warriors and made their way in the countries of Kuru and Pañcāla and married a Pañcāla princess. The descendants of the Pāṇḍava heroes viz. Parikṣit and Janamejaya are well-known in the Vedic age. The Sat. Br. XIII. 4.5 and Ait. Br. 35.1 mention Pārikṣita Janamejaya as a performer of Aśvamedha. Daśaratha, Rāma and their descendants are not spoken of in these ancient works.

In Anuśāsana (115. 68–75) about fifty ancient kings are named that gave up flesh-eating in Kaumuda (Kārtika) month and therefore they went to heaven. These passages of the great epic would have to be assigned at the most to a century or two before the Christian era.

The Rāmāyana (Ayodhyā 109.34) contains a down-right condemnation of Buddha as nāstika (atheist) and as a thief and in chap. 108 of the same epic Jābali is introduced as an atheist who condemns in the presence of Rāma the finer virtues of respect for parents and other relatives, the institution of Śrāddha, condemns those who talk of the other world and asks Rāma not to leave the kingdom in favour of Bharata.

The two epics have in common many striking verses. For example, in the story of the Kapota bird and the lubāhaka (hunter) where the Kapota burnt itself in order to offer food to the hungry hunter and the female bird, on the death of the male bird, entered fire and killed herself, a fine verse is put in

400 सूक्ष्मो घमों महाराज नास्य विधो सर्व गतिम्। पुर्वात्मामुत्पूज्यं यतं
ब्रह्मौ नमूनयामहं ॥ न भें वाग्नुर्तं प्राप नास्यं चीय्यं चतिम्।
एवं चैव बद्धवद्भा
मम वैद्यमन्त्रगतम्। एव घमों पुथो राजेऽर्जुनप्रवाचारयाः। आदि

401 यथा हि चार्गः स तथा हि बुद्धतथागतं नास्तिकम्र विद्धि। तथाहि यः नास्तिकम्
शक्यताः। प्रजानि न्य नास्तिकम्
भिम: स्त्राः। अथोधो 109. 34.
the mouth of the female bird in Śāntiparva 148. 6–7. In the Ayodhyākāṇḍa 39. 30–31 Sītā repeats the same verse before Kausalyā when she prepares to go into exile with Rāma. Another famous verse of the propriety of punishing even a guru when he becomes conceited, fails to distinguish between what ought to be done or not to be done and who pursues the wrong path occurs in both. The Śāntiparva (in 57. 6) says that in former times king Marutta recited an ancient śloka in Brhaspati’s treatise in the section on kings (Rājādhi- kāra) and that it is 57. 7. Another verse that occurs in both epics is: all collections end in dissolution, all tall things end in falling down, unions end in separation, life ends in death.

The discussions so far held make this clear that the main characters of the Mahābhārata were known long before Pāṇini and that tales relating to Pāṇḍava heroes had been embodied in a work or in works in verse long before Patañjali wrote i.e. that the core of the Mahābhārata existed before 500 B.C. The same cannot be said about the Rāmāyaṇa. There is no evidence to show that the principal characters of the Rāmāyaṇa were known to Pāṇini or even to Patañjali. At the most one can say that the three names, Daśaratha, Rāma and Sītā, were probably known about 250-200 B.C. but not described

402 मिति दशतिः हि पिता मिति भ्राता मिति सुतः। अभिवाद्य हि दातारं भत्तारं का न पूजयेत् ॥ शास्त्रिः 148. 6–7, अयोध्याः 39. 30–31 (in this latter the Madras ed. reads शास्त्राः for शास्त्रेः). It is noteworthy that the Mitākṣarā on Yāj. I. 86 refers to this Kāpotiśākyāṇa, quotes verses 10 and 12 of Śānti 148 and remarks that in the guise of this story Vyāsa recommends ‘anvārohaṇa’ (burning oneself on the deceased husband’s funeral pyre) as most meritorious. I am inclined to hold that it is the author of the Rāmāyaṇa that probably borrows. Rāma was only going to a forest (no question of dying arose) and so the words are not so appropriate in the Rāmāyaṇa as they are in the Mahābhārata.

403 मुरुर्ववतिस्य कार्यहर्षम्य ज्ञातः। उत्यथ प्रतिवन्धः दण्डो भवति शाश्वतः ॥ शास्त्रिः 57. 7; also in शास्त्रिः 140. 48 (reads शास्त्राः for शास्त्रे; ) उपोगमव 178. 48 reads last पादा as परिधाये व्यवहारे; कार्य भवति शास्त्राः । अयोध्याः 21. 13.

404 संबं भवत्ता निवः पतनावतः सामस्योऽत्तः । संबंगो वित्योगदाता भरणान्तः च जीवितम् ॥ शास्त्रिः 27. 31, 330. 20, श्रीप्रय 31. 3; अयोध्या 105. 16.
as endowed with the qualities they bear in the extant Rāmāyaṇa. Therefore, one may conclude that there was a Bhārata epic long before there was a Rāma epic. From the way in which the Vānaras led by Aṅgada (Kiśkindhā 41.6ff) among whom were included such doughty fighters as Hanūmat, Nīlā, Jāmbavat, were directed to go from Kiśkindhā towards the south in search of Sītā carried away to Lāṅkā by Rāvaṇa, one feels that the author did not correctly know the different countries that the Vānaras would have had to traverse before reaching Lāṅkā. Sugrīva is said to have told them to go from Kiśkindhā to the south and one is surprised to read that Sugrīva first mentions the Vindhya mountain with its thousand peaks and immediately afterwards Narmadā (chap. 41.8) and then mentions Godāvari, Kṛṣṇa, Vṛndā (41.9), Mekala, Utkala, Daśārūṁa towns, Avanti (41.10), Vidarbha, Vaṅga, Kaliṅga (41.11). It is unnecessary to cite more. The present writer is constrained to hold that whoever wrote that chapter was an inhabitant of a place north of the Narmadā (which springs from Mekala) and knew only the names of towns, rivers and countries without knowing their exact location. The author had probably never been to the island of Ceylon nor knew anything about the distance between India and Ceylon nor had he any idea about the extent of Ceylon. It was all a poetic fancy without any solid basis of known facts, even ancient. Kiśkindhā is now shown to be a village on the Tuṅgabhadrā river in the Bellary District. We know from the Aranyakāṇḍa (chap. 13) that Agastya directed Rāma to have a hut in Pañcavaṭī near Godāvari and from that place he later went to Bīṣamūka near Pampā where dwelt Sugrīva with four others (Aranya. 72.11-12).

405 Vide Amarakośa which says रेवा तु नरमण्ड सोमीद्रश्वाम सरकहन्तकावः.

406 Several scholars have written about the location of Lāṅkā. Mr. M. V. Kibe locates Lāṅkā in central India (vide ABORI Vol. XVII pp. 371-384; F. W. Thomas presentation Vol. pp. 144-5; J. C. Ghosh in ABORI vol. XIX pp. 84-86; Daniel John in ABORI vol. XXI pp. 270-279 (who holds that Mr. Kibe is wrong and that Lāṅkā must be some island in the midst of the sea off the southern or south-eastern coast of the present island of Ceylon. Mr. G. K. Ramdas holds that Rāvaṇa's Lāṅkā was near Amarakośa, says L. H. Q. vol. IV pp. 338-346). In A. B. O. R. I. Vol. XIX at p. 86 it is pointed out that a portion of Orissa was known as Lāṅkā. Shri M. S. Aney in his paper 'The Rāmāyaṇa tradition in the present

(Continued on the next page)
It has been shown above that the Rāma story and characters are mentioned in the extant Mahābhārata and the legends and some well-known characters in the Mahābhārata are noted in the extant Rāmāyaṇa. Therefore, all that one can say is that both works have influenced each other. But as the core of the Mahābhārata is much older than that of the Rāmāyaṇa and as the Mahābhārata is four times as bulky as the Rāmāyaṇa, it is the latter that most probably borrowed several matters from the great Epic. It has been demonstrated above that the so-called four direct references in the Mahābhārata to the Rāmāyaṇa put forward by Hopkins are not so and that only one remains, which appears to me to be a later interpolation.

Just as the story of Nala–Damayanti was set out in the Mahābhārata from a tale current in early days, so the Rāma story might have been only a popular tale in the beginning and was later turned into an epic, but the Mahābhārata, if it had directly borrowed from the Rāmāyaṇa, would not have differed from the epic on such an important matter as the killer of Kumbhakarṇa. Therefore, it is very probable that the Rāma tale was included in the Vanaparva at a time when the Rāmāyaṇa in its present form did not exist. The present writer holds that the Mahābhārata assumed its present form certainly before the Christian era, but how much earlier it is difficult to say.

(Continued from the previous page)

day Ceylon’ in the Proceedings of the A. I. O. Conference at Dar- 
bhanga (1948), pp. 206–218 tries to show that Lankā is the present 
Ceylon and supports his view by referring to the Sundarakaṇḍa, 
Mahāvaṁśa, Rājāvali and some similar works. I regret that his 
arguments are far from convincing. In the Sundarakaṇḍa Lankā 
is not an island but is described as the capital of Rāvana situated 
beyond the sea on the slopes of Trikūṭa and surrounded by a wall 
as the verses quoted below testify. The Mahābhārata mentions 
Sīmālala and Lankā separately (Vanaparva i. 23 Sīmālalan Barba- 
rān mlecchāṇ ye or Lankānicāsinaḥ). The Dipavaṁśa is the ear-
liest chronicle (about Ceylon) and it is not earlier than the 4th 
century A. D. and the Mahāvaṁśa is much later (6th century or 
later). They are not reliable authorities for events that are suppos-
ted to have happened several centuries before Christ.

स सागरसन्त्यात्मातिकम् सहायत:। त्रिकृष्णत्वं नदे त्वृत्तं सिद्धिः।
सबोधे ददेव ह। ... समासाय च नस्मीतवाल्डां राक्षसपालिताम्। वरिष्ठाधिक: शंक 
प्रप्यम्। सीतालाबिलक्ष्मात्। सुन्दरक्षणं 2. 7–8; तौ समीत्वस रुपी रुपे
राक्षसाधिते: भुवाम्। सुन्दरो 3. 13.
Hopkins\textsuperscript{407} devotes pp. 386–403 of his work ‘The Great Epic of India’ to the date of the Epic and summarises his conclusions on pp. 397–398. On p. 398 he says there is no date of the Epic which will cover all its parts (though handbook makers may safely assign it in general to the 2nd century B.C.). A sizable volume would be required to criticize his remarks on several matters and to expose the hollowness of his hasty and one-sided conclusions. To take only one example at random. He relies (p. 387) on the occurrence of the word Dināra in the Harivamśa which is only a supplement to the Mahābhārata and on the fact that in the present text of the Epic (Adiparva chap. 2.82–83) reference is made to the Harivamśa as a Khila, in which are included the deeds of Viṣṇu such as killing Kamsa and the Bhavisyaparva, which is a large and wonderful one among Khilas.\textsuperscript{408} The Dināra is not mentioned in the 18 parvans of the Mahābhārata (not even in Śāntiparva nor in Anuśāsanaparva) as Hopkins admits on p. 387. Supposing for a moment that the mention of dināra in Harivamśa is not interpolated, still from the reference to Harivamśa in Ādi I.2 in general it does not necessarily follow that the writer of Ādi. 2 had before him a Harivamśa containing the word Dināra. Besides, his dating about the Introduction of Dināras in India is not supported by satisfactory evidence. He states (on p. 387) “for the Roman denarius is known to the Harivamśa and the Harivamśa is known to the first part of the first book and the last book; hence such parts of this book as recognize the Harivamśa must be later than

\textsuperscript{407} Hopkins in ‘Great Epic of India’ pp 403–445 (Appendix A) sets out 337 cases of parallel phrases in the two Epics. Vide also JOK (Madras) vol. XI pp. 22–26 on the same topic.

\textsuperscript{408} महाद्वासानिक पवे स्वारोहगिरिक तत्त: || हारिवंशलत: पवे पुराण खिल-संजितम्. विषुपं पंचोऽधिवर्य विषयोऽस्मात् कंसवफल्था || महाभारताः पाण्डुः खितेवेबात्तात महत्. एपथवेर्षान्त पूर्ण व्यासेनिक महातमा || आदि 2. 81–83.

The commentator explains the word ‘Khila’ as follows: शाखानारार्थं शाखानारं यदर्षेतिकाल्यां तत्सिद्धमिति वैदिकी प्रतिष्ठी: || यथा बहुतानि श्रीपुराणां श्रीमहाकाव्यां तत्सिद्धान्त पाठोऽस्माते। एवमलिङ्गाद्विसे यदर्षेतिकाल्यां तत्सिद्धं हारिवंशमित्युपालः... अत एवर्ष सत्तुष्ण पुराणमिति विशेषणम्। तथाहि अत्र विषुपाणि विषुपुराणाकसाधनं रस्यते। एवं भविष्युपुराणकान साधनं रस्यते।
the Introduction of Roman coins into the country (100–200 A. D.). He does not mention the evidence on which he bases his conclusion about the exact period of the Introduction of the Denarius in India. For the date of early Denarius coins, vide Pro. of British Academy, Vol. XVIII for 1932 pp. 211–266. 409

The Romakas are mentioned in Sabhāparva 51.17. One remarkable matter is as follows. The Āpastamba Dh.S. II. 5. 11.5-6 are ‘Rājñāḥ panthā brāhmaṇaṇaḥ sametya’ and ‘sametya tu brāhmaṇasyaiva panthāḥ’. These two sūtras form the second half of the verse in Vanapravā 133.1 (the first half being ‘Andhasya panthāḥ...bhāravāhasya panthāḥ &c.’).

Vyāsa or the Mahābhārata has been mentioned in some early inscriptions.

For example, the Pardi plates of Dahra-sena of Sāvatvat 207 (probably of the Kalacuri or Chedi era i. e. of 456 A. D.) ascribes the verse ‘saśṭiṁ varṣasahaśraṇi’ &c. (in E. I. Vol. X. p. 53) to Vyāsa. Gupta Ins. No. 31 at p. 137 (the Khoh copper-plate of Mahārāja Śravanāatha dated in 204 of the Gupta era i.e. 533 A. D.) says ‘uktam ca Mahābhārata Vyāsena’. 410 This inscription establishes that long before 530 A. D. the Great Epic was deemed to have one hundred thousand verses composed by Vyāsa. It has been already shown how in Bāṇa’s day the Epic was recited to an audience of men and women. Several hundred verses are common to both the Manusmṛti and the Mahābhārata. Commentators of Dharmaśāstra works from early times quote the Mahābhārata. Medhātithī on Manu II. 94 quotes one of Yayāti’s verses about Kāma (desire) being insatiable. On Manu

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409 That paper shows that formerly it was believed that the Denarius was introduced in 268 B. C. But on a fresh appraisal it is stated (on p. 214) that we may regard 190 B. C. as a close approximation to the true date. On. p. 254 it is shown that the first issue of the paper denarius was in 187 B. C. In plate III accompanying the vol. No. 32 is a denarius of 42 B. C. and No. 33 of 99, 94 B. C. Hence Dinarius could have been introduced in India in 150 B. C.

410 On p. 137 (Gupta Inscription No. 31) the Inscription ends with the words ‘उर्के च महाभारते शतमहार्ष्यं संक्लितया परस्तर-सुस्तन वेदविवेचन व्यवसूतिः पूर्वद्वां द्वित्योद्दति...पालनम्॥ प्रदेश हि... ...वसुमहाराम्॥ बहुविवेचनया...टदा फलम्॥ पतिवस्यं...नरं करसत॥ स्वद्वां (Continued on the next page)
XI.93 he quotes ‘Ubhau Madhvāsavaksībā’ (Udyoga 59.5); on IX.64 he quotes Śānti 63.13\(^{111}\) that the Śūdra is entitled to three āṣāramas but not to that of parivṛjaka. On Manu VII. 177 he quotes the well-known verse ‘na kaścit kasyacit’ (quoted above). The Mit. quotes the Mahābhārata or Vyāsa frequently (e. g. on Yaj. I.72,86, 256, III. 6, 250, 258, 300) Aparārka quotes from the Mahābhārata dozens of verses, but the quotations from Vyāsa include many verses on Vyāvahāra attributed to Vyāsa which do not occur in the Mahābhārata. The Kṛtyakalpataru sparingly quotes the Mahābhārata. It is unnecessary to refer to other and later digests on the question of the date and text of the Mahābhārata.

When ancient Indians came to Java they brought with them their sacred books. The Mahābhārata soon became most popular among the Javanese. Portions of the Mahābhārata were rendered into old Javanese or Kavi poetry. This work is known as Brata Yuda (modern Javanese) i.e. Bhārata Yuddha. The Kalasan Inscription of the Saka year 700 (778 A. D.) found in a temple in central Java is the earliest Javanese Inscription written in a North Indian script. It was published by Dr. R. G. Bhandarkar in JBBRAS Vol. VII part 2 from a photograph copy sent to him from Batavia. It opens with a salutation to Tārā, Buddhist goddess. The temple was constructed by the Rājaguru (king’s chaplain) of a king of the Śailendra dynasty. It contains twelve verses one of which is quoted below.\(^{112}\) Sardar K. M. Panikkar’s

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paper on 'Manipravāla in Java' in 'Kunhan Raja Presentation volume pp. 65–69' shows how from the 12th century A. D. onwards poems were composed in Java in the local kavi language, employed different Sanskrit metres and took over stories from the Sanskrit kavyas of Kālidāsa, Bhāravi and the episodes in the Mahābhārata and adopted Sanskrit theories of rhetoric and alankāras (figures of speech). Several European scholars have worked on this subject. Vide for example, Louis Finot's learned paper in I. H. Q. vol. I pp. 599–622 (on the geography and chronology of Indian civilization in Indo-China) in which he gives the names of several Dutch and French scholars (as his predecessors in the same field). He remarks 'India has laid her mark on all the great Eastern countries some of which received a substantial part of their religious and artistic culture from India and others are indebted to her for their very existence as civilized states'. For 'Śrīvijaya', vide 'La Royanne de Śrīvijaya' by G. Coedes mentioned by Finot's paper (p. 619) and Prof. Nilakanta Sastri in 'Bulletin of the l'Ecole de Extreme Orient', Tome XV fasc. 2 pp. 239 ff' (Hanoi).

The commentary called Bhāratabhāvadīpa of Nilakanṭha Caturdhara (son of Govinda) on the Mahābhārata (printed in the Ch. ed.) is a learned one. In the opening verses at the beginning of Ādīparva he praises one Lakṣmaṇārya, then two ancestors of his viz. Nārāyaṇa and Dhīresā who are again named with reverence in Sabhā 1.1 as Hamirapūrya (i.e. residing in Hamirapur). At the beginning of Udyogaparva he calls himself Lakṣmaṇapadānugā (following in the footsteps of Lakṣmaṇa); again on Vanapravara 129.9 he states that followers of Lakṣmaṇa who was the ornament of a family of persons well-versed in knowledge of brahman explains that verse differently. At the beginning of Bhīmmaparva, chap. 25 (i.e. the Bhagavadgītā) he performs an obeisance to Śrīdhara and others as 'sadgurūn'. This Śrīdhara is, it appears, the commentator of the Bhāgavatapurāṇa. On

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No. 10 on p. 1273 of the H of Dh. vol II, with this difference that the order of the two halves is reversed and that the words underlined are differently read is this ins. namely राजसिद्धि: for रामचन्द्रः, नरा for दुपारा and सविनिवास for सविनिवास-मातिन्द्र भृगिनार्य.
Vana—p. 133. 24 he quotes Madhava on the five kinds of years (Candra, Saura etc.), who is most probably Madhavacarya, who wrote Kalamadhava. He states that he collected MSS. of the Epic from different parts of India. He quotes Medinikosa frequently (e.g. on Adi 47. 11, 140. 12, 214. 2, Vanaparva 236. 10), Yadava on Vana 260. 3, Visvakosa on Udyoga 40. 16 and quotes Visvalocana on the meaning of 'Cakradhara' in Anusasana 162. 38, and on the meaning of 'granthikah' in Aśvamedhika 70. 7. He refers to the commentary called 'Viṣamāloka-vyākhyā' on Vanaparva 82. 38 as reading a certain verse there but states it was omitted by later ignorant expositors. On Virāṭaparva 2. 9 he mentions the meaning of 'ārālika' given by the author of the com. Visamālokī. He mentions Arjunamātra's explanation of 'Jārūthyaṁ' in Vanaparva 284. 23; on Adi 170. 15 he notes that Devabodha and others read it differently and on the word 'madhuparkikāh' in Droṇaparva 182. 2, he gives Devabodha's explanation. On Vanaparva 263. 8 he refers to Śaṅkaracārya's commentary on Viṣnusahasranāma and on Udyoga 42. 1 he refers to the commentary of Bhāsyakāra on Sanatsujātiya; he refers to the Śaṅkṣepaśārīraka on Udyoga 43. 42; On Bhīmaparva 3. 13 and 31 he quotes a work called Narapativijaya on astrology; on Śanti 306. 8 he mentions a work on Yoga called Yogacintamaṇi and Bhoja's work on Poetics dealing with 24 gūnas of Śabda (on Śanti 320. 87). He quotes a verse of Dattātreya on Khecarī Mudrā (on Aśvamedhika 19. 37). In many places he discusses various readings as on Adi 214. 2, Sabhā 16. 3 (Gaudapātha) and 21. 16 (Gaudapātha), Vanaparva 239. 4 (Gaudapātha), discusses three readings on Vanaparva 264. 12. On Sabhā 61. 9 (where the word 'Śaṭṭivisāradāh' occurs) he refers to Śridharasvāmi's 413 com. on Bhāgavatapurāṇa and also on Sabhā 41. 1. He appears to have written a work called 'Vedānta-kataka' and refers to what he says therein on 'Daharādhikaraṇa' (i.e. Brahmasūtra I. 3. 14–21) At the

413 च तुपथइ वसच्चि कुष्ठयविवारि: 1 काशनामानि तु धीमानामतिवतीश्चस्मस्मेक्षु-कायो धीपरस्वामिनिःशिशितानि; 1 on समा 61. 9. अत् एव धीमानामतिः इरिनिःस्थप्भं: स्नितिरवतेन्नव्यायायात: धीपरस्वामिनिः: 1 on समा 41. 1.
end of the Śāntiparva and of Anuśāsana he enumerates the several teachers (eight in all) under whom he learnt Vedānta, Mahābhāṣya, Veda with its subsidiary lores, logic, Śrauta &c.

He mentions Niruktabhāṣya on Vanaparva 291.70 and also Vedabhāṣya (i.e. Sāyaṇabhāṣya) on Jarūtha (occurring in Rg. VII. 1.7 and X. 80.3). He appears to have been a Mahārāṣṭra brāhmaṇa. On Udyoga 143.25 he explains ‘ekapakṣāksācaranāḥ’ as ‘pāṅkoli’ (a bird) in Mahārāṣṭrabhāṣā; on Ādiparva 63.20 he explains ‘pitakaiḥ’ as ‘petyā iti bhāṣāyām’ which is Marathi ‘peti’ or ‘petya’. He refers to the custom of raising a bamboo staff at the end of a year and the beginning of a new one (in Ādi. 63. 18–19) as seen in Mahārāṣṭra and other places. On Sabhā 21.20 he explains the word ‘Sranga’ as ‘Manurā’, which is ‘Manorā’ in present Marathi; on Sānti 87.35 he explains ‘gominaḥ’ as ‘cāranas’ which is a Marathi word. On Vana 93.27 he explains ‘Kathinānām as ‘Kāthi iti Mahārāṣtraprasiddhaḥ’. Though a Mahārāṣtrian he knew Yavanabhāṣā as on Sabhā 4.2 he explains that ‘Jivanti’ is called ‘viriṣi’ in Yavanabhāṣā.

As he refers to the Medinikōṣa and the Kālamādyava he is certainly later than the 14th century A.D. In ‘Indian Culture’ vol. I pp. 706–710 it is stated that Arjunamīśra, a Varendra brāhmaṇa who flourished in the latter part of the 13th century is a better commentator than Nilakaṇṭha. Vimalabodha wrote a commentary on the Mahābhārata called Vimalāślokī or Durghatārtha-prakāśini, a ms. of which is in possession of the Bhandarkar Oriental Institute (Poona). Vide Gode’s paper

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414 वेस्त्रे लक्ष्मणाधर धर्मदृष्टि हेच्छी तिर्थ-नारायणाधर तत्क धर्मदृष्टि घर्षिनी फलोत्तमानि पालनां क्षुधार्यम्। वेदि साधुः पितुर्वव शिवमपि पितं त्रृस्कामाँ दुर्योगासुबुवधाती सोन्तयोगादिनिन् व वरणमुत्तमो भूषितगोपालदेवम्॥ (at end of शान्तित्वम्)। गोपाले मृत्युः वेदि शिवमपिनिधिरि ब्रह्मविद्याप्रमाणाधर तत्क धर्मविश्वान्त फलोत्तमानिन्न वीर्याकारायामस्म।। महेश्नारायणो यौगृहमहत नर्म श्रीकामान्तुस्मृतादि सोन्तयोगादिनिनि व व्यामतं स महावर्तेदुनमांसा।॥ तव्द् अवज्ञितां वैद्योन्मुखदिनिनिनि नन्त।
in Silver Jubilee Vol. of the BORI pp. 146 ff. Vide Dr. Raghavan’s paper in Kane Festschrift (pp. 351–355) for some commentators of the Mahābhārata such as Varada, Yajñanārāyaṇa and Ānandapūrṇa (about 1350 A. D.), parts of whose commentaries are found in mss. collections.

The extant Mahābhārata professes that it is removed from the Mahābhārata war only by two generations or so. It was narrated by Vaiśampāyana to Janamejaya who was the great-grandson of Arjuna. The topics regarding the beginning of the Kaliyuga and the astronomical data in the Mahābhārata have been discussed at some length in the 3rd volume of the H. of Dh. pp. 896–923.

The probable date of the Mahābhārata war has been discussed by the present author in H. of Dh. Vol. III pp. 895–923 and Vol. V. p. 849. There are three dates put forward from comparatively early times, viz. 3101 B. C. (the traditional date); (2) that of the Brhat-samhitā and Rājatarāṅgini (viz. about 653 of Kali age); (3) that of the Vāyu, Matsya, Brahmāṇḍa and Bhāgavata purāṇas which provide that between the birth of Parīśit (grandson of Arjuna, the outstanding fighter among the Pāṇḍavas) and the coronation of Nanda there is a period of 1500 (or 1050 or 1015 years, according to various readings in the mss of those Purāṇas). Almost all modern scholars discard the idea that the Mahābhārata was composed a short time after the war. Similarly, the matters in the Śanti and Anuśāsana parvams containing over twenty thousand verses are stated to have been declared by Bhīṣma, who was mortally wounded but lay on death-bed till the sun turned northwards. This was a very helpful camouflage to insert into the Epic any matter deemed worthy of being put in. In the Parvasaṅgrahaparva (Ādi. 2.325–331) it is stated that in the Śanti-parva there are 329 adhyāyas (chapters) and 14732 verses and in Ādi. 2.331–338 it is stated that in the Anuśāsana-parva there are 146 adhyāyas and 8000 verses. In the Chitrashalā edition there are 365 chapters in the Śanti-parva and 168 in the Anuśāsana-parva. Thus the chapters in the two parvams (in the present text) exceed the number of chapters stated in Ādirarva, chap. 2. It is possible that later redactors arranged the chapters differently for various reasons. In the Śanti-parva the longest adhyāya (138) has 221 verses, then comes chap. 284 with 208 verses. On the
other hand the shortest chap. of Śántiparva is 363 (of six verses only), chapters 353 and 365 have only nine verses each, while some chapters (such as 129, 136, 304, 352) have only eleven verses. A few chapters like 192, 338, 342 have a few verses and also long prose passages. I have calculated the verses in the Śántiparva and they come to about 13200 or so in the Chitrashala edition, but if one takes into account the prose passages (and calculates them as versified with 32 letters in each verse), then there would not be much divergence in the number of ślokas. Vide C. V. Vaidya's 'Mahabharata: a criticism', Appendix, note one, for the total of chapters and ślokas in the 18 parvans and the khila Harivamśa stated in the Parvasaṅgrahaparva and in the Bombay edition. They are respectively 96836 and 95826 ślokas. Therefore, the reputed extent of the Mahābhārata even in early inscriptions (the Khoh plate of 533 A.D.) viz. one hundred thousand is only approximate; vide Dr. Sukhtankar's paper in ABORI, Silver Jubilee Volume, (1943) pp. 549–558 for remarks on the figures mentioned in the Parvasaṅgrahaparva.

The Mahābhārata not only repeats tales but also single verses of its own e.g. Śānti, chap. 231.31 repeats Gitā 8.17 (sahasrayuga\(^2\)), chap. 251.9 is the same as Gitā (II.70, āpūryamāṇam), chap. 312.14 (saṃvataḥ pāṇī\(^2\)) is same as Gitā 13.13; Vanapravas 189.27 (yadā yadā ca dharmasya) is the same as Gitā IV.7.

In the two epics genealogies of ancient kings occur frequently and it is impossible to reconcile all of them. A few simple examples may be cited. The Manusmṛti (in I.) claims that Brahmā first (I.32) created Vaiśravaṇa who created him (Manu) and he (Manu) created (I.35) the great sages (Marici, Atri, Āṅgiras, Pulaha, Pulastya, Kratu, Pracetās Vasiṣṭha, Bṛhgu and Nārada) and they created the seven Manus (I.36) and the world was created by them. If we turn to the Mahābhārata, the Anuśasana (chap. 2.5 ff) tells us that Manu Prajāpati's son was Ikṣvākū, who had one hundred sons of whom Daśāśva was the 10th. But the Vanapravas (in chap. 201–202) speaks of Ikṣvāku, his son Śaśāda (who ruled in Ayodhya), his son Kakkuśtha, his son Anešas, whose son was Pṛthu—whose son was Viśvagaśva, whose son was Adri whose son was Yuvanāśva and so on. In the Āśvesthikaparva (chap. 4) the genealogy is (in Kṛtayuga) Manu—son Prasā-
dhi-son Kṣupa-son Ikṣvāku (chap. 4.9-14). If we now turn to the Rāmāyaṇa, chap. 110 of the Ayodhyākāṇḍa furnishes a long pedigree (in verses 5-34) as follows: Brahmā—Marici—Kaśyapa—Vivasvat—Manu Vaivasvata Prajāpati—Ikṣvāku (the first king of Ayodhya)—Kuksi—Vikuksi—Bāṇa—Anaraṇya—Pṛthu—Trisāṅku—Dhundumāra—Yuvanāsva—Māndhātra—Susandhi—Dhruvasandhi—Bharata—Asita—Sāgara—Asamaṇja—Amśumān—Dilipa—Bhagiratha—Kakustha—Raghu—Pravrddha—Kalmāsapāda—Śaśkhana—Sudārśana—Agniṇa—Śīhraga—Maru—Praśuśruva—Ambariṣa—Nahusa—Nābhaga—Aja—Daśaratha—Rāma. This pedigree contradicts the one in Manusmṛti (I.34–35) set out a little above, where Marici is one of the ten sons of Manu. Let us now turn to the Rāghuvamśa, where (in I.11–12) it is stated that Vaivasvata Manu was the first king, that among his descendants was king Dilipa, whose son was Raghu whose son was Aja whose son was Daśaratha. It should be noted that in the Ayodhyākāṇḍa two kings intervene between Dilipa and Raghu and between Raghu and Aja ten kings are named. Hence it follows that the Ayodhyākāṇḍa pedigree is either an inflated one or that Kālidāsa had a different pedigree before him at least from Dilipa downwards or that Kālidāsa was not aware of the longer pedigree. From the Rāghuvamśa itself it appears that Kālidāsa knew the story of Sāgara as an ancestor of Rāma and the story of his Aśvamedha horse being carried to the bottom of the earth and the digging of the earth for finding it and the ocean being filled with the waters of Ganges (Raghu XIII.31); he also knew the story of Bhagiratha taking the Ganges from the matted hair of Siva (Raghu IV.32) to the earth and of Kakustha being a descendant of Ikṣvāku (Raghu VI.71). It is not unlikely that a very long pedigree was manufactured for the glory of the family of Rāma and Kālidāsa was not prepared to accept it in its entirety. It may be noted that Bāṇa in the Hariṣcārītika (6th ucchvāsa p.38 of my edition) holds that Raghu was the son of Dilipa.

Both the epics inspired many later writers to compose Sanskrit dramas based on the characters and the various stories contained in them. The Daśarūpaka413 recommends

415 इत्यायापरमिं मनु सृष्टिविवेदजात रामायणादि च विभिन्न वृहत्तथा च | असूऽ| कथ्यं सन्तो नेतृसांगुणाशिैः कथामुचितनावक्षः प्रप्यः | दशरपकः I 67.
that intending dramatists should rely upon the Rāmāyaṇa and the Br̥hatkathā for plots. Dr. V. Raghavan recently published a work on ‘Some old lost Rāma plays’ (Annamalai University, 1961).

It appears from Kantīya’s Arthaśāstra that it knew the central story of the Mahābhārata and that of the Rāmāyaṇa. For example, on I. 6. 8 (Arthaśāstra) it is stated that Rāvana perished since he did not restore another’s wife owing to pride and Duryodhana perished because he on account of pride did not agree to give a portion of the kingdom. In Arthaśāstra VIII. 3. 41–43 reference is made to Jayatsena and Duryodhana winning in gambling because of expertness in it and Nala and Yudhiṣṭhira lost in gambling. In the Mahābhārata, however, Nala’s opponent is said to have been Puṣkara (and not Jayatsena). There is little to show that the Arthaśāstra refers to literary works like the Mahābhārata and the Rāmāyaṇa and not to tales current among people in its day.

The Mahābhārata is predominantly a Vaiṣṇavite work and contains two of the five jewels of Vaiṣṇavism viz. the Gītā and the one thousand names of Viṣṇu (in Anuśāsanaparva 149. 14–120).

But it is not at all so thoroughgoing in its dogma as are some medieval South Indian works of the 11th and later centuries A. D. The Anuśāsana (17. 31–153) contains 1008 names of Śiva also. In many places the identity of Śiva and Viṣṇu is emphasized as in Vanaraparva and Śāntiparva. There are grand eulogies of Śiva in Droṇaparva 80. 39–48 and Sauptikaparva 17 (this last by Kṛṣṇa). In Anuśāsana (16.8) Śiva is identified with Brahman.

416 विवाक्ष विष्णुह्याय विष्णैः शिवाय संस्कृतोत्सर्वाय। दक्षिणार्थिनास्य हरिद्राय वेव नमः॥
बनपवः 39. 70–77; vide also शास्त्र 342. 33 यस्तवा वेदिन्न मा वेदिः यस्तवावमु
स मामु। नावयोगन्तरे किंचित्ता ने भूवण्डर्वया। निष्कर्षां सकलं कृष्ण–
निघण्य गुप्तोत्सर्वम्। योगिणां परमानन्दस्वर्णं मैत्रसंहितम्॥ अनुशासन 16. 8.
Comparere निष्कर्ष निविष्णै शास्त्र निरवर्ध निरप्रजनम्॥ अभुतत्वम् परं सेवूँ
दक्षिणाय प्रेमविश्वविशालस्मृ॥ शेनाख्यो VI-19; श्वरद्रश्यविश्वस्तवस्तु ते
पत्तेन निष्कर्षं ध्यायस्मात॥ सुधुकोप. III 1. 8.
The Manusalaparva\textsuperscript{417} (chap. 7) narrates that, after Krṣṇa passed away, Arjuna went alone to Dwārakā in order to bring his wives and the Yādava women to the Pāṇḍava capital, that Arjuna was attacked by the Abhīras on his way and the Abhīras forcibly carried away many ladies and some went with them of their own free will. Moreover, in Śalyaparva 61. 28 ff.,\textsuperscript{418} where Duryodhana, being mortally wounded by a mace stroke on the thigh by Bhima, severely upbraided Vāsudeva for the breaches of the rules such as putting up Śikhandin against Bhīṣma and Yudhishthira's prevarication about the death of Aśvatthāma. Then Vāsudeva referred to Duryodhana's evil deeds (verses 42-47), such as not giving a share to Pāṇḍavas in the paternal estate, poisoning Bhīma, trying to burn Pāṇḍavas together with their mother in 'jatuṛgha', taking by force Draupadi to the Sabhā when she was in her monthly period, assault on the very young Abhimanyu by many of Duryodhana's partisans, and added that he was killed for all these misdeeds. The text says that the gods showered flowers on Duryodhana and Gandharvas played on musical instruments &c. (verses 55-58). If the great epic had been a thoroughgoing Vaiṣṇava work these incidents would not have been mentioned by it.

A few passages\textsuperscript{419} common to two or more works with slight variations from among (Arthaśāstra of Kautilya, Mahābhārata, Manu, Mahābhāṣya, and Rāmāyana are here set out and some have been mentioned above).

\textsuperscript{417} भिवाद वर्तोधानां समस्ता: प्रमदोत्तमाः | समस्ततोक्वरुषन्ति कामावाचन्याः प्रवन्तूः || गौरवसू || 7. 59.

\textsuperscript{418} दुर्गोपनिता वेदाभिव वाभिविहयाधिराधेयत्र || कंसरास्थ दायद न ते लज्जास्वते वै दृक्ष्यां || अपरस्य गृहायुध्य यद्य विनिपातितः || उह भिङ्ग्विन्ति भीमस्व स्वति मिथ्या प्रसच्चक्तात || विश्वासनं पुरस्कृतं प्रतिवादति पितामहः || अश्वत्वाण्मः सनातनं हत्वा नारेघुदुर्मातेष्य || आचार्यायं न्यासितः शब्दों || शत्यपर्व 61. 27-32.

\textsuperscript{419} (1) नायकं पृथिय-कौ. I. 15.60, मनु VII. 105, शास्त्र 140.24.

(2) नियतमुखल्लं स्माद्भ-हिताधायन: || कौ. I. 4. 5-6, मनु, VII.102-3, आदि 140. 6-7, शास्त्र 140. 7-8.


(4) संवर्त्तरं पतलि - मनु XI. 180, शास्त्र 165.37.

(Continued on the next page)
THE RĀMAṆĀṆA

It is remarkable that an Italian scholar G. Gorrecio, published the text of the RāmaṆāṆa in five volumes (the first being published in 1843 A.D. with a long Introduction of 143 pages and the Uttarakāṅḍa being omitted) and five more volumes of translations, Prefaces and Indexes, the 10th volume being published in 1858 A.D. The RāmaṆāṆa has been edited in several places e.g. by the Gujarati Press of Bombay in seven volumes (with three commentaries) and by the Nirṇaya-śāgara Press (text in two volumes) in 1905. A critical edition of the RāmaṆāṆa on the lines of the Poona critical edition of the Mahābhārata was undertaken at Baroda and so far the first three kāṇḍas have been issued. In the present edition of the H. of Dh. the one volume edition of the text of the RāmaṆāṆa published by Mr. R. Narayanaswami Aiyar and edited by a committee of four scholars in 1933 and based on four palm-leaf mss. and several printed editions has been used.

There are several recensions of the RāmaṆāṆa, three being well-known, viz. the Southern represented by the Gujarati Press edition in seven parts and the Nir. edition in two parts, the Bengali recension (represented by Gorrecio's edition) and North-western recension represented by the edition of the RāmaṆāṆa published by the D. A. V. College, Lahore in 1923 ff. The Southern recension is the most widely spread of the three. Jacobi found differences in these recensions and classified them and arrived at the following conclusions:— (1) Each recension differs from both or one of the other two in the common verses, the Southern recension

(Continued from the previous page)

(5) एकं हन्याज वा हन्यादिपु: खिंचो प्रणमय:। आक्षेण तु मति: किंता हन्याज-भगवानिषय:। कृति. X. 6. 51, उदयग. 33. 33.

(6) इन्द्रय स्त्रि स प्रणमय यो कल्याणो नमस्ति भारद्वारः। कृति. XII. 1-2; उदयग 34. 37 and शास्त्र. 67. 11 (इन्द्राय स प्रणमय यो कल्याणे॥).

(7) कल्याणी बत गविष्ये कौकसी प्रतिवाति में। एति जीवन्तमानन्दो नरं वर्ष-शताद्रि॥ सुनदरकाण्ड 34. 6, युद्धकाण्ड 129. 2 (Gorrecio's ed. 126. 2); the महाभारत quotes the quarter एति जीवन्तमानन्द: on पार. I. 3. 12 (Kielhorn vol. I. p. 277) and on III. 1. 67 वातिक 5 (Kielhorn vol. II. p. 59).
having the more original text; (2) each recension has a good number of verses, longer passages and sometimes whole cantos which are not found in one of the other two recensions or in both the other recensions; (3) the sequence of the verses is often different in two or sometimes in all three recensions. Jacobi found that in the first 30 cantos of Kiśkindhā 749 verses were common out of a total of 1303 verses in Southern recension and 1228 in East Bengal recension. Prof. C. Bulcke finds that of the 4202 1/2 verses of the N. W. version of Sundara-kāṇḍa, 31 percent are absent from the Bengal version and 28 percent from the Southern Recension and 13 percent exclusively belong to the N. W. recension (vide Poona Orientalist, vol. 25 at p. 37) and adds that the narrative changes very little and that the additional verses are often due to repetition of laments, consolations and fuller descriptions of events already narrated. He advances the plausible theory that all three recensions were reduced to writing independently on the basis of a text which had been transmitted orally for several centuries by professional singers who had committed the poem to memory. Prof. C. Bulcke (of Allahabad University) in his careful paper on the (three Rāmāyaṇa recensions) examines these divergences in the recensions (in J. O. R., Madras vol. 17 pp. 1-32) and arrives at the conclusion that, in spite of the divergences the subject matter of the Rāmāyaṇa viz. the narrative itself has been changed very little. He examines 152 cases from the seven kāṇḍas and shows, (A) how in some cases the subject matter occurring in the Southern recension is absent from one recension or from both of the other recensions; (B) the subject matter not found in the Southern recension is in some cases present in one or both of the other recensions; and lastly (C) there are other differences among the three recensions which cannot be classified under either A or B. He points out places where entire sargas or fairly long passages are not present in all the recensions even if they do not contain any new subject matter.

A few striking illustrations of the divergence in the three recensions may be cited here:

1 In the Bālakāṇḍa, the auspicious conjunctions of the planets in certain signs of the Zodiac (Rāśis) at the birth of Rāma and his brothers occur in the Southern recension but
are absent in the other two; (2) a long poetic description of the Ganges in Ayodhya (50. 13-24) is absent in the other two recensions; (3) the condemnation of Buddha as nāstika (atheist) and as resembling a thief occurs in Ayodhya (chap. 109.34) in Southern recension but is absent in Gorrecio's ed. and the whole chap. is absent in N. W. recension; 

(4) Two sargas, 62 and 63, of Aranyakānda (in S. recension) are absent from both Bengal and N. W. recensions; (5) a group of six sargas (10-15) in Yuddha-kānda in S. recension is entirely absent from the Bengali recension and partly from N. W. recension.

Many of the quotations from the Rāmāyana in medieval digests are not found in the current editions of the epic, e.g. the Dānasāgara of Ballālasena, king of Bengal (composed in 1091 i.e. 1169-70 A.D.) quotes four verses from the Rāmāyana of which only one is found in the Yuddhakānda (18.30), acc. to Mr. Bhabtosh Bhattacharya in his paper on "The Rāmāyana and its influence on Ballālasena and Raghunandana" in J. O. I. (Baroda) vol. II (pp. 18-22). Vide Dr. Bhabatosh Bhattacharya's 'Studies in Dharmaśāstra' published in 'Indian Studies' (past and present) in 1964, in which he gives a list of verses from Rāmāyana in seven digests (from Dānasāgara and others) which can be identified (pp. 53-55) and

420 ततथ द्राढः मास छैठे नामभिन्ने तिधी। नक्षत्रण्डितिवैस्वेये स्वातःस्वस्येषु पञ्चु। ग्रहेण क्षेत्र लघु वाक्यावतिन्दुगा सह। प्रकोष्ठमाने जनाःयथ सवि-लोकमर्कक्तमु। कैलास्याक्षसश्रृंगं...। पुष्ये जनवशु भरतो मात्रवर्णे अयस्यः। ... सार्थं जाति च सौमित्री कुलदर्शयुदिति रथी। बालकाण्ड 18.

verses 8-10, 13-14. Aditi is the presiding deity of (Punarvasu nakṣatra), Sarpāḥ (serpents) of Āśleṣa; Karkaṭa (and Kulir also) is Cancer sign and Mina is "Piscis"; the uccha Signs (signs of exaltation) are Meṣa, Vṛahṣa, Makara, Kanyā, Karkaṭa, Mina and Tula and are respectively the uccha signs of the Sun, the Moon, Mars, Mercury, Jupiter, Venus and Saturn. For the horoscope of Rāma and his brothers as described in the Rāmāyana, vide the present author's paper in J. O. I. (Baroda) vol. I pp. 5-7; vide the Ayodhyā Kānda (15.3) where there is a reference to the Karkaṭaka sign 'उद्भवति विद्वेद् सूर्य पुष्ये चान्नागतेषु। छन्ने कर्कटेणे प्राप्ते चन्ते (v. t. जनम) रामय च रिषयेत्।' (the Madras ed.). It should be noted that the astrological details about five planets being in exaltation (uccha) are associated in the Raghuvamśa (III.13) with the birth of Rāhu and not at all with the birth of Rāma (Raghuvamśa X. 66-67).
another list on pp. 55–56, where verses quoted as from Rāmāyaṇa in the same works cannot be identified. In another paper on the Rāmāyaṇa and its influence upon the medieval digests of Eastern India Dr. Bhabatosh Bhattacharya shows that the early medieval works like the Hāralatā of Aniruddha and the three Ratnākaras of Caṇḍesēvara on Kṛtya, Grhaṣṭha and Vivāda, quote the Rāmāyaṇa sparingly, e.g. Aniruddha quotes only five verses and the Ratnākaras quote only four verses and that it is only the later medieval works such as the three out of the four Kaumudis of Govindānanda that quote fourteen verses from the Rāmāyaṇa, most of which are found in all recensions of the Rāmāyaṇa and the Rājadharmakaustubha of Anantadeva quotes in all 39 verses from the Rāmāyaṇa but many of these verses do not tally exactly with the three recensions of the Rāmāyaṇa.

It should be noted that the Uttarakanda shows no difference worth mentioning. Therefore, it may be assumed that that kāṇḍa is not only the work of later interpolators, but it must have been composed after the original poem was bifurcated into the Southern recension and Northern recension. The Mahābhārata narrates the Rāma story in Vanaparva (chap. 273–292) in about 750 verses. It may be noticed that some of the incidents mentioned in the Uttarakanda occur in the Raghuvamśa of Kālidāsa. For example, Rāma’s spy called Bhadra was ordered by Rāma on his return to Ayodhyā after the destruction of Rāvana and his forces to report what was talked in the capital and the kingdom by the citizens and other people about himself (Rāma), about Sītā and about his brothers (Uttara, chap. 43. 4–6). Then, Bhadra, after repeating what people said about Rāma’s exploits, stated that people talked disparagingly about taking back Sītā, whom Rāvana had placed on his lap when carrying her away and had imprisoned in the Asokavanikā and that the subjects remarked that they would have to endure, if similar incidents happened in the case of their wives.  

421 अदामार्गीय तु पुराण रचनेन वर्णतामु| बद्धमध्य तु पुराण नातासास्तकानिकां गतामु| राक्षसा ब्रह्मापश्चात् कर्क रामो न कुल्लते। अमार्गीय दोरिषु सहनीयं भविष्यति। यथा हि कुड़ते राजा प्रजा तमुत्नान्ते। उत्तरकाण्ड 53. 16–19;

Compare ‘स किवदन्ती वदति युधिष्ठिरस्वत्तवेद्यम्रिव विशुद्ध: । सप्तोघेराजोगुजुतस्य (उपसर्गोऽपि प्रपणं) मद्र विजितारिनि ॥’ रुप. 14. 31.
Raghuvaṃśa (14,31) also the spy is called Bhadra. It is clear that Kālidāsa knew the Uttarakānda. The Raghuvaṃśa in chapter 15 closely follows the Uttarakānda. A few incidents may be set out. Raghuvā 15, 81-84 may be compared with Uttarakānda 97, 15-17. Compare also Raghuv. 15,87-90 with Uttara° chap. 100, Raghuv 15, 89-90 with Uttara° chap. 101-102, Raghuv. 15, 92-95 with Uttara° 103-5, Raghuv 15, 97-98 with Uttara° 107. Kālidāsa in Raghuv (14,70) echoes the very words of the Rāmāyaṇa (Bākalāṇḍa) 2, 18 and 40.

It should be noted that at the end of the Yuddhakānda there is a long phalasruti about the fruits of reading it and there is another at the end of the Uttarakānda also. Besides, the first canto of the Bālakānda gives a synopsis of the whole of the Rāmāyaṇa up to Rāma’s becoming a king after returning from his victory over Rāvana, in which there is no reference to the subject matter of the Bālakānda or of the Uttarakānda. Then, again, in the 3rd chap. of the Bālakānda there is a summary of events from Rāma’s birth up to his abandonment of Sītā. It follows that even at the time of this second table of contents the Uttarakānda had not come up to its present form. Dr. Bulcke is not right when he says (on p. 41 of his paper in Poona Orientalist Vol. XXV) that Laksmana was unmarried as Rāma says in Aranyaka-kānda (18,3). The learned writer forgets that Rāma was making fun of Śurpanakhā who wanted Rāma to marry her and therefore he (Rāma who had Sītā with him) jocosely said that Laksmana (unaccompanied by a woman) was unmarried and that she might approach him. But this was all spoken in fun, as is made clear by the word ‘parīhāsāvicaaksanā’ applied to Śurpanakhā (not clever enough to understand the ridicule and the joke). Bālakānda, chap. 73 verses 30-33 specify the names of the wives of Rāma and his brothers and Ayodhya chap. 118,53 expressly says that Urmilā was married to Laksmana.

432 निसादविविद्धनवर्षोऽत्रः सीक्षतमापितयथ सोऽक: । शु 14, 70 ।
Compare Bālakānda 2, 18 शोकान्तरस्य: मद्वणोऽऽस्तोऽको भवेतु नामवधा।
and 2, 41 मोदुष्ट्यवाहरागद्यरः: शोकः सीक्षतमापितः।

The Rāma story is frequently alluded to in the extant Mahābhārata. The story of the golden deer\(^{424}\) (Mārica) whose beautiful skin Sitā longed to have (Aranyakāṇḍa, chap. 43–44) is referred to in the Sabhāparva 76.5. The Vana-
parva (chapters 147.31 to 148.19) summarizes the Rāma story and ends with the verse that Rāma ruled the kingdom for eleven thousand years. This verse occurs in the Rāmāyaṇa also (Yuddha 131.106). The Droṇāparva (chap. 59) describes the excellence of Rāmarājya. The Droṇāparva (196.36) compares the death of Droṇa to the death of Vālin.

A large volume would have to be written if one were to deal with all questions relating to the two epics. I hold that there is no doubt that there existed a Bhārata Epic before there was a Rāmāyaṇa (Vide ‘the Great Epic of India’ by Hopkins, as he says on p. 61). Jacobi’s German work on the Rāmāyaṇa has been translated into English by Dr. Ghoshal piecemeal in the Volumes of the Journal of the Oriental Institute, Baroda, in vol. V onwards.

In the Śalyaparva (39.9–10) reference is made to the cutting of the head of a rākṣasa by Rāma in Janasthāna. In the Śāntiparva\(^{425}\) is mentioned the story of the return to life of a brāhmaṇa boy (who had died prematurely) when Rāma killed Śambūka, a sūdra practising penance. The Śāntiparva speaks of the death of Rāvaṇa at the hands of Rāma who was angered by Rāvaṇa.\(^{426}\) The Droṇāparva compares the fight of Ghatotkaca and Alayudha with the fight of Rāma and Rāvaṇa (96.27–28).

All verse quotations in the Mahābhāṣya are collected in one place by Kielhorn in I. A. vol. 14 the pp. 326–327.

\(^{424}\) असमये हेममयस्य जन्तोत्सर्शाय प्रभो दुधें सूर्या समा 76.5; दश-
वंसद्धारणि द्वा वर्षानातिनि च । राज्यं करितवाद रामस्तत: स्वभवं गनः ॥
वनपर 148.19; दौराणपर 59.21–22 (2nd half is सर्वभूतानि:कान्नो रामो,
राज्यमहारायणं ); द्वाराधनातक (p. 130) has दसस्वसतस्तिनाति सल्ले वस्त्र-
शस्त्राति च । कमुगीति महावापु रामो जयं अहसर्चिनि । वर्ष 93.

\(^{425}\) युक्ते समभे शुद्धे हने द्र भाग्यसर: । नीविं धर्ममालय रामासर्य-
पराक्षान ॥ शान्ति 153.67.

\(^{426}\) रोश्य हि द्वारा गावया द्वाराय: प्रनयवार । तथा शन्तानिष्ठायो इतो रामेण
संयुगे ॥ शान्ति 360.15.
Another question much discussed by some Western scholars is the relation of the Rāmāyaṇa to the Daśarathajātaka. Reasons of space prevent any detailed discussion. The Daśarathajātaka (No. 461 in Fausböll's edition, vol. IV) is a travesty of the Rāma story. In it Sītā is a sister of Rāma, Daśaratha is a king of Benares (and not of Ayodhyā) who is said to have had 16000 wives and Sītā (a sister) is made queen after Rāma's return from the forest. There is nothing peculiarly Buddhist in it. The Jātakas form a later part of the Pali literature. Rhys Davids in 'Buddhist India' furnishes a chronological table of Buddhist literature from Buddha's times to Aśoka and divides it into ten groups of which the Jātakas and Dhammapadas form the 7th. The Jātakas are not earlier than 250 B.C. and may be later by a century or more. It is not unreasonable to suppose that the germs of most of the Jātaka stories were derived from the folk-lore of India existing in those times. They are meant to glorify Buddha in his supposed previous existences and, while using well-known names (probably purposely) to make these names (except that of the Bodhisattva) ridiculous. For example, the Kāśī Daśarathjātaka No. 444 (its prose being in two distinct parts) makes it clear that none of the traits of the most famous sage of the Mahābhārata can be traced in the Jātaka called after him. The Jātakas generally contain some Gāthās and some prose passages. In a number of Jātakas the prose parts are in conflict with the gāthās or have nothing to do with them. The prose parts in their present form belong to 5th cent. A. D. and arose in Ceylon. Jacobi (Das Rāmāyaṇa pp. 84 ff) and Keith (JRAS. 1915 p. 323) hold that the prose parts of Jātakas are confused and belong to a later date. Two questions arise viz. (1) Does the Daśarathajātaka present an older form of the Rāma story? (2) Is the Daśaratha Jātaka really older than the Rāmāyaṇa? According to the present author the replies to these two questions are in the negative and he agrees with the conclusions of the late Mr. N. B. Utgikar (in JRAS. Centenary Supplement pp. 203–211). Vide also the same scholar's paper in JBBrAS (New Series vol. 4 pp. 115–134). In most of the Jātakas also the stories as told in the Epic differ greatly from the stories labelled under the same name in them.
In the Daśarathajātaka (No. 461, p. 127) occurs a gāthā (‘phalānam iva pakkānam Nicole pāpataṇā bhayam āvam jātānām maccānām Nicole maraṇato bhayam’), which occurs in Gorrecio’s edition (vol. II p. 42, verse 4) and is quoted below 427 (but does not occur in other editions).

Just as in the extant Mahābhārata references are sometimes made to the Rāma story, so in the extant Rāmāyāna occur references to the legends that occur in the Mahābhārata. For example, the story of Sāvitrī (daughter of Aśvapati, king of the Madras, and wife of Satyavān, son of Dyumatsena, the blind king of Śālva) well-known to all Indian women as the paragon of wifely virtue, is described in Vanaparva (chap. 293–299), is very briefly mentioned in the Ayodhyākānda, where 428 Rāma first expressed his unwillingness to allow Sītā to accompany him in his forest exile. It should be noted that the verse speaks of Sāvitrī’s story as well-known and does not dilate on any of the incidents connected with that story. It is again referred to in Sundarakānda 24.11. In the Sundarakānda (chap. 24 10–12) six patīvratas are named among whom Damayanti is the last. 429 The story of Nala, king of Nisadha, and his devoted wife Damayanti is one of the longest akhyānas in the Mahābhārata and is a very charming one. It is set out in the Vanaparva, chapters 52–79. Cyavana was a son of Bhrgu. Vanaparva (chap. 122–124) narrates at some length how Sukanyā, daughter of king Śāryāti, had to marry the sage blinded by her through mistake. She stuck to the old and blinded Cyavana, although the Āsins sought her hand. It should be noticed that most of these stories occur in the Mahābhārata.

427 यथा फलानि पक्षानि नायिनि पत्नाद्यस्योऽवे नराणि जनानि नायिनि मरणाद्यस्योऽ॥

429 सुयस्यस्य मे तीन सत्यवस्तमनुवतति सावित्रिमिव मा बिद्ये न्यामसः स्वामीनीमि ॥ अयोध्या 30. 6.

429 होपायना यथायात् मुक्यमया च्यवम् यथा सावित्री सत्यवने च कविते श्रीसति यथा ॥ सोदसा मद्यपनीतं केसरीनी सुम्भाद यथा ॥ नैचर्य दशमानीव नैसौ पतिमुदगता । सुन्दरः 24. 11–12. The हर्षचरित (I उच्चाश pp. 11–12 of the author’s edition) refers to मुक्यमया, daughter of king श्रीसति and her marriage with च्यवम who had his hermitage about two kroas beyond the सोम (river).

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and some (like those of Sāvitri, Damayanti and Sukanyā) at
great length, while the Rāmâyana employs them only for com-
parison and does not set them out at length. Sagara is
referred to in the Rāmâyana (Ayodhyā 36.16 about Asamañjā).
But no reference is made to his wives. In Vanaparva (chap.
106–7) it is stated that Sagara was a descendant of Ikṣvāku,
had two wives, Vaidarbhi and Śaibyā, had from Śaibyā one
son called Asamañjā whom he banished because he indulged in
the pastime of drowning the children of the subjects
(Śānti, chap. 57.8–9) and Sagara had sixty thousand sons
from Vaidarbhi who were all reduced to ashes by Kapila's
wrath when they dug the earth, found Aśvamedha horse
near sage Kapila and wanted to apprehend Kapila as the
thief. The story of Uttaṅka, a devoted pupil of Gautama, is
narrated at length in Āśvamedhikaparva chap. 55–58 and in
Vanaparva chap. 132–33. He married the daughter of Ga-
tama and requested Ahalyā, Gautama's wife, to accept some
present as Gurudakṣini (fee). When Uttaṅka pressed her
to accept something, she asked him to bring the jewelled ear-
rings of the wife of king Saudāsa—a man-eater (56.31). He
got to Saudāsa and begged for the ear-rings of his wife
Madayantī. Saudāsa asked him to see his wife and give her
his message. A long story is narrated about the ear-rings
which she gave. King Janaka held assemblies of learned men
for discussion. One bandin (i.e. sūta at his court) used to
argue with learned men, defeated them and plunged them in
water. Uddālaka had a pupil Kahoḍa, who married the
daughter of his guru. She conceived and the child in the
womb rebuked his father when he committed mistakes in re-
peating Veda. The father cursed the foetus that he would be
defective in eight limbs. Aśṭāvakra defeated bandin and
those who had been thrown into water (including Kahoḍa
who had been defeated by Bandin) were revived by Varuṇa
and then Kahoḍa recited a verse set out in the note below.\textsuperscript{430}
Yayāti is frequently mentioned for comparison or illustration
as in Ayodhyā 5.10 (same words in Kiskindhā 17.9, viz.
'yayātīm-iva punyānte devalokād-īha cyutam', also Araṇyā.\textsuperscript{5}

\textsuperscript{430} तारितोऽह्या पुरुष सुपुष्पिण महामना। अश्वक्रेण धर्ममा कहोऽहः
ब्रह्मणो यथा। युद्धवर्ण 122.16. The verse that Kahola repeated
was: हिर्यभीष्टिन्यं सुताङ्गान्य जननकर्मः। यद्यः नाशर्क कहुँ तत्तुषः
सत्कारः॥ वनपर्व 134.33.
66. 7. 'Jāmadagnya Rāma killed his mother at his father’s order (Ayodhya 21. 33); Visnu taking three steps (Kīśkindhā 67. 3 and 25).

The Sundarkānda is regarded by scholars as part of the original epic. Therefore, it is probable that the part of Sundarkānda which mentions the names of six pativrataś, the stories about whom occur at length in the Vanaprāva and Āśvamedhika-parva, is probably later than the parvans (Vana and Āśvamedhika) which are held by several scholars to be later than earlier parvans of the great Epic.

Nalakūbara is said to have cursed Rāvana when the latter ravished apsaras Rambhā (Vanaprāva 280.59-60, Uttarakānda 26.15 and 41 ff.) who had an assignment with Nalakūbara, son of Vaśravāna, brother of Rāvana; on hearing about this he cursed Rāvana that his head would be shattered in seven pieces if he dared to ravish any woman. In the Yuddhakānda (122. 16) it is stated that Daśaratha (who had died and had gone to heaven) came in a heavenly car to meet Rāma after his victory over Rāvana and said 'You have saved me as the brāhmaṇa Kahola was saved by Aśtāvakras.' The story of Aśṭāvakra, son of Kahoda is narrated in Vanaprāva chap. 132-4. King Nṛga while making gifts of cows to brāhmaṇas, by mistake donated the cow belonging to a brāhmaṇa which had strayed among the cows belonging to the king and when the brāhmaṇa lodged a complaint against the recipient of his cow before the king, the latter did not look into the matter for many days and the two brāhmaṇas cursed him to be a chameleon. That story is referred to in Anuśāsana 6. 38, Āśvamedhika 90. 99-100 and Anuśāsana 70 (at length) and 72. 2.

Taking the cue from the name Sītā (the heroine of the Rāmāyana) several scholars have regarded the Rāmāyana as an allegory, the word Sītā being employed twice in the Ṛgveda (IV. 57. 6 and 7) and apostrophized as a goddess.431 Three personages are known to our mythology as Rāma, viz. Jāmadagnya Rāma (or Paraśurāma), Balarāma (brother of Kṛṣṇa)

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431 अवशिष्ठ सुभो मये जीवने कुमारमे त्व । यथा । न: कुमारासि यथा न: सुभाष-सिस ॥ इत्यादि: सीतानि न ग्रहणति ता पूर्वते यवर । स न: पवस्ती दुर्हायु-रामसारं समाध ॥ ऋ. IV. 57. 6-7. सीता means the furrow left by a plough.
and Dāśarathī Rāma. It is unnecessary for the history of Dharmāṣṭra to deal with this question when the Rāmāyaṇa is admitted by all scholars as separated from the Rgveda by at least a thousand years or more.

It has been stated above that the core of the Rāmāyaṇa story may be only as old as 300–250 B.C. at the most. Āśvaghoṣa in his Buddhacarita refers to Vālmiki as writing a poetical work when Čyavana (his ancestor) did not do so. Besides, the Raghuvamśa closely follows the Uttarakanda as shown above. If we accept the date of Kālidāsa as between 350 to 450 A.D., then the Rāmāyaṇa in its present form cannot be placed later than about 200 A.D. and may be placed at least a century or two earlier. In the Kiśkindhā-kāṇḍa two verses have been expressly quoted as recited by Manu which occur in the present Manu. In Ayodhyā 107.11–13 two verses are stated to have been uttered by Gayā in Gayā with reference to pītrā.

The Rāmāyaṇa being mainly a Kāvya is not frequently or profusely quoted by works on Dharmāṣṭra, particularly by comparatively earlier ones. Among the early commentators, Medhātithi on Manu IV. 217 refers to the Rāmāyaṇa as prescribing Śrāddha on the 4th, 8th, 9th and 10th days after the death of a person. On Manu V. 7 Medhātithi quotes without naming the Rāmāyaṇa a half verse from it (yadannāḥ puruṣo

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432 वामीकिन्तु जगाद पर्यं जग्नेन यज्ञमेव महापनि:। बुद्धवरित I. 43.

433 धृतेऽति मनुना गौती: अयक्ते भारितवस्त्रयो। यज्ञोत्व यथेनैव हृदयालात्मयावति
मया गान्ति: धनःप्रमादवेष्टु हृदया पापाल्लाव मानवाः। निमित्त: स्मराभायानिष्ठति
सन्त: सहजलीनो सथा गान्ति: यासामात्र विमातान्त्र्येन: सेवायांगुरुय्यनानि। राजा
तव्हासातपस्व तदवानोति विनित्यभ: विनित्यभ: 18. 31-33. Vide Manu
VIII. 318 and 316. The first occurs in Vas. Dh. S. 19.45 also and for
the 2nd compare Vas. Dh. S. 19.46.

434 धृतेऽति हि पूर्व तात्त भूनिर्जाता श्वसिताना। गमेन य नमानेन गमेखव पितृनु प्रति
पुनाम्नम् नक्साक्षमान्ति पतिर्न ग्राभे सुन:। तस्मानुपुन् इति प्रसा: पितृनुः
पाति सर्वत:। उत्त्वा बद्वा: पुनस्य गुणवट्टो वर्गस्तु:। तत्तस्य व समेततानामः
कारिण्यां ब्राह्मण:। अयोध्या 107. 11-13. The first verse (पुनाम्नम्) occurs in Manu IX. 138 (last pāda is महायंव पांचयां, आदिवार
229. 14 (first half), विणुपम्घ 15. 44; part of the 2nd verse occurs in
बलाय 87. 10.
It may be noted that the Dhvanyālōka (a Kashmirian work on Poetics of the latter half of the 9th century A.D.) quotes a verse from the Aranyaka (16.13) as an example where the Vyaṅgya (suggested) sense pushes the literal sense (vācyā) of the word (andha in that verse) very much in the background (atyanta-tiraskṛta-vācyā). In spite of this writers on Sanskrit Poetics rarely quote or refer to it.

Even Aparārka who quotes the Mahābhārata dozens of times quotes the Rāmāyaṇa only twice. On Yāj. I. 211 Aparārka quotes a verse saying of one who being able to save a saraṇāgata allows him to die in his presence all merit (sukṛta i.e. puṇya) is taken away by the one who is not saved. On offering water to one’s deceased relations Aparārka (on Yāj. III. 5) quotes a verse from Ayodhyākāṇḍa (102–27). The Smṛticandrikā (I. p.57) quotes Sundara-kāṇḍa 59, 35–36 about cessation of study on the first tithi of a month (pratipat-pāṭhaśilasya vidyeyava tanutām gata). The Kṛtyakalpataru (on vrata, brahmacāri, tirtha and naiyatakāla) has no verses from Rāmāyaṇa though Naiyata-kālikā quotes about two dozen verses from the Mahābhārata. Both epics condemn the king who being engrossed in pleasures does not attend the court of justice when the parties approach him for justice. The Kalpataru on ‘grhaṣṭha’ quotes only two verses from Rāmāyaṇa, but it mentions the Mahābhārata.

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435 तथा च पक्कामेण नेति विविधतेत्त्वर्निति । यदवः पुश्चो राक्षसलात्स्व देवता ॥ प्रिति । भेषा ॥ *म्रु* V. 7. Vide: अयोध्याकाण्ड 102. 29–30 एववर बर्तमानं पितापकं दभ्युखिरे । न्याय रामः युध्व-तात्तीर देवात्रेः वचनम-चन्द्रगुं ॥ इदं अमेव महाराज भीतो यदवन्ति वयम । यदवः पुश्चो भवति तद्रात्स्व देवता ॥. The same half is repeated in अयोध्या 103. 14 रामेश्वरिष्टिपार्थं चूर्तते समीभवे । यदन्त: ॥. देवता: ॥. It is called there लक्षिते।

436 नवितस्कान्तकोशमांश्चवर्गायनमंडलः ॥ निष्ठापंश्च वाचदेवश्चन्त्राणि न प्रकाशति ॥ अयोध्यकाण्ड 16, 13 (the Madras edition of रामायण reads युध्याकाण्डमंडलः).

twenty times, one citation on pp 281-285 quoting 20 verses from Anusāsana (11.6-21) on where Śrī resides. The Dānasāgara composed by king Ballālasena in saka 1091 (1169-70 A.D.) quotes the Mahābhārata over 200 times, but quotes from the Rāmāyaṇa only four verses.438

In the Rājānītiratnakāra of Cāṇḍesvara (ed. by K. P. Jayaswal), verses about the right of the eldest son to succeed to his father are supported by quotations from the Rāmāyaṇa.439

Indian culture penetrated to Borneo, Java, Bali and other Indonesian islands. In the Rāmāyaṇa, Sugriva is said to have sent his followers in search of Sītā in the four quarters. He directs them to the countries in the East and names Yavadvīpa (Java) as one of them (in Kiskindhā 40.29-30).440 Ptolemy (in his Geography of India about 150 A.D.) refers to it as ‘Jabaden’. It is generally accepted that Java and Sumatra had been Hinduized before the 3rd century A.D. This is not the place to go into the question of the cultural migration from India to the Eastern Archipelago. Vide Dr. Bijan Raj Chatterjee’s ‘India and Java’ (Calcutta, 1933). ‘The culture of South-East Asia’ by Reginald le May (pub. in 1954) with 216 illustrations at the end; ‘South India and the Eastern Archipelago’, in the Kṛṣṇaswamy Aiyangar Vol. by C. S. Srinivasachari pp. 483-497; ‘Sanskrit Texts from Bali’ edited by Prof. Sylvain Levi (G. O. S. 1933); ‘Indian influence on the Literature of Java and Bali’ by H. B. Sarkar (Calcutta, 1934); Stutterheim’s ‘Rāma legenden’ and

438 नहि राजा सुता संवेद प्रतिक्षति मामिन्। स्मायविनिष्क सवैद्व सुभाषन-नभी भवेद। तस्मात्ते फिः कौमिये राज्यत्तन्त्रणि पारोऽधि।।

439 रामायणं जतवदानवकरं राम आह। इदं पुरुषस्वाधूल विमलं विनिन्यक्तप्रबोध।।

440 यदवमनी च राज्यायोपसिद्धि च। साधुसन्यप्रकाशादिच हृदयाय शिशिरी नाम पवनं।।
'Pictorial History of civilization in Java;' 'History of Śrivijaya' by Prof. K. A. Nilakanta Sastri (1949); 'Hindu Law in Java and Bali' by Dr. R. C. Majumdar in S. K. Aiyangar Memorial Volume pp. 445-461.

The Mahābhārata became very popular in Java; the Javanese puppet shows called 'wayang' have preserved the old Hindu traditions even in these days, though Java has been a Moslem country for five centuries. Tantric doctrines also prevailed in Java and Sumatra. The Rāmāyaṇa exists in Bali in the Kavi language. There exist several recensions of the Rāmāyaṇa in Java, both in verse and prose.

Some incidents of the Rāma story are represented in the Javanese 'Wayang' (shadow plays). Dr. Bijan Raj Chatterjee in 'India and Java' p. 29 states "In a 6th century inscription of Cambodia we find the following passage 'with the Rāmāyaṇa and the Purāṇa he (the Brahman Somaśarman) gave the complete Mahābhārata and arranged for a daily recitation without interruption'. About India's influence on architecture in Indonesia Levi writes "In Architecture it is in distant Cambodia and distant Java that we have to look for the two wonders produced by the Indian genius, Angkor and Borobudur" (q. from 'Śrivijaya' by Prof. Nilakanta Sastri p. 11).

Two interesting chapters in the two epics are known as 'Kaccit-praśna' chapters. They are Sabhā-parva chap. 5 verses 17-110 and 114-125 (in all 106 verses) where the sage Nārada asks Yudhisthira certain questions about what an ideal king is expected to do in all that concerns the Government of the State and the people, and Ayodhyakāṇḍa chap. 100 verses 76 (of which the first five are introductory in which Rāma, who was staying on Citrakūṭa along with Sītā and Lākṣmīna), inquires of Bharata about the Government of Ayodhyā after Rāma left. In verses 6-10 Rāma asks Bharata about Daśaratha, about the Upādhyāya (Vasiṣṭha) of the family and about his mother and step-mother; so in the Rāmāyaṇa only 66 verses are properly concerned with the Government of the country, the king's duties and actions and cognate matters, while in the Mahābhārata these matters are

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441 For the Mahābhārata the Chitraśāla edition and for the Rāmāyaṇa the one volume edition published in 1933 by Mr. R. Narayanswami Aiyar have been used; A or Ay = Ayodhyakāṇḍa and S = Sabhāparva, being used in the verses having 'Kaccit' in them.
dealt with much more elaborately (in 106 verses). One interesting feature of these two chapters is that they contain about twenty-nine identical verses. Sometimes the Rāmāyaṇa text is corrupt. Very slight differences of readings are not noted here but only substantial ones.

The word 'Kaccit' is employed when the person asking the question desires to receive a favourable reply, as the Amarakośa says 'Kaccit kāmapravedane'. The Rāmāyaṇa employs this word in other passages also as in Bālakāṇḍa 52.7–9. The Gītā also employs it in chap. 18.72 (Śrīkṛṣṇa asks 'Kaccid-ajñāna-sammohah praṇaṣṭaste Dhananājaya' and the reply is 18.73 'naṣṭo mohah, &c' as Kṛṣṇa desired.

\[ A = Ayodhyākāṇḍa \quad \text{and} \quad S = \text{Sabhāparva} \]

(1) A. 100.17 – S.5.29 reads 'arthavit' for 'arthanaipunam' of A;
(2) A. 100.62–63 – S. 5.19–20 (A reads 'priti-lobhena' for 'pritisāreṇa' of S.);
(3) A. 100.52 – S. 5.32 (reads in last pāda 'samsṛṣṭam cātra' for 'madhyamevatra' of A);
(4) A. 100.22 – S. 5.35 (reads in first half 'sahasrāir-mūrkhānāmekam' for 'sahasrān-mūrkhānām-ekam-icchasi' of A);
(5) A. 100.24 – S. 5.37 (reads 'Dānto' for 'Dakṣo' of A);
(6) A. 100.36 – S. 5.38 (reads 'cārakaiḥ' for 'cāraṇaiḥ' of A which is a misreading and makes no sense).
(7) A. 100.11–12 – S. 5.40–41 (reads 'anupraṣṭā' for 'anudraṣṭā of A');
(8) A. 100.25–28 – S. 5.43–46 (S reads 'udvijāse prajāḥ' for 'udveditaprajām' in A);
(9) A. 100.30 – S. 5.46 (Senāpatiguṇas);
(10) A. 100.31 – S. 5.47 (A reads 'dṛstāpadānā for 'dhrṣṭāvadatāḥ' of (s.)
(11) A. 100.32–34 – S. 5.48–50 (A reads 'vilambase' for 'vikarsasi' in S (A reads 'bhartuḥ kupyanti 'duṣyanti' in 33 and 'samāhitāḥ' for sadā yudhi)
(12) A. 100.47 (half) and S. 5.79 (A reads 'Vārtyāyām saṁśritas-tāta loko hi sukhām-edhate' and S. reads (lokoyam sukham &c'.
From this analysis it follows that out of 66 verses in which the word kṣecit occurs in the Rāmāyaṇa 29 are almost the same as in Sabhāparva and there also a few half verses, pādas (quarters of a verse), which are the same but are not noted here. Another weighty criticism is that at the time when this kṣecit chapter is supposed to have been addressed by him to Bharata, Rāma did not know that king Daśaratha was dead. It is after this chapter that Bharata tells Rāma (in chap. 101. 5–6) that after Rāma left for the forest the king died, being overwhelmed by sorrow. Therefore, some of the questions put in the mouth of Rāma are inappropriate and irrelevant, such as the questions about the honour paid to Upādhyāya, about Purohita, Mantrins, Senāpati and dūta. All these high functionaries had been appointed by Daśaratha himself. On the other hand, in the case of Yudhiṣṭhira, who was the eldest among the sons of Pāṇḍu and who performed the Rajasūya also (also as described in Sabhā 33 ff), those questions were appropriate. I think the chapter (100) of the Ayodhyākāṇḍa is based on chap. 5 of the Sabhāparva and about 29 verses were almost bodily taken from the Sabhāparva into the Ayodhyākāṇḍa.

The Rāmāyaṇa is a Kāvya, yet, on account of the noble ideals that it sets up in the chief characters, it was very
popular and is relied upon as a source in digests on Dharma, though not so frequently and profusely as the Mahābhārata. Vide for example, Dr. Bhabatosh Bhattacharya’s paper on ‘Rāmāyāna and its influence on medieval digests of East India’ in Gode com. volume pp. 19–26. The following table will give some idea of the different topics of Dharmaśāstra dwelt upon by the Rāmāyāṇa. The references are to the Madras one volume edition referred to above (p. 399 n. 441).

Abhiṣeka—Ayodhyā 15, Yuddha 131.
Arājaka—Ayodhyā 67.
Pātakas (sins)—Kiskindhā 17–18.
Rājadharma—Bālakāṇṭha 7, Ayodhyā 100, Aranyā 6, 9, 33, 40–41, Yuddha 17, 18, 63.
Śrāddha—Ayodhyā 76, 103.
Satyaprapāvamsa—Ayodhyā 109.

It must be stated that whole cantos are unauthorizedly added in some cases in the Rāmāyāṇa e.g. in the Uttarākāṇḍa after chap. 23 five sargas (containing 296 verses) are added. Five more are added after chap. 37 (containing 244 verses) and three cantos are added after chap. 59 (containing 145 verses).

Another matter to be noted is that not only are unauthorized verses added in the Rāmāyāṇa but here and there verses are repeated e.g. several verses in Ayodhyā 105, 4–12 and Yuddha 131, 2–10. It has been already shown that about 29 verses (with ‘kaccit’ in them) have been borrowed from the Mahābhārata. Moreover, several verses are common to both the epics (e.g. vide pp. 385–386 above).

The claim, put forward in the Bālakāṇḍa (chap. 2, verses 3–31), that Vālmiki, on seeing the Krauṇḍa bird killed by a hunter, uttered a verse (śloka) that was to be the pattern or model for all succeeding poets composing poems in that metre, cannot be admitted as tenable. The Rāmāyāṇa as a Kāvyā cannot be claimed on the available evidence as earlier than 300–200 B.C.
Quotations in the Mahābhāṣya lead to the conclusion that, centuries before Patañjali, works in the Śloka metre had been composed. A few examples quoted below will bear out this.\textsuperscript{442}

Verses in the Sundarakāṇḍa\textsuperscript{443} are of great significance on the date of the Rāmāyaṇa. Hanūmān is said to have pondered over the question whether he should address Sītā in Sanskrit used by Dvijātis (brāhmaṇas, ksatriyas and vaiśyas) or he should employ sentences used by common men (vide note below). There is hardly anything to show that about 400 or 500 B.C. there was a vast difference between the languages spoken by higher classes and those spoken by lower classes. But a century or two before and after the Christian era great differences had arisen between the two as indicated by Inscriptions and literary works.

I cannot close this brief section on the Rāmāyaṇa without mentioning a work of outstanding merit viz. 'Thirty lectures

\textsuperscript{442} It is Kielhorn's ed. of the Mahābhāṣya that is referred to:

\begin{enumerate}
\item यदुद्धर्वर्गानां (vol. I, p. 6);
\item एव जीवनमानन्दः (vol. I, p. 277 on वाचिकः 6 on II. 7. 6), vol. II, p. 59 on वाचिकः 5 on III. 1. 67);
\item तपः शुभं च योनिः (vol. I, p. 41) on II. 2. 6 and vol. II. p. 363 on V. 1. 115; 
\item समुज्ञानविवृत्तिः (vol. I, p. 426); 
\item वाताय ब्रविष्टं विवृतु (vol. I, p. 449 on वाचिकः 3 on II. 3. 13); 
\item दुरारास्थानमूलः (vol. I, p. 457 on वाचिकः 2 on II. 3. 35); 
\item ज्ञमाणी द्वारिके हृदन्त (vol. I, 458 on वाचिकः 6 on II. 3. 38); 
\item कालः पवित्रत्वं (vol. II, 167); 
\item श्रीमानं सम्बालावतानि (vol. II, 220 on वाचिकः 9 on IV. 1. 48); 
\item महानाबालः श्रुत्वा (vol. III, 288 on VII. 2. 23); 
\item सामुहः पाणिभ्रमिति (vol. III. 367 on वाचिकः 1 on भ. VIII. 1. 8).
\end{enumerate}

\textsuperscript{443} अहमहिततःबैवन वानरविवृत्तिः: वाँच चोदारहिण्यामृ मानमुष्मिह संस्कृताम। गौरे वाँच प्रायाय्मिह द्विगृहितिः संस्कृताम। रावण मन्यामाना शोभीता भोगीती। वानरस्य विलोणक स्मर्याभिमाणम। अदद्येव वक्तुध्येव माधवी वालम्बत्स्वम्। सुन्दरः 30. 17-19.
on the Rāmāyaṇa' by the late Right Honourable V. S Srinivasa Sastri (published by the Madras Sanskrit Academy in 1949). He does not deal with the Rāmāyaṇa in the spirit of a critical scholar. Questions of the date of the Rāmāyaṇa, the authorship of it, of the indebtedness of Vālmiki to others and of the authenticity of the present text are left out by him. He deals at great length with the principal characters of the epic and his language is moving, often charged with fervour and emotion and his exposition of the different incidents is masterly. He quotes a very large number of verses from the Rāmāyaṇa. In his exposition he is at his best when he deals with the attack by Rāma against Vālin from behind trees and the incident of harsh words Rāma used when he abandoned Sītā after killing Rāvaṇa (Yuddhakāṇḍa, 118, verses 12-24). His words are most eloquent when in the 27th lecture on p. 432 he says 'that is Rāma's greatness that he did not mind sacrificing anything to preserve Dharma. Dharma has many phases. What he (Rāma) thought was his highest Dharma, that he fulfilled and to that end there was nothing that he would not sacrifice'. It may be pointed out that the Padma-purāṇa (Ānandāśram ed. IV. 66. 28-29) proclaims in two verses the virtues that the Rāmāyaṇa emphasizes by delineating some paragons of virtue such as Rāma, Sītā, Bharata, Laksmana and Hanūmān.

Though the Rāmāyaṇa is full of poetic passages, it often departs from Pāṇini's grammar. A few examples may be cited; 'Kurmi' (for karomi) in Ayodhyā 12. 36, 'ānayitum' (for 'ānetum') in Ayodhyā 19. 10 and 'nayisyati' (for 'nesyati') in Ayodhyā 12. 87, 'rusya' Ayodhyā 97. 12, 'Mantriṁśca' in Sundarākāṇḍa 51. 37 (for Mantriṁśca).

The Gujarati Press edition of the Rāmāyaṇa (in seven parts, 1912-20) contains three commentaries. A brief statement on these may be made here. Of the three the earliest seems to be the one called Bhūsana composed by Govindarājān of Kauśikagotra. He was a man of profound learning in the various branches of Sanskrit literature. Sometimes his commentary is very extensive (as on the first verse of the Bālakāṇḍa), but sometimes it is the briefest of

444 वस्मन धर्मविध्यः साहित्यविद्वान तू बारिशवतः । भृन्दस्तेहो महान्त्वं युग-भक्तिसत्त्वं च ॥ खामिस्तन्तर्योर्ण्यं नीतिमूले निमित्तं कित । अर्द्धधार्मिकातिवं वन साधारणूद्वृत्तः ॥ पद्मपुराण,
the three commentaries (as on I. 75. 4, I. 76. 15). At the end of the Bālakāṇḍa he states that he had acquired fame by his proficiency in the Vedas, Śāstras and learned discussions and he had a keen intellect in Sanskrit poems, Alanākāra (Poetics) and the dramatic art. This writer confers different names on his own commentaries on the different kāṇḍas viz. Maṇimāṇijira, Pītāmbara, Ratnamekhala, Muktāhara, Śrīgāratilaka, Ratnakirita, Maṇimukuta. It appears that Śaṭakopa of Vatsa-gotra was his guru and he was the son of Varada (last verse in com. on Yuddhakāṇḍa). At the end of his commentary on Sundarakāṇḍa, he states that he looked into several commentaries of former ācāryas.

As he quotes the Kāvyaprakāśa, the Alanākāraśarvasva and the Vṛttaratnakara he is certainly later than the 12th century A.D. and most probably flourished in the last quarter of the 15th century. Vide an exhaustive paper on Govindaraja by the late Prof. K. V. Rangaswami Aiyangar in A.B.O.R.I. [Silver Jubilee vol. (1943), pp. 30-54].

The 2nd commentary is called ‘Ramāyaṇāsiromani’. The author’s name is not clearly stated in the beginning, though at the end of the 7th kāṇḍa the concluding verse clearly says ‘Śivasahāya-nirmityāśa’. So this commentary was written by Śiva-sahāya and he composed the commentary on the banks of the Triveni (Ganges at Allahabad) with the help of a rich patron called Vaṃśidhara, son of Sitārāma, son of Todirama. This commentary also is learned and very extensive on some verses. From the last verse (8) it appears that the commentary was completed in Saṅcayā 1921, Āsvinaśukla 10 (i.e. 1864 A. D.). Thus it is a very modern commentary.

The third commentary is called Tilaka. The concluding verses of the commentary indicate that the commentary was

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445 Introductory verse 16 of the commentary is ‘वन्य रामेय शिवं साम्मेन रामो रामादेवतः। रामायणेय तिलके कुस्ते रामायणेय ||’. At the end of the Bālakāṇḍa and some other kāṇḍas the commentary states ‘इति श्रीभासोधरणे श्रीरामविवाहं प्रारम्भं जन्मन्यात्। साधवतस्य रामायणेय तिलके आर्टिकलये बालाकण्ठे साधवतानि श्रीव..’

446 निम्नोऽति कत्तकवर्षवदी रामायणशास्त्रम्। अयान्त्व निर्भिं तक्षे रामम् स्वमतः वाससा।। भदन्येकृत्यज्ञेन सेवः श्रीरामवर्मणः।।इति: स्वरूपेन्तः श्रीमद्भागमायणः।(Continued on the next page)
written by Śrī Nāgeśa under the patronage of Rāmavarman. The idea of those two verses appears to be that the import of the Rāmāyaṇa was made clearer by the clearing cloth in the form of the intellect of Rāmavarman. What part other than that of a patron (who employed an eminent scholar like Nāgeśabhaṭṭa) Rāmavarman played is not quite clear. The opening verses of the commentary on the Bālakāṇḍa mention only Rāma as the author.

The commentary is learned and to the point and does not make an exhibition of the author's wide reading and scholarship.

As would be shown later on Nāgeśa (or Nāgojībhāṭṭa) flourished between 1670-1750 A.D.

Vide Prof. P. P. S. Sastri's paper on 'The commentators of the Rāmāyaṇa in the 15th to 17th century A.D.' in A. B. O. R. I. ( Silver Jubilee vol. 1943, pp. 413-414 ). He mentions the commentators on the Rāmāyaṇa mostly from South India, as the Vaisṇavas in South India looked upon the Rāmāyaṇa as the most sacred work on Viṣṇu worship.

In the Mahābhārata-tātparya-nirṇaya of Ānandatirtha (Śrī Madhvācārya, 13th century A.D.), seven chapters (III-IX) are devoted to the Rāmāyaṇa story. In the first chapter he sets out the authorities. In I. 30⁴⁴⁷ he refers to the four Vedas viz. Rgveda and others, the Pāñcarātra system, the Bhārata, the Mūla-Rāmāyaṇa, and the Bhāmasūtra—these are regarded as self-sufficient authorities. What does he mean by Mūla-Rāmāyaṇa? It means nothing else than the Rāmāyaṇa of Vālmiki. In Sanskrit and the popular langua-

(Continued from the previous page)

म्वुषोऽ The first verse alone occurs at the end of the Uttara- kāṇḍa. There is a reference in the first verse to the commentary called Kātaka. There is a pun on the word Kātaka (name of a commentary and also the cleansing pot which clarifies muddy water or cleanses soiled clothes). फलं कन्यकुशत्व यथायासुः. प्रसादम्. न नामयुतादिन्त तस्य वाति असाधिं II q. by कल्वन्द on भेषज (p. 64). This is मनुस्मुति VI. 67. There is a commentary on Rāmāyaṇa called Kātaka or Amita-Kātaka composed about 1650 A.D.

⁴⁴⁷ कहाँस्यभवानः पश्चातः च भारतः। मूटरामायणे वद्यसूत्रे माने सङ्कः
स्वतः। I. 30.
ges of India there are numerous works having the Rāmāyaṇa as part of their names. At the end of chap. IX (verses 125–7)\textsuperscript{448} the great Ācārya says ‘through the grace of Viṣṇu he has declared this grand story, by reasoning and by the power of his intellect, after dispelling all contradictions and deciding the truth from all the Purāṇas, the works on Pañcarātra, from the Bhārata, the Vedas and the great Rāmāyaṇa. So here the word Mahārāmāyaṇa is used in the same sense as Mūla-Rāmāyaṇa, since in both places (I–30) and (IX. 125–127) it is the sources of the Rāma saga that are spoken of.

Mr. S. N. Tadpatrikar (in ABORI vol. V. pp. 61–68) refers to the word ‘Mūlarāmāyaṇa’ and starts a new theory that the Mūlarāmāyaṇa mentioned in I. 30 by Madhvaśārya is different from the Mahārāmāyaṇa mentioned by the Ācārya himself in IX. 125. The only authority for this is his interpretation of some words he quotes from the commentary Tilaka. The few words he quotes are not at all clear and do not support what Mr. Tadpatrikar mentions and further the commentator is no authority binding on modern scholars for the meaning of the words employed by the Ācārya in the 13th century.

The Rāmāyaṇa, being a Kāvya and an Ākhyāna (as stated in Dānasāgara, Introductory verse, 15, p. 3), it is sparingly quoted in Dharmaśāstra works. Dr. Bhabatosh Bhattacharya in his paper on ‘The Rāmāyaṇa and its influence on Ballālasena and Raghunandana’\textsuperscript{449} published in J. O. I. (Baroda.), vol II, pp. 18–22 points out that only one out of

\textsuperscript{448}इत्ययोगपुराणेऽव: पश्चात्क्रिय एव न। भारतचिंच वेदेन्य महारामायायणादृष्टि॥ परस्परविरोधस्त्र हानश्चित्तीय तत्वं। युक्त्या वुद्धिसत्तेश्व विभोरोव प्रसादत:॥ बहुक्पमुनारिण सवेयं संक्षोरिदिता। चैतज्ञानायत्ता तस्मात
त्राश्चिथ्यान्ति विश्वदत्र॥ IX. 125–127.

\textsuperscript{449}It may be stated that the writer of this paper failed to note that the same verse is quoted by an earlier writer viz. Aparārka (p. 385 on Yāj. I. 211) and that Aparārka also quotes on p. 877 the verse ‘हेद...विरल वियमस्मयम्। पितुप्रेक्षु पानीयं सहनुप- तिछलायु॥’ (अयोध्या 103. 27. Nir, ed.).
the four verses quoted from the Rāmāyana in the Dānasāgara could be traced in the Yuddhakānda (chap. 18. 30 ‘vinaṣṭah ... rakṣitaḥ’) in the Gujarati Press edition and that none of the four verses could be found in the Bengali editions. In another paper on the Rāmāyana and its influence on the medieval digests of Eastern India’ in P. K. Gode Commemoration Volume 1960, pp. 319–326, the same learned writer discusses the quotations from the Rāmāyana in the Haralata, the three Ratnākaras of Candalvesvara (on Kṛtya, Gṛhastha, and Vivāda), Kaumudis of Govindānanda (on Dāna, Śrāddha), and the Rājadharmakaustubha of Anantadeva. The Kalpataru on Moksa (pp. 25–26) quotes some verses from the Rām. Aranyakāṇḍa (chap. 6.2 ff) with different readings. The Mahābhārata offers a great contrast in this respect to the Rāmāyana, as hundreds of verses are quoted from it even in the comparatively early commentaries and digests like the Mitāksara and the Kalpataru.

It is impossible to deal with the numerous writings on the Rāmāyana. Jacobi’s German work on the Rāmāyana has been translated into English by Dr. S. N. Ghoshal and published by driblets in several volumes of the Journal of Oriental Institute (Baroda). Numerous dates have been proposed for the Rāmāyana e.g. the Department of Letters, Vol. 19 (Calcutta University) puts down 433 A. D. as its date. The Rāma story occurs frequently in the Mahābhārata e.g. vide Sabhāparva 50. 39, Vanaprastha chap. 148–152 (31 verses), chap. 274 293 (verses about 769); several Purānās such as Brahma, chap. 123 and 154, Padmapurāṇa (several times in Patalakhaṇḍa and Uttarakhaṇḍa), Nārāyana, Bhāgavatapurāṇa (IX. 10–11 about 82 verses), Agnipurāṇa (chap. 5–12, verses 189). One writer in ‘Prerana’ monthly for October 1949 says that there are fourteen commentaries on the Rāmāyana.

33. The Purāṇās

The Yajñavalkyasamṛti provides that Purāṇa, Nyāya (Tarkaśāstra), Mīmāṃsā, Dharmaśāstra, the (six) subsidiary lores of the Veda (auṅgas) and the Vedas (four)—these fourteen
are the sources (means) of Vidyaś and of Dharma. It would be noticed that the 14 sources are arranged by Yajñavalkya in a rising scale of importance and authoritiveness. The word Purāṇa (a class of works) occurs in the Atharvaveda (XI. 7. 24, XV. 6. 10-11). The Sat. Br. (XI. 5.6-8) includes 'Itihāsapurāṇam' among 'Śvādhya'ya' and further states (XIII. 4. 3. 13) that on the 9th day of the Pariplava (an item in the Rājasūya sacrifice) the khot priest narrates some Purāṇa. The Tai. Ar. II. 10 mentions Brāhmaṇas, Itihāsas, Purāṇas, Kalpas etc. (Brāhmaṇāni Itihāsāni Purāṇāni Kalpāni, Gathā Nārāsānsiṇi). In the Chândogya Upanisad (VII. 2 and 4) Itihāsa-Purāṇa is spoken of as the fifth Veda and the Brhadāranyaka Up. (IV. 1. 2) separately mentions Iti- hāsa and Purāṇa. The Āsv. Gr. includes Purāṇāni under 'śvādhya'ya'.

It is not unlikely that originally there was only a single work called Purāṇa. The Mahābhārata (Kielhorn, vol. I p. 9) uses the word Purāṇam and the Matsya (chap. 53) states that originally the Purāṇa was only one. But since the Tai. Ar. employs the word 'Purāṇāni' in the plural it appears likely that there were in the times of the Āranyaka at least three (if not more) works called Purāṇa. A verse quoted below—Purāṇam Mānavo dharmah, etc.—occurs in many copies of the Manusmṛti after XII. 110 and is mentioned by the Tantravārtika on Mimāṁsāsūtra I.3.27 p. 286 (Anan. ed., first half).

From early times the Purāṇas have been enumerated as eighteen; vide H. of Dh. Vol. V pp. 831-836. The number of upapurāṇas varies from a few to several dozens.

450 Purāṇānyayāmāmayamāmāmaśākāṣṣāmahāmāmaṁ: | वदा: स्थानानि विधानानि धर्मस्य ज नूदेश्य || या. I. 3. The Br. explains र्थानानि as हेतुः and अपराध as विशिष्टानि. The Nirukta speaks about itself asa Vidyaśātāna 'तत्रिद्वियासानां व्याख्या यथास्य यानि स्वार्थसापि च' I. 15. For परिलेखa vide H. of Dh. vol. II pt. 1231-33.

451 अथ स्वाध्यायमृशीयते || श्रवो यज्ञी साम्यन्तरायिनीस: सार्यानातिशाख-पुराणानीति || आय. य. य. III. 2. 5-6.

452 'पुराण मानोऽधमोऽधमः साहित्य वैदिकिनिसिन्यः' आयासाराति चतुर्वर्ष न हत्यानि हेतुभः || After quoting the first half the Tantravārtika remarks 'द्वितीय व्यासमाध्यमायसरामृ'. H. d.—52
The Purāṇas, as a class of works, were looked upon as encyclopaedias for all men and women as to ancient and medieval Hindu religious practices, mythology, geography, history of persons, families, royal dynasties and literature.

The chronology of Purāṇas is, like that of the Epics, a subject full of perplexing problems and is not dealt with in this revised edition of the first volume of the H. of Dh. as it has been discussed at length in the H. of Dh. Vol. V. pp. 815–1002 and the views of Pargiter, Kirfel, Dikshitār and Hazra have been set out, discussed and criticized at length in pp. 831–853. Vide also the present author’s paper ‘Purāṇadharm’ in Gode commemoration volume pp. 70–82 for the changes in religious ideas and practices brought about by the Purāṇas or reflected in them.

It has to be mentioned here that in the first few centuries of the Christian era the idea prevailed that those rules or ordinances (Dharman) that were understood from the Veda are the highest (in authority), but the rules (Dharmas) stated in the Purāṇas (and similar works) were inferior.453 This position assigned to the Purāṇas was changed a few centuries before 1000 A. D. and Purāṇas came to be far more relied upon by works on Dharmasāstra. For example, the Kṛtyakalpataru (about 1125–1160 A. D.) quotes the Purāṇas even on such a topic as Mokṣa much more than the Upanisads or the Vedāntasūtra. Aparāraka quotes a half verse454 as from Manu (not found in extant Manusmṛti), saying that one should strengthen the Veda by Itihāsa (i.e. Mahābhārata) and Purāṇas. It is significant that the extensive commentary of Viśvarūpa on Yāj. hardly ever mentions a Purāṇa by name, though he twice refers to Purāṇas in a general way on Yāj. III. 170 and 175. He flourished about 800–860 A. D. Simi-

453 अतः स परमी पृथ्वी मो इति सुपुराणस्य स्थित: || व्याख्या q. by Aparāraka p. 9 and by Kalpataru (Brahma-

caryo p. 33).

454 इतिहासपुराणाय वेदेः समस्यायनं। इति मनुविन्दनादितिहासपुराणानि बौद्धसंवरित्तानि। अपराक p. 19 on या. I. 7. In some works the above half verse is followed by the words विभवविद्यानुस्वतितं यथाव प्रहरियगति; vide आदित्याय I. 287–89, वामिकसङ्केत 27. 6, वायुपुराण I. 201, नादित्यचं chap. 3 p. 59 (Jivananda’s ed. of स्मृतिशास्त्रसंग्रह); the last reads प्रहरिय्यति for प्रहरिय्यति. स्मृतिचं (Gharpure’s ed. p. 3) ascribes it to Brhaspati.
larly, Medhātithi on Manu very rarely refers to Purāṇas and mentions none by name. Vide notes below.\textsuperscript{455}

The main characteristics of the teachings of the extant Purāṇas, some of which at least were composed in the first few centuries of the Christian era would be merely indicated here briefly. Those who want to go into greater details are requested to refer to Vol. V of the H. of Dh. pp. 928-980. North and Central India had been harassed by the invasions of foreign hordes such as the Śakas and Hūnas. Besides, the performance of Vedic sacrifices had become rare; Buddhism, Jainism and other schisms had greatly affected the minds of all persons including religious and thoughtful men. The leaders of Hindu Society had to wean away common men from the new and attractive teachings of Buddhism and hence the writers of Purāṇas struck upon finding out new dogma. The first doctrine that was recommended was that great rewards (spiritual and other-worldly) would follow on a little

\textsuperscript{455} एवा प्रकृतिया दृष्टिगतयोगचरणायथे सर्वे पुराणादिविन भोजया। विशेषे on या. तत्त. 170; पुराणे हि मंगलत् सत्वनिपुंशायो वीश्या दिवसे पद्मायुण्डये। विशेषे on या. तत्त. 175;

On Manu I.56 Medhatithi quotes: यथा पुराणे उक्तम्। पुराणेण विद्वेषन प्राप्तस्येन स कृपये। तेन वदस्य व वन्धे मेघोऽमृतस्य निःशस्य तेन दुः।; on I. 69 he states: तथा च पुराणकारः। इत्यतरस्यत्स्तान् बिस्मया संस्कृतस्य प्रद्वर्तनाः।; on I. 74 he says: पुराणे हि मनो महामतिशिल्लितकोर्त्सतं च कीर्तने। पर्यायवाचकः। शब्दः महति। परिक्रियात्। इति}; on मनु I. 78 he quotes 2½ verses from पुराणकरः देश मन्त्रतरारी। तित्वनिस्थिति नित्यचिन्तनाः। भौतिकारात् शास्ति पूर्ण शहस्त्र लघुभाटिनिन्ति। गहामण:। सहवाणी दश नित्यनिग्रहवत विज्ञान। पूर्ण शतस्तरस्तु तु तित्वनिस्थित्वकाव्यत्वक:। पुरवव निमित्ते प्राप्त विशेषस्य न विशेषे।'

श्रीरामावाहमानस्य श्रुत्या लोकायतपिनमानेन विकस्यतात्रुऽ द्विवाच श्रुतारुऽ। सवासा अल्माविवहरः। बघा-हुः। q. by मिलात् on या. तत्त. 30 and by स्युतिवर (अधिका: p. 118).

सर्वस्यासि-ने शैवायामंगनार्तन्त्र नित्तिष्ठेष्येन मवियऽपरणे सुपरत्वमिश्यतमसः

' सुपरत्वमिश्यतमसः नामः कुला निश्चित गामः। ध्यानवेदने देशा चिनितिष्ठेदर्शायस्मातः

मात्माः।' मिलात् on या. तत्त. 3.6.
trouble and effort.\textsuperscript{456}

Dāna (charity and gifts) came to be regarded as conferring the highest rewards in the Manusmṛti (I. 86 ‘tapah param... dānamekam kalau yuge’), in Śāntiparva, Vāyupurāṇa (6.65–66), Parāśarasmṛti (I. 23). The gifts of food (and particularly to brāhmaṇas) were regarded as highest. When the invasions by foreign hordes were frequent and when rulers of different kingdoms in India itself engaged in constant warfare this idea was good enough.

Even the Rgveda (X. 117. 6) condemns one, who offers no food to Aryaman (and other gods) nor to a friend (guest etc.) and feeds himself alone, eating only sin. The same idea (almost in the same words) occurs in Manu III. 18, Visnuśmṛti 67. 43 (agham sa kevalam-bhūnikte yaḥ pacatyaṭmakāraṇāt) and the Bhagavad-gitā (III. 13). But the Purāṇas carried this idea to extreme limits. Manu prescribed that in rites in honour of gods and pīters, even a single learned brāhmaṇa may be fed to secure the full reward of the rite, but not many brāhmaṇas who do not know the mantras. Again, in III. 149 Manu says that in rites for gods no close examination about a brāhmaṇa should be indulged in, but that in rites for ancestors’ effort should be made to ascertain that the family and character of the brāhmaṇa are both good. But gradually this idea was given up, particularly at Śrāddhas in Gayā. For example, the Vāyupurāṇa states that the brāhmaṇas of Gayā are supermen, that when they are gratified (at a Śrāddha) the gods together with the pīters become gratified, that no question should be raised about their family, their character, learning or tapas and that by honouring them a man attains liberation.

It may be pointed out that the Vanaparva (chap. 84, 82–104) speaks at length about Gayā and its holy places, most of which are quoted in the Padmapurāṇa, Ādiśaṅkha, chap. 38 (verses 2–19). Those interested may consult H. of Dh. Vol. IV for detailed statements about Gayā.

Another important change in beliefs and practices mirrored in the Purāṇas is that of pilgrimages to holy places and baths in holy rivers as destroying the effects of even the most

\textsuperscript{456} अनेवली अपकाले भस्म सिवहले ने क्रमे II विनुपुराण VI. 2. 24, महत्य 19. 74; शास्ति 232. 32 (नेतुस्ते) श्रीराज्यावर बाजाना न हेतु युगे। द्वारे बिलुर्व यातिसंबंध: किभुभोता तथा II; पराराम्ब्यदित्त I. 23 is the same as महत्य I. 86; जयन्ति द्वारे यष्ट द्वारे किल्मण्येव कर। वायु 8. 66.
heinous sins.\textsuperscript{457} For example, the Anuśāsanaprāva (25. 42) says—‘In Gayā a man is purified even of the sin of three murders of brähmaṇas, if he visits Aśmaprṣṭha (Pretasīla in Gayā), the hill called Niravinda and the Krauṇcapadi. We find even the Vanaprāva stating that one does not secure those rewards even by performing solemn sacrifices in which fees paid to the priests are large, as one secures by pilgrimages to holy places.

Another development for which Purāṇas are largely responsible is that of numerous observances called Vratas (described in vol. V part 1 pp. 81–462). It makes one sad to find that a great minister of State in the latter half of 13th century A. D., Hemādri, deals with nearly 1000 vratas in about 2500 printed pages, instead of pondering over the great menace of invasions against India by foreigners from the 11th century onwards and does not take or even suggest methods or means to counteract that evil.

Another important aspect dealt with by some Purāṇas is that of ‘bhakti’ (devotion to God) and Namasmaraṇa (repeating inaudibly the names of God). The word Bhakti in its technical sense of loving faith in and surrender to God does not occur in the early Upanīṣads, but only in the Śvetāsvatara-panīṣad VI. 23 (yasya deve parā bhaktir-yathā deve tathā guruṇ). It is developed in the Bhagavadgītā (as in IX. 27 and 34, XI. 55), and in the Bhāgavata, Viṣṇu and other Purāṇas. The subject of bhakti has been treated at some length in H. of Dh. vol. V pp. 950–980.

Prof. Hazra in ‘Indian Culture’ vol. I. pp. 587–614 contributes a learned paper on ‘Purāṇas in the History of Smṛti’ and at the end of the paper sets out several nibandhayā works on Dharmaśāstra in which Purāṇa passages are quoted and relied upon.

His treatment of the subject is, however, not exhaustive. To take only one instance. As regards quotations from

\textsuperscript{457} अद्वैते गयायं च निरवित्रे च पवेते। दूराग्न्यः श्रौच्यवाण्यः च श्रवहिवा विद्ययने।। अनुसासन 25. 42. Vide Nilakaṇṭha's gloss on it quoted in H. of Dh. Vol IV p. 649 note 1474. तीर्थभिममं पुष्पं यकृतिपि विद्ययने।। अभिन्न्भौतिजय्यन्तिश्रीविद्ययने।। न तस्फलधारणानि तीर्थभिममनेन वर्त।। चन्द्रय 82. 17, 19
Purāṇas in the Mit. he cites only one quotation from the Matsya-purāṇa (chap. 94). But the Mit. quotes several Purāṇas on Yāj. For example, on Yāj. III. 30 it quotes a verse from Brahmāṇḍapurāṇa which is also quoted by the Śr̥tīcandrikā. On Yāj. I, 297–98 the Mit. quotes two verses from Matsya-purāṇa (93.11–12) on the position of the planets on a diagram or painting of planets in Grahapūjā. Matsya (93.33–37) prescribes the same four Vedic mantras that Yāj. prescribes (in I. 300–301) for the worship of the Sun, Mars, Saturn and Ketu. The Mit. on Yāj. III. 6 prescribes the offering of Nārāyaṇabali for those that commit suicide and states that the procedure is described in Vaiṣṇava (purāṇa ?). On Yāj. III. 6 the Mit. quotes from the Bhaviṣyaḥ-purāṇa providing, for death on serpent bite, to a brāhmaṇa reciter of Purāṇas the gift of a golden serpent made from one bhāra of gold. The Mit. on Yāj. II. 290 refers to the view of the Skandapurāṇa that there were vasyāṇā that belonged to a distinct caste. It appears to quote the Mārkandeyapurāṇa several times on Yāj. I, 236, 254, III. 19, 287. Thus the Mit. mentions by name only six Purāṇas, while Aparārka names twenty Purāṇas and Śr̥tī-candrikā 22.

In all about 40 Purāṇas and Upapurāṇas are quoted in Nibandhās.

Purāṇas have been published by different individuals, presses and societies. A critical edition of at least the eighteen Purāṇas based on Mss. collected from all parts of our country had long been a desideratum. But only recently the work of re-editing Purāṇas in a critical manner by collecting and consulting Mss. from the whole of India has been undertaken by the Purāṇa Prakāśana Samiti of the All-India Kashiraj Trust, Benares. The work which is under the general guidance of Dr. V. Raghavan, Dr. V. S. Agrawala and Panditarāja Sri Rajesvara Sastri has been going on for some time. With the help of the new Catalogus Catalogorum of Dr. V. Raghavan, a complete list of the Mss. of the Purāṇas and the Upapurāṇas has been prepared. The work of bringing out a critical edition of the Matsya-purāṇa has been going on in Madras under the guidance of Dr. Raghavan and the work of the critical edition of the Vāmanapurāṇa has been undertaken by Dr. V. S. Agrawala at Benares. The Samiti mentioned above has been also bringing out a Bulletin called Purāṇa, which publishes only Purānic studies by different
scholars aiming at the elucidation of the textual and other problems relating to the subject-matter embodied in the Purāṇas.

The preparation of a subjectwise encyclopaedia of Purānic material, publication of popular expositions of Purāṇas in English or Hindi are among the lines of work that are included among the objectives of the Purāṇa Prakāśana Samiti. The subject-concordance of six Purāṇas viz. Kūrma, Liṅga, Matsya, Mārkaṇḍeya, Viṣṇu and Vāmana is also ready (at the end of 1964).

For the critical edition of the Matsyapurāṇa, Dr. Raghavan is relying on more than thirty mss., all printed editions and an old Tamil translation. Besides, as each individual Purāṇa is closely connected with many other Purāṇas and as almost all Purāṇas have numerous common topics, Dr. Raghavan is using the other Purāṇas for parallel portions contained in them. As Purāṇas have been quoted in numerous Dharmasastra works, Dr. Raghavan has collected all quotations from the Matsya-purāṇa in nibandha works on Dharmasastra. His plan of work on the Matsya has been set forth in his Presidential Address at the 21st session of the All-India Oriental Conference held at Srinagar in 1961.

As the project of the critical editions of the Purāṇas is a long-term one, a Vṛṣṇa Institute on a permanent basis at Benares is going to be established in the near future.

The constitution of the original text of the purāṇas is a Herculean task which has not yet been attempted. Not only is there difference of opinion among the purāṇas about the names of the 18 Mahā-Purāṇas, but there is divergence as regards the extent of the several purāṇas. For example, the commentator Viṣṇucitta of the Viṣṇupurāṇa says (on III. 6. 20–22) that the extent of the Viṣṇupurāṇa is variously given at 8000, 9000, 10000, 22000, 24000, but that he comments on a text of 6000 ślokas only. The Agnipurāṇa (272.10-11) says that it contains 12000 ślokas, while the Bhāgavata (XII. 13), the Brahmavaivarta, the Padma (ādi. 62) say that it contains 15400 ślokas and the Skanda (V. 3) and the Matsya 53 give the extent of the Agni as 16000. The Kūrma, according to the Bhāgavata, contains 17000, according to the Matsya 18000 and only 8000 according to the Agni (272. 19). Though there is a remarkable continuity in India as to religious thoughts
and practices, yet the popular religion of modern Hindus is pre-eminently paurānic. The Purāṇas contain thousands of ślokas on dharmasastra matters, they are a rich mine awaiting exploration by careful students of social and religious questions and shed a flood of light on the development of religious beliefs and practices in medieval and modern India. Therefore, the reconstitution of the text of the purāṇas is a problem that will have to be tackled in the near future. Besides the several Mahāpurāṇas, eighteen Upapurāṇas also are enumerated in some of the Purāṇas. Vide Garuḍa (223.17 ff.), Skanda (V. 3, chap. 1. 45–62 and VII. 1, chap. 2), Padma (Pātala-khanda chap. 111. 95–98 and Matsya (53. 59 ff) for Upapurāṇas. The Matsya-purāṇa (chap. 53, verse 58) states that the 18 purāṇas reached in extent four labhas of verses and also states that there were upabhodas (i.e. Upapurāṇas) and names some of them viz. Nārasiṃha, Nāndā, (Nāndam), Sāmba and Aditya. Besides the Mahāpurāṇas and Upapurāṇas, there are other works of the purāṇa class such as Ganesa, Maudgala, Devi, Kalki &c. The Padmapurāṇa (Uttarakhaṇḍa chap. 263) divides the 18 Purāṇas into three groups, sāttvika, rājasa and tāmasa and says that the Viṣṇu, Nārādiya, Bhāgavata, Garuḍa, Padma and Varāha are sāttvika. The Matsya (53) also speaks of this division. The Liṅgapurāṇa (39. 63–66) speaks of the twenty expounders of dharma just as Yājñavalkya does and quotes the two verses in the form in which the Mit. presents them (and not Viṣvarūpa), while the Padma (Uttarakhaṇḍa 263. 86–89) divides the eighteen smṛtis into three groups of sāttvika, rājasa and tāmasa. It would be quite clear to any reader of the purāṇas and the smṛtis that most of the former in their extant form are later than the smṛtis of Manus, Yājñavalkya, Parāśara, Nārāyaṇa &c.

458 अन्यायपुराणानि मुनिभ: कथितानि तु। आयय सन्तकुमारिक: नाराजहन्ता-पर्य तृतीयं स्रोतं-(नारि?) सुखितं कुमारिण: तु महाविम्ब। च तुर्यां शिवमनिःश्च स्वाच्छान्दीश्वराभाषितम्। इवासिसोभाषकाः नाराजहन्त: पर्य। सांपले वाणि केवल तथेऽवतत्संरितम्। भवांशद्व वाणे नाथ कालिकायमेव। भैरवर: तथा सामं चैरां सर्वज्ञसंरितम्। परामर्शरोकामने माराष्ट्रं मन्द्वायम्।[गद्ग. 223. 17–20.

459 कालिकायकेवल हरितं प्राच्यं पाराबं तथा। भारतवानं काश्यं च सर्विक्यामुसिन:। याज्ञवल्क्यं तथायं नैतरं दासेव:। औषधवें वेशाजव च वासाः। सर्वास्तिय:। द्वितीयं च बाध्यं च सूतं च ययं स्मृतम्।।
The following table will give some idea as to how the eighteen principal purāṇas are rich in dharmāśstra material. Besides the eighteen principal purāṇas, the Kālikā-purāṇa (Venkaṭesvara press ed.) and the Saura-purāṇa (Ānandāśrama ed.) have been drawn upon. The Ānandāśrama editions of the Agni, Padma, Matsya and Vāyu and the Nīrṇayasaṇagaṇa edition of the Bhāgavata and the Venkaṭeśvara Press editions of the other Purāṇas have generally been relied upon in the present edition of the 1st volume.

It may be stated here that the Smṛti chapters in the Purāṇas are very much influenced by Manu, Yāj., Nārada and mostly by the first.

Ācāra—Brahma 113 ; Garuḍa 50 ; Kālikā 88 ; Kūrma (uttarārdha) 13 ; Liṅga (pūrvārdha) 89 ; Mārkaṇḍeeya 31 ; Nārada (pūrvārdha) 26 ; Padma (Ādi 52-56, pātālakhaṇḍa 9, śṛṣṭikhaṇḍa 46) ; Skanda I (Kaumārikā 41, III (dharmaṇya 6), IV. I (pūrvārdha 38, 40) ; Śiva (kailāsasaṁhitā) chap. 18-20 (on ācāra of yati, making of a disciple, yogapāta); Vāyu 16 ; Viṣṇu III. 11-12.

Āśrama—Agni 157-158 (both kinds, on death and birth). Brahma 113 (on birth); Garuḍa (preta-khaṇḍa) chap. 5; Kūrma (uttarārdha chap. 23); Liṅga (pūrvārdha 89).

Āśramadharma—Agni 160-161; Bhāgavata VII. 12 and 13, XI. 17; Brahma 114; Garuḍa 49; Kūrma (uttarārdha) 1-16 (brahmacārin and grhaṭha) and 27-28 (vānaprastha and yati); Mārkaṇḍeeya 25-26; Nārada (pūrvārdha 26 and 43); Padma (ādi-khaṇḍa 58-60 for vānaprastha and yati, bhūmi-khaṇḍa 59 for grhaṭha, śṛṣṭikhaṇḍa 15); Saura 17 and 20) vānaprastha and samyāsaśīn; Skanda IV. I (pūrvārdha) chap. 41 (vānaprastha and yati); Viṣṇu III. 9.

Āṁika—Agni 155; Brahmatvaivarta (Brahmakhaṇḍa) 26; Garuḍa 50 and 213-217; Kūrma (uttarārdha) 18-19; Liṅga 26; Mārkaṇḍeeya 27; Nārada (pūrvārdha) 27; Padma (śṛṣṭi 46, uttara 233); Skanda IV. I (pūrvārdha) chap. 35 and III. 2 (dharmaṇya-khaṇḍa) chap. 5.

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Bhaksya-bhaksya—Brahmavarta (brahmakhaṇḍa 27, 4th khaṇḍa, uttarārdha chap. 85); Kūrma (uttarārdha chap. 17); Padma (ādi-khaṇḍa 56).

Brāhmaṇa—vide under varṇadharma;
greatness of—Padma (brahmakhaṇḍa chap. 14) and sṛṣṭikhaṇḍa chap. 45; duties of—Kūrma (uttarārdha, chap. 12 and 19); Saura 18; who is a worthy—Padma (sṛṣṭi 15); means of livelihood for—Kūrma (uttarārdha 25); Padma (sṛṣṭi 45).

Dāna—vide under pratiṣṭhā and utsarga.
Agni 209–213 (mahādānas); Bhavisya IV. 150 ff; Brahma 109 (specifically annadāna); Brahmavarta (prakṛtikhaṇḍa 27); Garuda 51; Kūrma, uttarārdha 26 (4 kinds, nitya, naimittika, kāmya, vimala); Liṅga, uttarārdha 28 (16 mahādānas); Matsya 81–91, 205–206, 274–289 (16 mahādānas); Nārada (pūrvārdha 13 and 31, uttarārdha 41–42); Padma (ādi 57, bhūmikhaṇḍa 39–40 and 94, brahmakhaṇḍa 24, sṛṣṭi 45 on godāna and 75, uttara 27 on annadāna, 28 and 33); Saura 9–10; Śiva (Umaśamhitā chap. 11 and 14); Skanda I (Kaumārika–khaṇḍa 2 for names of famous donors), III. 2 (dharma-rāṇya 34); VII. I. 5 and 208; Varāha 99–111.

Dravyaśuddhi—Agni 156; Bhāgavata XI. 21; Brahma 113; Liṅga (pūrvārdha 89); Mārkaṇḍeya 32.


Kalisvarāpa—vide under Yogadharma.
Brahma 122–123; Brahma (anusāṅgapāda chap. 31); Brahmavarta (prakṛtikhaṇḍa 7); Kūrma 30; Liṅga 40; Nāradiya (pūrvārdha 41); Skanda I (Kaumārika–khaṇḍa chap. 40 and 218–248), II (purusottamasātmāmya chap. 39), VI. 272; Vāyu I. 58.

Kalivarja—Nārada (pūrvārdha chap. 24).

Karmavipāka—Brahma 108; Brahmavarta (prakṛtikhaṇḍa 26 and 28 and 4th khaṇḍa uttarārdha 85); Mārkaṇḍeya 15; Padma (Brahma–khaṇḍa 5, pātalakhaṇḍa 48); Vāmana 12.

Narakas—vide under pāta-kas. Agni 203 and 371; Brahma 20 (25 names
given); 105 (22 names); Brahmavaiyarta, prakṛti-khaṇḍa 29 (for names of 86 nararakundas) and 33; Padma (uttara, chap. 227 for names of 140); Śiva (umāśamhitā chap. 8 for 28 narakas and chap. 16); Skanda I (kaumārikā-khaṇḍa 30), VI. 226–227, Viṣṇu I. 6. and II.6.

Niti—vide under rājadharma;
Garuda 108–114 (summary of Brhaspati–niti) and 115 (summary of Śaunaka).

Pātakas—vide under prāyaścitta; Agni 168 (mahā-pātakas and lesser sins); Brahma 20 and 105–106; Mārkanda 12–14; Nārada (pūrvārdha 15); Śiva (umāśamhitā 5 for mahā-pātakas and 6 for upapātakas).

Pratiṣṭhā—Agni 38–106 (building and consecration of temples, idols of Viṣṇu &c); Garuda 45–48; Padma (uttarākhanda chap. 122 and 127 for Śālagrāma); Matsya 258–270; Śiva I (vidyeśvara–samhitā chap. 11).

Prāyaścitta—Agni 170–174; Brahmāṇda (upasaṃhitā-rapāda chap. 8; Garuda 52 (specially for mahā-pātakas) and 222; Kūrma-uttarārdha 30–34; Liṅga 90 (for lapses of yatis); Nārada, pūrvārdha 14 and 30; Padma (brahmāṇda 18–19); Saura 52; Varāha 68 (for agamya-gamana), 131–136 (for various lapses), 179; Viṣṇu (pūrvārdha 18 for lapses of yati).

Rājadharma—Agni 220–242; Kālikā 87; Mārkanda 24; Matsya 216–227, 240.

Saṃskāra—vide under Vi-vāha also.
Agni 153–154 and 166; Bhaviṣya I (Brahmaparva chap. 3–4 and 7); Nārada, pūrvārdha 25–26; Skanda IV. I (pūrvārdha 36 and 38); Viṣṇu III.10.

Śaṅti—Agni 149, 164, 167, 259–268, 290–91, 320–324; Bhaviṣya IV chap. 141 ff; Brahmavaiyarta IV (uttarārdha chap. 82); Matsya 92–93 and 228–239.

Śrāddha—Agni 117 (according to Kātyāyana) and 163; Brahma 110–113; Brahmāṇda (upodghatapāda 9–20); Kūrma-uttarārdha 20–22; Mārkanda 27–30; Liṅga, uttarārdha 45 (jivat-śrāddha); Matsya 16–22; Nārada, pūrvārdha 128; Padma (patālākhanda 101, srṣṭi 91 11 and 47); Śiva (kailāsasamhitā 21–23 (about after-death
rites of yati); Saura 19; Skanda VI. 215-225 and VII. 4. chap. 205-207; Varaha 13-14 and 187-188; Vayu (uttarardha chap. 10-21); Visnu III. 13-16.

**Stridharma**—Bhagavata VII. 11; Bhavisya I chap. 11-15; Brahmravarta (brahmakhanda 9 about greatness of pativratā, 4th khaṇḍa, uttarardha 83 (about pativratā); Padma (bhūmikhaṇḍa 41, pāṭāla 102, srṣī 47 and 49, uttara 234 (duties of wife and co-wives); Śiva (Rudrasamhitā, Pārvatikhaṇḍa 54); Skanda III. 2 (dharmāraṇya-khaṇḍa 7).

**Tirtha—Agni 109-116; Bhagavata VII. 14; Brahma 23, 26 (Konārka in Orissa), 39 (Ekāra), 40-48 (Jagannātha), 54 (Mahākāla at Ujjayini); Garudha 81-86; Kūrma, Pūrvārdha 31-35 (Benares), 36-38 (Prayāga), uttarardha 33-44; Linga, pūrvārdha 92; Matsya 179-183 and 188-193; Nārādiya, uttarardha 39-40 (Gangāśāna), 45-47 (Gayā), 48-49 (Bena res), 50 (Śivalingas), 52-61 (Jagannātha 62-81 (numerous tirthas); Padma I. 13-49, Padma, bhūmikhaṇḍa 90 and 92 srṣīkhaṇḍa 14-15 and 18-19, 60; uttarakhaṇḍa 2, 20-25, 113, 129 (numerous tirthas named), 130-169, 195; Saura 67; Śiva I. 12 (koṭirudrasamhitā I-2, 8-33); Skanda I. (arunācalamahātmya, uttarardha 2), II (purusottamamahātmya 1-49); II. Badarika-mahātmya 1-8; III. 1; III 2. 31; V. 3 (Revākhaṇḍa is full of tirthas in 252 chapters) and also VI and VII; 33-42 and 50; Vāmana 141-176; Vayu, uttarardha 43-50 (Gayā).

**Tithi**—vide under vratas also. Brahma 120 (ekādiśi); Nārada, pūrvārdha 29 (what tithi should be taken, paraviddhas or pūrvaviddhā); Nārada, uttarardha 2; Padma, brahmakhanda 13 (jānmaṣṭamī), 15 (ekādaśi); Saura 51; Varaha 23-35 (all tithis from 1st to amāvāsyā).

**Utsarga**—(works of public utility such as tanks and wells, parks, pratīṣṭhā. Bhavisya II; Nārada, pūrvārdha 13; Padma, srṣī 54-56; uttara 28; Śiva (Vidyēśvarasamhitā 11).
34. The Yajnavalkya Smrta

This smrta has been published dozens of times. In the following the Nirnayasagara edition edited by Sastri Moghe (1892 A. D.) has been used and the Trivandrum edition when speaking of Visvarupa.

The name of Yajnavalkya is one of the most illustrious among Vedic sages. He is credited with having promulgated the White Yajurveda. In the Saptiparva (chap. 312) we are told that there was a rupture between Vaisampayana and his pupil Yajnavalkya and that by worshipping the Sun the latter received the revelation of the White Yajurveda, the Satapatha etc. The accounts in the Visnu (3. 5), the Bhagavata (XI. 6. 61-74) and other puranas differ somewhat from the one in the Mahabharata, but all agree on the fact of the strained relations between Yajnavalkya and his teacher. The


Satapatha Brāhmaṇa in several places alludes to the dialogues of Yājñavalkya and king Janaka of Videha on agnihotra (S.B.E. vol. 44 p. 46). Vide Satapatha (ed. by Weber) XI. 6.2. At the end of the Satapatha we are told that Vajasaneya Yājñavalkya promulgated the bright Yajus formula received from the Sun.460 In the Brhadāraṇyaka Upaniṣad Yājñavalkya appears as a great philosopher teaching the recondite doctrines of Brahma and immortality to one of his two wives, the philosophically minded Maitreyi (II. 4 and IV. 5). In the same Upaniṣad Yājñavalkya is represented as carrying away the one thousand cows set apart by Janaka for the most learned Brāhmaṇa (III. 1, 1-2) and Yājñavalkya is said to have imparted to Janaka the knowledge of the destiny of the soul after it is released from the bonds of flesh and worldly affections. Kātyāyana in his Vārtika on Pāṇini (IV. 3, 105)461 speaks of the Brāhmaṇas of Yājñavalkya and very heated controversies have raged round the correct interpretation of the Vārtika and the Mahābhāṣya thereon (vide Max Müller’s Ancient Sanskrit Literature p. 360, Goldstücker’s Pāṇini, p. 132 ff. and S.B.E. vol. 12 pp. xxxv–xxxviii). The controversies centre round the word ‘tulyakālāni’ in the Mahābhāṣya. It may mean either (1) that the Brāhmaṇa works by Yājñavalkya (mentioned as ‘Yājñavalkaṇi Brāhmaṇāni’) are also ‘purāṇa–prokta’ but in their case the affix ‘ṇini’ (in) is not applied; yet they are as old as those referred to in the Sūtra, or (2) that the Brāhmaṇas like those promulgated by Yājñavalkya are co-eval with Pāṇini and hence not ‘purāṇa–prokta’ and the termination ‘ṇini’ does not apply to them. Western scholars held that Pāṇini made a distinction between old and later Brāhmaṇa works and regarded Yāj. Brāhmaṇas as co-eval with himself.

It is to be noted that in the Yājñavalkyasmrī itself462 (III. 110) the author, whoever he may be, claims the authorship of the Āraṇyaka that he received from the Sun and the Yogaśāstra composed by him. This is simply put in to glorify the Yājñavalkya-smṛti as the work of a great and ancient

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460 आदिद्वायिनासिनिः बुजानी द्वारिधि वाज्ञवल्क्ये याज्ञवल्क्ये व्यायाम्। सम्बन्ध XIV. 9. 4. 33.
461 पुरुषपालितवाज्ञवल्क्ये। पर. IV. 3. 105.
462 चर्चा चारुवक्तम्यायानमिव तद्वदिवान्तथाम। योगवाच्च च सम्प्रौद्यमन्यं तद्भयोगसमस्तताः। याज्ञ त्र. III. 111.
sage, philosopher and yogin. From the style and the doctrines of the smṛti it is impossible to believe that it was the work of the same hand that gave to the world the Upaniṣad containing the boldest philosophical speculation couched in the simplest yet the most effective language. Even orthodox Indian opinion was not prepared to admit the unity of authorship in the case of the smṛti and the Āranyaka. The Mitākṣara says at the beginning that some pupil of Yāj. abridged the dharmaśāstra in the form of a dialogue. It will be shown later on that, though the sage who promulgated the Āranyaka and the author of the smṛti cannot be identical, yet the Yājñavalkya–smṛti is much more closely connected with the White Yajurveda and the literature particularly belonging to it than with any other Veda.

The Yājñavalkya smṛti contains (in the Niṣnayaśāgara ed. of 1892) 1010 verses, while the Trivandrum edition with the commentary of Viśvarūpa contains 1003 verses and Aparārka gives 1006 (Ānandāsrama edition). The difference in the number is mostly due to the fact that Viśvarūpa in the first section omits five verses that occur in the Mitākṣara. As regards one of them (the verse ‘rathyakardamato’ I. 197 according to the Mit.) Viśvarūpa notices it and says that some read it after the verse “mukhajā viprusā” and that it adds nothing to what precedes. Aparārka explains that verse. In the second section onvyavahāra Viśvarūpa reads verses which do not exist in the Mitākṣara nor in Aparārka. On the other hand Viśvarūpa seems to doubt the authenticity of the well-known verse on re-

\[ \text{463 वाज्यवनक्षणविषय: खंडित्युपोवातरस्त्रं याज्यवनक्षणित धर्मशाख्य संहित्य कथ्यामास।} \]

\[ \text{464 Viz. the verses आशासम्बन्धिनी (I.76), रजपदर्शत्वयानि (I.197), माहुद्वस्य पादिके (I.207), two half verses, तपायस्यादर्शनां (I.232) and अपहता इति निलाम (I.234), द्वध्वम (I.289).} \]

\[ \text{465 For example, the verse आधमेन विभुद्रेन भेमसो याति प्रामाण्यानु । अविभुधृंगमो भेमो प्रामार्थ्य नाधिगत्यानि। (Tri. ed. II. 29) and कुतुहलि जातया: जेषो गणान जनन्यानि। स्वयमीशतिवान् राजा विनोय स्वास्त-व्रताय। (Tri. ed. II. 24) do not occur in the Mit. The first is मारद (ग्रहणान 68) and also occurs in the अम्बिपुराण 253. 56–57.} \]
union and reads it also differently466 (anyodaryasya saṁsṛṭi). Two verses that are Yāj. III. 255-56 (‘Rajakavyādha’ and ‘Śvapākam pulkasam’, ) in Viśvarūpa’s text are not found in the Mitāksara nor in Aparārka.

Not only this but in some cases the arrangement of verses is not the same in both Viśvarūpa and the Mit. For example, verses 14-29 of the praśācitta section present very different sequences in both. What is verse 29 in the Trivandrum edition is verse 19 in the Mit. Besides, the Mit. reads one verse (III. 23 ‘ā dantajanmanah &c.) which is wanting in Viśvarūpa and is also not commented upon by Aparārka. Viśvarūpa adds two half verses,467 which do not occur in the Mit. and Aparārka. There is further a good deal of variance in the readings adopted by Viśvarūpa and the Mit., though the meaning is not often affected. For example, the two verses enumerating the names of writers on dharma are differently worded in both.468 But Medhatithi favours the reading of Viśvarūpa.466 Viśvarūpa reads “asvattam loka-vidviṣṭam” (I. 155) and notices a reading “asvam tam,” while the Mit. reads “asvargyam loka &c.” Both the Mit. and Aparārka read “pitā pitamaho bhratā &c.” (I. 63), while Viśvarūpa reads “pitā mātāmaho bhratā,” remarks that “mātāmaha” is put in earlier as a guardian for marriage for metrical reasons and then notices “pitā pitamaho bhratā” as a various reading. Even in the days of Viśvarūpa there were various readings in Yāj. (Vide com. on I. 1, 2, 51, II. 119, 179 etc.).

The Agnipurāṇa affords an excellent check for the consideration of the text of the Yājñavalkyasmrtri. A good-sized monograph will be required to deal exhaustively with the questions raised by the comparison of the vyavahāra portion of the Agnipurāṇa with Yājñavalkya’s vyavahāra-kānda.

466 अश्रापि पुरविवरणस्यायामीयमेऽकेन पद्धति अन्योद्वलयस्य संस्कृति &c. (II. 143).
467 The two half verses are भ्रामणव द्वाराय पवित्रतमकम् । (19 a) and प्रायवतालबः स्वच्छाशिष्योपायित्वफित्कतो स्वयम् (24 b) in Tri. ed.
468 Vide note 310 above.
469 अत: स्मृतिपरिग्रहना मनुविवयथोऽधिति निर्देश्यते तथा हि पैठानसे-चौधवप्रितिप्रभित-मूर्तियोऽविदेशपि: स्मरित । न क परिग्रहनायाममस्वमितः । मेघारी भवेत । मनु II. 6.
I shall only briefly examine the materials and state the conclusions at which I have arrived. We know that Viśvarūpa, the first extant commentator of Yaj., flourished about 800-825 A. D. The author of the Mitāksara flourished about 250 years later. Interesting results follow by a comparison of the text that these two commentators had before them with the Agnipuruṣa. I shall select chap. 256 of the Agnipuruṣa for a detailed examination. It contains 36 verses which all occur in Yaj. II. (verses 118-153 of Tri. ed. and verses 114-149 of the Mit.). It is found that the Agnipuruṣa agrees with the text of 12 verses word for word as contained in Viśvarūpa and 19 verses as contained in the Mit. Viśvarūpa puts three verses between the two verses ‘pitrdravyāvināśeṇa &c.’ and ‘kramādabhyāgataṃ dravyam’, while the Mit. brings the two verses together. In several cases the readings of the Agnipuruṣa agree with Viśvarūpa’s text and not with that of the Mit. For example, Agni. reads ‘kāryāḥ patnyāḥ samāṃsikāḥ’ with Viṣ. (119), reads ‘bhūryā... dravyam-eva va... putrasya cobhayoh’ with Viṣ. (124), reads ‘pitrdravyāvināśena’ (and not ‘vyāvirodhena’ as Mit. does) with Viṣ. (122), reads ‘dadyāt-cāpaharec-cāṃśam’ with Viṣ. (142 b), reads ‘Patitaś-tatsutah kliṣṭah’ with Viṣ. (144 a), reads ‘aprajāyāmatitāyam’ with Viṣ. (148). The Agnipuruṣa, however, in a far larger number of cases agrees with the readings of the Mit. Agni (256.8) reads with the Mit. (122) ‘vibhaktesu suto jātah savarmāyam vibhāgabhāk,’ Agni. reads ‘mātāpyaṃśam sāmāṃ haret’ with the Mit. (123), while Viṣ. (127) reads ‘mātāpyaṃśam samāṃṣīyāt.’ Viśvarūpa’s reading leaves it undecided as to what the share of the mother is to be, while the Mit. makes it definite by stating that it is equal (to that of a son.). Agni (256.12) reads ‘catustri-dvyekā-bhāgāḥ syuḥ’ and ‘vidjāstā dvyekabhāgīnah’ with the Mit. (125); Agni (256.21) reads—‘ṛdhabhāgikāḥ’ with the Mit. (134). Agni. (256.27) reads ‘andhoṣ cikitsyārogādyā’ with the Mit. (140), while Viṣ. (144) reads ‘rogi ca.’ The reading of the Mit. makes provision by the word ‘ādya’ for other persons like deaf-mutes mentioned in other smṛtis as not entitled to inherit, while Viṣ. has to put a forced interpretation on ‘ca’ as including such persons. The Agni (256.33) reads ‘vyayaṃ dālyāc-ca sodayam’ with the Mit. (146), while Viṣ. (150) reads ‘dāpyaś-ca sodayam.’ Agni (256.36) reads ‘vibhāgabhāvanā jñeyā grha-kṣetraśca
yautakaiḥ' with the Mit. (149), while Viś. (153) reads 'bhāvanā deyya gṛha-ksētrakayautakaiḥ.' Here the former reading is easy and gives a complete sentence. With Viś. we have to separate 'bhāvanā' and 'ādeya &c.' Besides, no predicate (like jñeyā or kāryā) is expressly mentioned in the verse if we take the reading of Viś. and the 'ka' in 'ksētraka' is a redundancy. We find that the tendency of the readings of the Mit. is to smooth down harsh or involved constructions and that the Agnipurāṇa presents most of the changes in the text found in the Mit. but not found in Viś. In the same direction points the fact that Agni (256.35) reads 'na dattam stridhanaṁ yasyai' with the Mit. (148) and not 'yasyā' as Viś. (152) does, as 'yasyai' is grammatically more regular than 'yasyāḥ' with the form 'dattam.' But as against this we may note that both Viś. and Agni read 'aprajāyāmati-tāyāṁ,' while the Mit. reads 'atitāyāmaprajasi.' The reading 'aprajasi' is correct according to Pāṇini (V. 4. 122) and not 'aprajāyām.' Therefore, the conclusion that follows is that the text of Yāj. preserved in the Agnipurāṇa is intermediate between the text of Viśvarūpa and that of the Mitakṣara. As Viśvarūpa flourished about 800-825 A.D., the Agnipurāṇa represents a text of Yājñavalkya current somewhat later i.e. about 900 A.D. In my 'History of Sanskrit Poetries' (pp. III-V) I established, from the fact that the extant Agnipurāṇa quotes Daṇḍin and Bhāmaha and knew the theory of dhvani, that it was composed about 900 A.D. That date is strikingly corroborated by the evidence derived from the chapters on vyavahāra discussed above. It is no doubt true that the Agni presents some readings that are found neither in Viś. nor in the Mit. For example, it reads (256.4) 'tābya rterpayet,' while both Viś. and Mit. read 'tābya rteṣuvyaḥ.' It is probable that this is an error of the copyists or the reading may be due to the difficulty of understanding the meaning of 'anvyayā' there. Agni reads (256.5) 'svayam-arjayet' for 'svayam-arjitaṁ' (of Viś. and Mit.) and 'jātopi dāsyaṁ śūdrasya' (256.20) for 'śūdrasya' (of Viś. and Mit.). A detailed examination of the other chapters on vyavahāra will yield the same results. But it cannot be undertaken here. A few examples may however be cited. Viś. (II. 167) reads 'palo yesāṁ ca te mocyā daivā-raja-pariplutah,' Agni (257.14) 'palo yesāṁ tu te mocyā daivara-rajapluputah,' while Mit. (163) reads 'palo yesāṁ na te...tāḥ.' Similarly, Viś. (II.179) and Agni (257.26) read 'svakuṭum-bāvirodhena
The total number of verses on vyavahāra in Agnipurāṇa, chap. 253–258, is 315. Out of this the first 31 are not taken from Yāj. All of them except the first half verse and verse 31 (chap. 253) occur in Nārada. Of the remaining 284 verses, only 4½ (Agni 253. 35, 255. 43a, 255. 49b and 50, 258. 83) do not occur in Yāj. (in both Viś. and Mit.). There are also a few verses that occur in the Agnipurāṇa and in Viśvarūpa, but not in the Mit. and also a few verses that are common to the Mit. and Agni but are not found in Viś. The first three verses of Yāj. II are compressed by the Agnipurāṇa into 1½ verses.

The Garuḍapurāṇa affords, like the Agnipurāṇa, material help towards examining the authoritativness of the text of the first and third sections of Yāj. The Agnipurāṇa does not expressly say that it drew upon Yāj., but the Garuḍapurāṇa is explicit on the point. In chap. 93.1, it is expressly said that the dharma formerly promulgated by Yājñavalkya is being narrated ‘Yājñavalkyena yat (yaḥ?) pūrvarn dharmam (dharmaḥ?) proktam (ṭaḥ?) katham Hare itan me kathaya keśīghna yathā tatvamā Madhavaḥ u.’ Chapters 93–106 contain dharmaśāstra material more or less taken from the Yājñavalkyasīrti. There are 376 verses in these chapters. Considerations of space forbid any detailed examination of this material. A few salient facts only are brought out here. Chapters 93–102 deal with the several topics (prakaraṇas) of the first kāṇḍa in the same order, the only exception being the topics of rājadharma (I. 309–368), which is omitted in the Garuḍapurāṇa. Chapters 102–107 treat of topics that occur in the third kāṇḍa of Yāj., and contain 121 verses only. In these chapters the order of the prakaraṇas in Yāj. is not observed at all, but Garuḍa speaks of them in the following order: vānaprastha–prakaraṇa, yati, karmavipāka, prāyaścitta, āśuca and āpaddharma (the last two being the first two prakaraṇas in Yāj.). A feature which strikes one as regards the Garuḍapurāṇa (particularly chap. 102–106) is that a few
verses only of Yaṣj. are repeated word for word, that very often the Garudapuruṣa gives only a summary by omitting and transposing the words and phrases of the original and that sometimes it adds verses of its own. This may be illustrated by what the Garuḍa says on vānaprastha and yati (chap. 102–103, 12 verses in all.). Chap. 102 begins ‘vānaprasthāramām vākṣye taḥ-cīnāvantu mahārsayaḥ putresu bhāryām nīkṣipyā vaṃ vanaṃ gacchet sahaiva vā n.’ The latter half is a paraphrase of Yaṣj. III. 45a. Then III. 45b–46 (Mit.) = Garuḍa 102.2–3a (with slight variations), III.47 = Garuḍa 102–4 b–5a; III. 48 = 3b–4a; III. 49–50 = Garuḍa 5b (‘pakṣe māsethā vāśniyād–dantolūkhaliko bhavet’, which summarises and retains some words of the original), III. 71 = Garuḍa 102.6a (cāndrayantī svāpedbhuma karma kuryāt phalādīnā, which includes a few words of III. 49b also), III.52 = Garuḍa 6b–7a (the last pāḍa in Garuḍa is ‘yogābhyaśat dinam nayet,’ while in Yaṣj. it is ‘saktyā vāpi tapas–careṇ’), III.53 = Garuḍa 102.7. Chap. 203 contains only five verses. III.56, 58–59 = Garuḍa 103. 1b–4a (with variants) and then Garuḍa adds 12 verses which are not found in Yaṣj. (viz. ‘bhavet–paramahānaso vā ekadāṇḍi yamādītah ā Siddhayogas–tyajan deham–amrtatvam–ihāpnyatā datātitipriyō jañāni gṛha śraddhepi mucyate n’). The mere fact that a prakaraṇa is omitted in the Garudapuruṣa should cast no doubt on the existence of that prakaraṇa in the original Yaṣj. We do not know on what principles the borrowing took place. Besides, we find that such prakaraṇas as Vināyakasānti and grahaśānti are included in the Garuḍa (chap. 100–101), while rājadharma prakaraṇa is omitted. We know that ‘rājadharma’ figures in the sūtras and Manu, but none of the ancient dharmaūtras, nor the Manusmṛti speaks of Vināyaka. Hence conclusions must be drawn only from what positively occurs in the Garudapuruṣa and not from the absence of any topic in it. The Garudapuruṣa sometimes (also in the arrangement and form of the verses presented) sometimes it agrees with the Mit. and sometimes it is independent. For example, the two verses enumerating the authors of dharmaśastras (Yaṣj. 1. 4–5 = Garuḍa 93. 4–5) follow the readings of Viṣ., but not those of the Mit. In the 3rd kānda, verses 14–19 of the Mit. are differently arranged by Viṣ., and Viṣ. omits (as does Aparārka also) one verse found in the Mit. (III.23) as said above, while the Mit. omits two half verses that are found in Viṣ. (vide note 313). The verse ‘ādanta &c.’ occurs in the
Garudapurana and the two half verses in Vis. omitted by the Mit. are also omitted in Garuda. So far the Garudapurana agrees with the arrangement preserved in the Mit. But it does not agree entirely with the Mit. The verse ‘ādanta &c’ is III. 23 in the Mit. and occurs before ‘ahastvadatta’ but in the Garuda it occurs before ‘trirātram dasāratram vā (which is III. 18 in the Mit.). Besides, verse 22 of the Mit. is read differently in the Garuda (daśa dvādaśa varṇānām tathā pañcadaśaiva ca trimsad dināni ca tathā bhavati pretasūta-kam). It must, therefore, be said that the Garudapurana represents an intermediate stage of readings between Vis. and the Mit. As the Garudapurana was a popular work read by and recited for the benefit of slightly educated or illiterate people, it often introduces changes to suit their understanding. For example, the Mit. (I.296) reads (as also Vis.) ‘sūryaḥ somo mahiputraḥ somaputro bṛhashpatiḥ,’ while Garuda reads (chap. 101.2) ‘sūryaḥ somo maṅgalaś ca bṛhaspaḥ caiva bṛhaspatiḥ,’ thus substituting the well-known words Maṅgala and Budha for Mahiputra and Somaputra. The verse ‘kṛtāgniḥ kṛtya bhūjijita’ (I. 31 in the Mit.) is placed by Vis. after ‘ekadesam – upādhyāya,’ while the Mit. places it three verses earlier. The Garudapurana here agrees with the Mit. In some cases Garuda strikes an independent path. For example, in Yaj. I. 11 Vis. reads ‘māśe to jātakarma ca,’ the Mit. reads ‘māśyete jātakarma ca,’ while Garuda (chap. 93. 11) gives the easy reading ‘prasave jātakarma ca.’ Mit. reads (Yaj. I. 76 b) ‘tyajan dāpyastṛitiyāṁsam-adravyo bharānāṁ striyāḥ; Vis. omits the whole verse, while Garudo omits I.76a (of Mit.) and reads the other half as ‘suddham tyajamstṛiti-yāṁsam dadyādabharaṇāṁ striyāḥ’ (95. 23b). Verses I.91–92 of the Mit. on the offspring of mixed marriages are differently read by Vis. (I.90–91), while the Garuda (96. I b) has the same half verse as the Mit. I. 91 a and the same half verse (96. 3 a) as Vis. (91 b) and reads the two half verses between them as ‘jāto ‘mbasṭhastru sūdraśām niśādāḥ pāraśavopī vā māhiṣyāḥ ksatriyajja jāto vairāyaḥ mlecchaśaṁjñātal.’

The foregoing makes it clear that the text that the Garudapurana had before it could not have been older than that commented upon by Visvarūpā and that it represents a stage intermediate between Vis. and the Mit.

The above gives rise to an important question whether one can detect several strata in the Yajnavalkyasmṛti. From
the fact that the sūtra of Śaṅkha-Likhita cites Yājñavalkya among the promulgators of dharmaśāstras (vide note 137), while Yāj himself includes Śaṅkha-Likhita among the propounders of dharma (note 258), it may be plausibly said that Śaṅkha-Likhita refer to an earlier Yājñavalkyasmṛti than the extant one. Beyond this there is no evidence to establish that there was an earlier version of the present smṛti. A comparison of the readings of Viśvarūpa and the Mit. with those in the Agni and Garuḍa purāṇas has established that the text of the smṛti no doubt underwent slight verbal changes between 800 and 1100 A.D. and that a few verses were added and also omitted during these centuries. But the text remained in the main the same from 700 A.D. What the original smṛti contained, whether it was in prose or verse or both and whether it dealt with only ācāra and prāyascitta sections are questions on which conjectures may be advanced, but there are no substantial materials for arriving at even tolerably certain conclusions.

Yājñavalkya's work is more systematic than that of Manu. He divides the work into three sections and relegates all topics to their proper positions and avoids repetition. He treats of almost all subjects that we find in Manu, but his treatment is always concise and he makes very great and successful efforts at brevity. The result is that for the 2700 verses of Manu, he requires only a little over a thousand. He often compresses two verses of Manu into one, e.g. Manu II. 243, 247, 248 are equal to Yāj. I. 49, Manu III. 46–48 and 50 are concisely put in one verse by Yāj. (I. 79); vide also Manu IV. 7–8 and Yāj. I. 128 (contains almost same words also), Manu IV. 84–85 and Yāj. I. 141. In a few cases Manu and Yāj. convey the same meaning in one verse without compression, e.g. Manu III. 70 and Yāj. I. 102, Manu III. 119 and Yāj. I. 110. Manu VII. 17 and Yāj. I. 348, Manu VII. 205 and Yāj. I. 349. The correspondence of Yājñavalkya's words with the text of Manu is in most cases very close, so much so that one cannot help feeling that Yāj. had the Manusmṛti before him and purposely made an attempt to abridge the somewhat loose expressions of Manu. The passages set forth above as examples of compressions will also serve as illustrations of this fact. The word Kāya (from Ka) is used by both in the sense of 'prājapatyā form of marriage' (Manu III. 38 and Yāj. I. 60); vide also Manu II. 109 and Yāj. I. 28, Manu III. 42–44 and Yāj. I. 62, Manu V. 26–27
and Yāj. I. 178-179, Manu VII. 56 and Yāj. I. 312 for further close agreement in phraseology. Yāj. adds some subjects which have either no counterpart in our Manu or which are only noticed in passing by Manu. The Manusmṛti contains nothing corresponding to the Vināyakaśānti and Grahaśānti of Yāj. (I. 271-308). Yāj. gives a detailed treatment of five kinds of ordeals (in II. 95-113), while Manu makes only a cursory reference to the ordeals of fire and water (VIII. 114). Yāj. contains considerable anatomical and medical matter (III. 75-108), which is wanting in Manu. On the other hand, there are some subjects on which Yāj. is silent though they are dealt with in detail by Manu. This is the case with the account of the origin of the world.

The whole of the Yājñavalkya-smṛti is written in the classical Anuśṭubh metre. Though the author’s great aim has been to be concise, his verses are hardly ever obscure. The style is flowing and direct. There are not many un-Prāśinian expressions, though he employs ‘pūjya’ in I. 293 and ‘dūṣya’ in II. 296. In the latter case both Viśvarūpa and Aparārka avoid the fault by reading differently. The verse ‘kulāni jātayaḥ śrenyo’ is ungrammatical (Tri. ed. II. 34), as ‘jāti’ and ‘śreni’ must be in the accusative case. According to the Mit. Yājñavalkya addressed his words to Śāmaśravas and other sages (vide com. on I. 178 and III. 330-333). In this the Mit. is probably drawing upon the Br. Up. (III. 1. 2), where Yāj. asks Śāmaśravas to take away the 1000 cows. The sages interpose (vide III. 118, 129) as in Manu, while the great teacher is passing in review one topic after another. The teacher himself addresses his auditors (as in I. 178 ‘śrṇuddhvat’ and ‘nibodhata’ in I. 272). Yāj. employs the first person about himself as in I. 56 ‘naitan-mama matam’ and in III. 126 ‘sahasrātmā mayā yo va ādideva udāhṛtaḥ’.

It is said that the sages approached Yājñavalkya in Mithilā and requested him to impart to them the dharmas of the varṇas, āśramas and others. The contents of the work may be briefly summarised as follows:—Kāṇḍa I: fourteen vidyās; twenty expounders of dharma, sources of dharma; constitution of a pārīṣad, the saṅkśāras from Garbhādhākāra to marriage; upanayana, its time and other details; every-day duties of brahmācārin, persons fit to be taught, what things and actions a brahmācārin was to avoid, period of studenthood; marriage;
qualifications of girl to be married, limits of sapinda relationship, intercaste marriages; the eight forms of marriage and the spiritual benefits therefrom, guardians for marriage, Ksetra son; grounds of supercession of wife, duties of wife; principal and intermediate castes; duties of householder and keeping sacred domestic fire, the five great daily yajnas; honouring a guest, mudhuparka, grounds of precedence, rule of the road, privileges and duties of the four varnas; ten principles of conduct common to all; means of subsistence of a householder, and solemn vedic sacrifices; duties of snataka, days of cessation from study; rules about prohibited and allowed food and drink; rules about flesh-eating; purifications of various materials, such as metal or wooden vessels; gifts, who is fittest to accept them, who should accept gifts, rewards of gifts, gift of cow, rewards of other gifts, highest gift is knowledge; sraddha, proper time for it, proper persons to be invited at it, unfit persons, the number of Brahmaṇas to be invited; procedure of sraddhas; various sraddhas such as parvāṇa, vṛddhi, ekoddīstā; sapindikaraṇa; what flesh to be offered at sraddha, reward of offering sraddhas; propitiatory ceremonies as regards Vinayaka and the nine grahas; rajadharma, king's qualifications; ministers, purohita, royal edicts, king's duties of protection; administration of justice; taxation and expenditure; allotment of the day to various duties; constitution of mandala, the four expedients, the six guṇas; fate and human effort; impartiality in punishment; units of measure and weights; grades of fine; Kanda II. members of the hall of justice, judge, definition of vyavahārapada, rules of procedure, plaint, reply, taking security, indicia of a false party or witness; conflict of dharmaśāstra and arthaśāstra; means of proof, documents, witnesses, possession; title and possession; gradation of courts; force, fraud, minority and other grounds of invalidity; finding of goods; treasure-trove; debts, rates of interest, debts of joint family; what debts of father son need not pay: devolution of debts; suretyship of three kinds; pledge; deposit; witnesses, their qualifications and disqualifications; administering oaths, punishment for perjury; documents; ordeals of balance, water, fire, poison and holy water; partition, time of it, wife's share on partition, partition after father's death, property not liable to partition, joint ownership of father and son; twelve kinds of sons; illegitimate son of śūdra; succession to a sonless man; re-union; exclusion; husband’s power over wife’s strīdhana; boundary disputes; dispute between master and herdsman; sale
without ownership; invalidity of gift; rescission of sale; breach of contract of service; slavery by force; violation of conventions; non-payment of wages; gambling and prize-fighting; abuse, defamation and slander; assault, hurt etc.; śāhasa; theft; adultery; miscellaneous wrongs; review of judgment; Kāṇḍa III—cremation and burial; offering of water to various deceased persons; for whom no mourning was to be observed and no water to be offered; periods of mourning for various persons; rules for mourners; impurity on birth; instances of immediate purification on death or birth; means of purification, such as time, fire, ritual, mud etc.; rules of conduct and livelihood in distress; rules for forest hermit; rules for a yati; how the individual soul is clothed in a body; various stages of the foetus, number of bones in the body, the various organs such as liver, spleen etc.; the number of arteries and veins; reflection over ātman; use of music in the path of mokṣa; how the originally pure ātman is born among impure surroundings; how some sinners are born as various kinds of animals or inanimate things; how yogan attains immortality; three kinds of actions due to sattva, rajas and tamas; means of ōtmajnāna; the two paths, one to immortality and the other to heaven; the various diseases from which sinners suffer; purpose of prāyaścittas; names of 21 hells; the five mortal sins and other acts similar to them; upapātakas; prāyaścittas for brāhmaṇa murder or for killing other persons; prāyaścittas for drinking wine, for other mortal and venial sins and for killing animals of various sorts; greater or lesser expiation according to time, place, age, ability; ostracizing the non-conformist sinner; secret expiations; ten yamas and niyamas; Sāntapana, Mahāsāntapana, Taptakrochra, Parāka, Cāndrayaṇa and other expiations; rewards of reading this smṛti.

Besides the four Vedas, Yāj. refers to the Vedāṅgas as six and enumerates fourteen vidyās (four Vedas, six āṅgas, purāṇa, nyāya, mimāṃsā, dharmaśāstra). He refers to the Āraṇyaka and Yogaśāstra composed by himself. Āraṇyakas in general are spoken of in I. 145 and Śukriya Āraṇyaka in III. 309. The Upanisads are mentioned in III. 189, where Purāṇas are mentioned in the plural. Itihāsas, Purāṇa, Vakvākyya, and Nārāśaṁsi gāthās are mentioned in I.45 (also I. 101 for Purāṇa and Itihāsa). He enumerates at the commencement nineteen authors on dharma, besides himself. But it
is remarkable that in the body of the work not one individual author of a dharma-sāstra is mentioned by name. He speaks of Ānvikṣiki (Metaphysics) and Daṇḍaniti (I. 311). He lays down the dictum that where dharmaṭāstra and artha-śāstra conflict, the former shall prevail (II. 21). He speaks of smṛtis in general (II. 5 and I.154). In III. 189 (III. 180 in Viśvarūpa who reads 'Pūrāṇam ca'), he names several sections of Sanskrit literature viz. Vedas, Pūrāṇas, Viḍyās (Dharma-śāstra and others), Upanisads, ślokas, sūtras and bhāṣyas. This is an echo of Brhadāraṇyakopanisad II.4.10 and IV.5.11 quoted below.⁴⁷⁰ He speaks of sūtras and bhāṣyas. What works are intended it is most difficult to say; the only extant bhāṣya which can be said with certainty to be older than the extant Yāj. smṛti is that of Patañjali. He refers to other writers on dharma in the word 'ekē' (I. 36). The view referred to there occurs in Baudh. D. S. 1. 2. 4.

Yāj. III. 185 refers to eight guṇas, which appears to be a reference to Gautama Dharmasūtra 8. 23–24. Similarly, Yāj. III. 186 (referring to 88 thousand sages who were house-holders) has in view Āp. D. S. II. 9. 21. 3 (Aṣṭāṣṭīṣṭisahārasāni ye prajāmy–śire ṛṣayaḥ &c). It appears that the Matsyapūrāṇa (53. 5–6)⁴⁷¹ quoted below copies the words of Yāj. I. 3 (Purāṇa–nāyā.......dharmasya ca caturdaśa) and thereby helps to some extent in arriving at the probable date of Yāj.

It is necessary to say a few words about the verses of the Yoga–Yājnāvalkya which has 12 chapters and about 496 verses plus ten additional verses, in all 506 only.

Briefly the contents of the twelve chapters are as follows: Chap. I (70 verses) – In an assembly of sages, in which Mai-tryi (the best of married women) and Gārī (the best among experts in knowledge of Brahma), were present, when Gārī prostrated herself on the ground and requested Yājnāvalkya to impart to her the essence of Yoga. Yāj. agreed to impart to her the essence of Yoga together with its aṅgas. He said

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⁴⁷⁰ एववा अर्हरस्वय महतो भूत्वा नियोगसिद्धायद्वृत्तेदी युवेदी सामन्ते रघुवानिन्तिसं दत्तायः: पुराणं विद्या उपपन्नपश्चाद्वाकोऽस्त्रावप्यस्मवास्मानिनि वायस्यावानि।
भै. उप. IV. 32, बृह. II. 4. 10.

⁴⁷¹ अभ्यानि चतुरो बेसि: पुराणं न्यायविष्टपुरस्य भीमसता धर्मार्शां घर परियोगु मया
क्रतम। सत्यस्येण च पुनः कल्याणदुन्दकान्ना॥ मस्त्युपु. 53. 5–6.
that he would impart to her the knowledge of Yoga which Brahmana communicated to him and requested the assembly of sages to listen to the Yoga that would be described by him. He dealt with knowledge and appropriate actions, as follows: actions are the way of knowledge which is twofold viz. pravartaka (i.e. inducing men to act) and nivartaka (i.e. making men to cease from ordinary acts). He said there are four āśramas laid down by the Veda. Man owes debts to gods, ancestors and sages (ṛṣis) and pays off the debts (respectively) by sacrifices, by having sons and by brahma-cārya as regards sages); there are four āśramas, all four for a brahmana, three for a kṣatriya, two for vaiśyas and one for śudras; men in the four āśramas should perform the duties of those āśramas out of the four that may be applicable to their cases respectively; there are different aṅgas of Yoga applicable to the persons in the community. Yoga has eight aṅgas viz. Yama, Niyama, Āsana, Prāṇāyāma, Pratyāhāra, Dhāraṇā, Dhyāna and Samādhi. Yamas are ten viz. Ahimsā, truthfulness, asteya &c. and there are also ten niyamas viz. tapas, santoṣa, āstikya, dāna, worship of god, listening to the fundamental principles of conduct, Hri, Mati, Japa (vācika and mānasa) and vrataś; (chap. 3) Āsana (bodily postures of eight sorts); Nāḍīs (14 chief ones such as Īḍā, Piṅgalā, Suṣumṇā, &c.); ten vāyus (such as Prāṇa, Āpāna &c.) and their special functions); Naḍīśuddhi (described in chap. V); Prāṇāyāma (description of), Recaka, Pāraka, Kumbha, the mantra to be recited is to be Vedic, except for the śudras and women; (ten slokas at the end of chap. VI); seventh chap. deals with Pratyāḥāra; this last and three more are called abhyantara aṅgas of Yoga. Dhāraṇas are of five sorts (chap. VIII): control of Prāṇa-vāyu; IX-deals with dhyāna; chap. X-deals with Samādhi (Samādhiḥ samatāvasthā); chap. XI (Gārgī says that she had forgotten the Yoga with eight aṅgas); chap. XII-Yāj. teaches her briefly Yoga again when she said that she had forgotten the elaborate treatment that Yāj. indulged in and then Yāj. teaches her briefly the essence of Yoga (chap. XII).

Some of the recommendations of the Yoga-yājñavalkya may be stated here; such as actions enjoined by Vedic injunctions should be performed by Yogins till death (XI.
Gārgī stated at the end that she had forgotten Yājñavalkya’s exposition of Yoga with its eight <i>āṅgas</i> as the means leading to <i>mokṣa</i> and that he should explain briefly the Yoga with eight <i>āṅgas</i>; Yājnā<sup>ṃ</sup> agrees; XII brief description of a posture for control of Vāyu in which the right ankle is pressed against the anus (one among several items) and of practising this for two <i>ghatikās</i> for ten days one has certain experiences such as lightness of the body, hearing sounds and passing only a small quantity of urine and faeces &c.; then contemplation on <i>cakrīn</i> (serpent that is lodged in the Kūṇḍalīnī); rousing of the Kūṇḍalīnī; all (Upaniṣad passages) declare that one is to realize that <i>brahma</i> from which proceed all these beings &c.

The Yoga–Yājñavalkya is only a small work on Yoga, has little to do with Dharmaśāstra and it winds up its teachings by relying on Haṭhayoga in chap. XII, which is put forward by the work itself as a summary of the teachings of the first eleven chapters.<sup>473</sup>

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472 तस्मात्स्वपि योगीन्द्र लाभ्यम् धर्मामाचरन्। अहं विष्णुस्मयाग्निहकर्म समाचर॥ इति में कर्मस्वस्वे योगयवं व तवम:॥ उपदिश्य तत्त्वा योगी योगनिहवळवस्तवयम्॥ योगवादः। I. 39-40 (Divanjī’s edition). Some mas. read झाने कर्म समाचर or साल्खान कर्म समाचर.

473 In the Yogayājñavalkya we find here and there echoes of the Gitā; for example, compare Gitā 8.6 (‘yam yam vāpi smaran’ etc. with Yoga–yājñ. X. 19-20 (yam yam samyak smari etc.)); Gitā 8.10 (bhuvor-madhya) with Yoga–yājñā X. 16-17. झानकर्म्मपक्षमयोगायात्मप्रातिपदः प्रभुः। प्रयत्नश्च न सिद्ध्येत उसे तस्मात्स्वर्गः एतत्॥ झानं प्रयाणं न तु कर्माद्विन्यानं कर्म प्रयाणं न तु बुज्ज्विन्॥ तस्माद् दयोर्षेन भवेत सिद्धिन द्वारकायो विद्यते। प्रावति॥ परिसारान् दुर्योगुप्तकीर्तिदालस्वस्मक्षणम्। कालिकाभयावस्य कर्म नेत्रचन्द्र प्रक्षिप्त। ॥ ब्रह्मोपि। IX. 28, 29, 34.

All these are quoted in the Moksākṣaṇa of Kalpataru (p. 146) as from (योगियाजवल्क्य); IX. 29 and 34 are quoted by Aparārka on Yājñ. III. 205 with the Introductory remark मुख्य झानकर्म्मेन्यप्रभुः स्मृतिकारप्राच्य:—समैथ निमेयस्वेद आचार: प्राणस्यभाष:। प्रवाहिण्य ध्याने धारणानि। समाधिना। ब्रह्मोपि IX. 35; compare योगसूत्र II. 28 ‘समनिमासान्नास्त्यायमन्त्रायामाहात्मायां समाध्येयोयङ्क्षतानि’; the Yājñavāpaṇिवद्र (VI.18) puts ध्यान before धारणा योगयाजवल्क्य।

(Continued on the next page)
Mr. Divanjī himself regards it as the earliest available work on Hathayoga for the common man (JBBRAS Vol. 29 for 1954 pp. 96–128 at p. 106 and in ABORI Vol. 34 for 1953 p. 23). The present author questions his assertions about its being the earliest.

Aparārka (about 1125–50 A.D.) mentions Yogayājñavalkya about 25 times and quotes at least 63 verses therefrom (though the order of verses and some readings differ in a few cases). Reasons of space prevent a detailed statement of all verses quoted from Yogayājñavalkya. By way of sample, only some groups of verses from Yoga–Yāj. are cited here; (a) about 18 verses (though not in consecutive order) on pp. 134–35 are quoted by Aparārka from Br. Yoga. Yāj., all except two from the 7th chapter (verses 39, 162–171 and from IV, 28 and 30); five verses are quoted from Br Y. Y. VII. (dropping 136) by Aparārka on p. 47; about five verses are quoted which are Br. Y. Y. IV. 4–6 (in part) and IV. 8–10; on p. 128 Aparārka quotes from Yoga–Yāj. four

(Continued from the previous page)
verses and a half which are Br. Y. Y. VII. 2 (latter half)—5. Mr. Divanji does not show that these verses occur in the Yoga-Yājñavalkya that he edited.

The Dānasāgara of Ballālasena (B. edition) mentions Yājñavalkya and Yogi-yājñavalkya on p. 3 and it quotes about a dozen verses some of which are found in Yogi-Yājñavalkya,\(^{474}\) chap. VII. (of Br. Y. Y.) viz. abhāve (D. S. p. 63=Br. VII. 139); na kuryāt (D. S. p. 52=Br. VII. 37); na caṅkraman (D. S. p. 52=Br. VII. 131); na padā (D. S. p. 63=Br. VII. 132).

Yājñavalkya agrees very closely with the Viṣṇudharmaśūtra. What conclusions are to be drawn therefrom has been discussed above (see sec. 10). Similarly, there is close correspondence between the Kauṭiliya and Yāj. If there is any borrowing at all, it must follow from the date above assigned to the Kauṭiliya that it is Yāj. who borrows. There are numerous passages in Yāj. that show remarkable agreement with the text of Manu. But there are several points on which Yāj. differs from Manu and shows in general a more advanced state of thought and feeling than the Manusmṛti. The following are the principal points wherein Yāj. differs from Manu. Manu seems to allow a brāhmaṇa to marry a śūdra girl (III. 13), while Yāj. emphatically states it as his opinion that this is wrong (I. 56); Manu first describes the practice of nīyoga and then severely condemns it (IX. 59–68), while Yāj. does not condemn it (I. 68–69). Manu enumerates eighteen vyavahārapadas; Yāj. does not expressly enumerate them in one place, though he defines vyavahārapada and adds verses of a miscellaneous character (prakirṇaka) in his section on vyavahāra. Manu is silent about the rights of inheritance of

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\(^{474}\) क्षणिक नयः प्राक्तं द्वितीयं वैश्वाद्योऽः। क्षणिक्यं चर्चेद्वमं संयतसाध्वमात्।।
वानप्रक्रियामात्रं चर्चेद्वम् समाहितः।। गीतयाजति। (ed. by
Mr. Diwanji I. 30 and 35); vide J. G. J. R. I, vol. XV pp. 135–140
for a paper of Prof. Bhabatosh Bhattacharya on 'Yogi-yājñavalkya-
smṛti and its utilisation in medieval digests of Bengal and
Mithilā'; 'नयঃ' refers to the first three āśramas.

तथा व ब्रह्माज्ञवल्क्यं धर्मववक्तुदुवल्लाह। भूयातो धर्मववकार उद्धा भविष्यत।।
निधानः सर्वचवर्णः वेदः एव हि साध्वतः।। इति।

नारदः

पुल्लो गायम्: पुलस्योऽः कृतः। क्रियायायोऽः जातिकाणि विशालिनः

पितामहः।। इति।
the widow of a sonless man and gives only a vaguely expressed order of succession, while Yāj. places the widow at the head of all heirs and enumerates several classes of heirs in a regular order. Manu condemns gambling outright (9. 224–226), while Yāj. brought it under State control and made it a source of revenue to the king (II. 200–203). There are several other matters which Yāj. treats at much greater length and more systematically than Manu, e.g. ordeals (as indicated above), means of proof in courts (Manu altogether ignoring documentary evidence, though he knew documents as in 8, 51–52), rules of procedure in courts (compare Manu 8. 53–56 with Yāj. II. 5–11 and 16–21), the doctrine of possession and prescription (Yāj. II. 24–29 and Manu 9. 44 and 54). All these points tend to show that the Yājñavalkya-smṛti is much later than the extant Manusmṛti.

The Yājñavalkya-smṛti seems to have taken the section on Vināyakaśṛṇti from the Mānavagrhyāsūtra (II. 14); verses 281–283 of Yāj. (I) occur in the Mānavagrhyā II. 14, but in a different order.475 The Mānavagrhyā takes the Vināyaka to be four, while Yāj. says that there is a single Vināyaka, whose appellations are Mita. &c.

The details of information about Vināyaka in Yāj. (I. 272–276) appear to have been versified from the prose476 of the M. Gr. S. The details of worship also and the mantra (Yāj. I. 291) are taken from the same work (vide M. Gr. S. II. 14. 30 for the mantra). At one time the section on

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475 अथातो विनायकान्त व्यासायायाम्। शालकदेशत् कुर्माण्डराजपुञ्जीकरित्यथ। (पुज्य मितद रूप) देवयज्ञकारित। मानवङ्कण। II. 14. 1–2; विनायक कर्मविकारसिद्धार्थ विनियोजित। | ...मितद समितिवृद्धस्थव कथा सालकर्म्भो। कुर्माण्डो राजपुञ्जा जोपदः वाहसमन्विताद। नामाभिधानमिनित। नमस्कारसमान्वित। | याज्ञ. I. 271, 285–6, 281–82 (Nir. ed.). The Mit. seems to have read ‘कुर्माण्डो राजपुञ्जा’.

476 एति विनायकारामिनित्य राजपुञ्जाविनायकारामिनित्य हनित। लेबां चूभ्यात। जुनायन्ति निनित। अहंद्रु देवानन्द लिखित। अव: स्वग विनयायत। मुण्डान पव्यात। जटिलान पव्यात। कामायनासंस। पव्यात। उद्धृत सुकरान्त गर्भः। निवाचकार्यावर्त्तिन्यायायात। स्वयमान पव्यात। अन्तरिक्ष कामित। अवानां वज्ञमन्यतं प्रश्नमेते। किंवदु-वज्जित। एते: खल विनायकारामिनित्य राजपुञ्जा व्यक्तं कर्तव्यं न कर्तव्यं। कन्या: पात्रक्षाम लक्षणवयोंगलं भूतेऽवणमति। ... किंविकरणां किंविरिपथम्। हनित। मानवङ्कण II. 14. 3–21 (ed. by Knauer).
Vināyakaśānti was thought to be a sure indication of the late date of Yāj. Smṛti. But since the discovery of the Mānavagrha that position had to be given up. In the Baudhāyana-dharmaśāstra (II. 5. 21) we have Vināyaka and his several appellations (in the tarpaṇa). Aparākara on Yāj. I. 275 quotes a long passage from the Baijavāpa-grha which bears a very close correspondence in phraseology to the passage from the M. Gr. S. quoted above and which gives the names of the four Vināyakas as Mita, Sammita, Śalakaṭāṅka and Kūsmaṇḍarājaputra.

The Yājñavalkya-smṛti stands in a very intimate relation to the White Yajurveda and the literature that clusters round it. Most of the mantras quoted (in part) or referred to by Yāj. occur in the Rgveda as well as in the Vājasaneyasamhitā (e.g. in Yāj. I. 22, 24, 229, 230, 238, 239, 247). Yet there are a few mantras that do not occur in the Rgveda, but only in the Vājasaneyasamhitā or other samhitās (e.g. 'yavosi' in Yāj. I.230, which is Yāj. S. 5. 26, 'ye samāna' in Yāj. I. 254 which is Yāj. S. 19.45, 'imam deva' and 'udbudhyasva' in Yāj. I. 300, which are Yāj. S. 9. 40 and 15. 54, 'annat pariśrutha' and 'kaṇḍat' in Yāj. I. 301 which are Yāj. S. 19.75 and 13.20). Several verses (Yāj. III. 191-197) are a paraphrase of certain passages of the Brhadāraṇyaka Upaniṣad, so much so that the very words of the latter are used throughout in the former, as the quotations given below will show.477

Then again Yāj. very closely agrees with the Pāraskara-grha-sūtra as was pointed out by Dr. Stenzler in his introduction to the edition of Yāj. (1849, Berlin) and in the Journal of the German Oriental Society (VII. 527). Viṣṇavarūpa points out

477 स्मार्थेश्वरिंचािशाया्य: समस्तैतवेत्थेव दुधस्वस्त्वव न्यत्वव भोत्वन्यत
'म्हेश्वरे स्वसवत्तवाय
द्विजाःत्वमि: || याज. III. 191; compare वृहदार्यक: II. 4. 5. and IV 5. 6.
'आत्मच्यो अर्थमिद्धवय: भोत्वन्यतव: एव:.' न एवमेव् बद्वदन्ति ये चार्यकमावितवादीत: || उपासते द्विजाः सत्यं भवत्य वर्ता: || कमोऽस संब्वववन्यविन्दुः।
श्रीमवत्तमस्नपदव: अथवते विष्नुः धीवभूमिः || तत्सत्तवुः पुरुषोऽस सत्यविन्यवासी श्रीमवत्तमस्नपदव: अथवते विष्नुः
मान्यव वाणाधतीकाल्य: || एव: याज. III. 192-194; compare वृहदार्यक: VI. 2. 15 तेष एवः एवः एवः एवः एवः एवः
विष्नुः अथवते बुधव: फळवते श्रीमवत्तमस्नपदव: अथवते बुधव: फळवते श्रीमवत्तमस्नपदव: अथवते
मान्यव वाणाधतीकाल्य: ' The next three verses of Yāj. summarise वृहदार्यक: VI. 2. 15 using the last words of the latter 'कीठा: पतनाव वर्दिदं द्वन्धस्वस्त्वव. The चान्देमव
Upaniṣad reads (V. 10. 2) as पुरुषो: मान्यव: . Vide also Rg. X. 58, 1-12 and Yāj. Smṛti III. 193-197.
that\textsuperscript{478} Yājñ. I. 142–143 are based upon Pāraskara. The mantra ‘aśam me vajraḥ’ in Yājñ. I. 135 (Trivandrum ed.) is given in Pāraskara-grhyā II.7.7. In the following also there is close verbal correspondence\textsuperscript{479} between Yājñ. and the P. Gr. S.; Yājñ. III. 1–2 and P. Gr. S. III. 10. I, 5, 8–9 and 12; Yājñ. III. 3 and P. Gr. S. III. 10. 16 and 19–20; Yājñ. III. 4 and P. Gr. S. III. 10. 46–47; Yājñ. III. 16 and P. Gr. S. III. 10. 26–27. Similarly, the verses of Yājñ. on Śrāddha (I. 217–270) offer many points of contact with the Śrāddha-kalpa of Kātyāyana edited by Dr. Caland (pp. 127–130 of his work ‘Ahnencult &c.’) From these facts Dr. Jolly concludes that Yājñāvalkya’s work goes back to a dharmasūtra of the White Yajurveda (R. u. S. p. 21). In another place Dr. Jolly hazards another conjecture based on the close correspondence between Yājñ. and the Viṣṇudharmasūtra that he probably belonged to the Kathaka school of the Black Yajurveda (Journal of Indian History, 1924, p. 7). Yājñ. also shows great similarity to the Kauṭiliya and borrows the Vināyaka-śānti from the Mānavagṛhyaśūtra. From these facts one may argue at least with as much logic and force as underlies Dr. Jolly’s guess-work that Yājñ. probably belonged to the Māṇava school of the Black Yajurveda or to the school of Kauṭiliya. If Yājñ. knew his business as a writer on Dharmaśāstra, he must have consulted the works of his predecessors and his work is bound to show traces of that fact. One may conclude at the most that the author of the Yājñāvalkyaśūtra may have possibly been a student of the White Yajurveda and so the mantras of the White Yajurveda and the Gṛhyaśūtra of Pāraskara were far more familiar to him than the other Vedas, sūtras, śṛṅtis, and other works. No such conclusions that there was a dharmasūtra of the White Yajurveda and that the Yājñāvalkyaśūtra was based thereon are warranted by the facts so far discovered.

\textsuperscript{478} पौष्पमलयस्मरी रोहिःपादायायमायापि वा। जलान्ते हज्ञां तद्दानुसर्ने विविधवेदम्॥ याज्ञ. I. 142; compare पारसकर II. 12. 1–2 (Venkatāsva press ed.) ‘पौष्पय रोहिःपादायायमायापि वा। जलान्ते हज्ञां तद्दानुसर्ने विविधवेदम्॥ उदाहरनं गलतं। &c.’

\textsuperscript{479} सामान्यद्वाविकारणम् ज्ञानमायम्यायमायापि वा। अर्थं हयो शौरयाचारसिद्धिमिति शौरयाचारसिद्धिमिति पिन्दिकृतम्। ग्रहणम्॥ याज्ञ. III. 3; ‘अर्थं हयो शौरयाचारसिद्धिमिति शौरयाचारसिद्धिमिति पिन्दिकृतम्। ग्रहणम्॥ सामान्यद्वाविकारणम् न्यायम् हयो शौरयाचारसिद्धिमिति शौरयाचारसिद्धिमिति पिन्दिकृतम्।’ पारसकर III. 10. 16 and 19–20.

H. D.—56
For settling the date of Yāj., we need not consider the evidence after the 9th century A.D. For, in the first quarter of that century (as we shall see later on) Viśvarūpā wrote his extensive commentary on Yāj. That he was separated from Yāj. by many centuries follows from several considerations. Not only had numerous various readings arisen in the text of Yāj. when he wrote, but various interpretations of the same words and verses of Yāj. had arisen. For example, he gives several meanings of the words ‘putronanyāśritadravyah’ (in Yāj. II. 47), of ‘sāmuḍrāḥ’ (II. 41); he gives different interpretations of I. 265, II. 160, II. 173 &c. He refers to the interpretations of his predecessors in several places by the word ‘anye’ (I. 3, 25, 155, 169; II. 21, 119, 121; III. 201, 209, 246 &c.). In several places he appears to be referring to two other interpretations than his own (vide on III. 250, the words ‘kecittu’ and ‘anye tu’ and the same words on III. 261 and 264). That Viśvarūpā had before him actual commentaries on Yāj. and was not merely giving scholastic interpretations started by himself is made very clear in several cases by his actually citing certain portions from those works. On I. 252 Viśvarūpā says ‘others take from somewhere the following śloka (then the śloka is quoted), but this śloka is of no help, as its origin is not known’.

Similar words occur in the comment on Yāj. III. 222. On II. 193 he styles some predecessor as ‘pāṇḍitaṁmannya’ and on III. 257 he ridicules a predecessor who regards the verse of Manu IV. 222 as an arthavāda by saying that that commentator wanted to show off that he knew the technical term arthavāda. It is not unlikely that Viśvarūpā in this last passage refers to some ancient commentator of Manu such as Asahāya. In the Prāyaścitamāyukha, Nilakanṭha (Benares edition of 1879)

480 अन्यं तु कुतस्यत्कामयमेवं शोकेन पठनि—या [सपिष्टकी’हं बेनें प्राथमिकस्येवं ओढ] यज्ञ भवति विश्वेत्। विश्वतेन महति पितुहा चौपजायन॥ इति। अनं तस्यप्रलोक्षव-चिरकरः। विश्वम् ओ या. I. 252.

481 अन्यं तु कुतस्यत्कामयमेवं शोकेन पठनि—रागाद्वेष्यमयेव प्रमादसु। स्वतः परस्त एव वा। यो हन्माद्वे प्रचारण कवित्वं स सवैः महात्मा भवेत्॥ इति। तत्त्वविज्ञात- स्वूल्वव विषयामयेव। विश्वम् ओ या. III. 222.

482 अन्यं तु श्वस्यात् विकारे स्विविकारायमायवदेवते स्विव यज्ञसा विद्वादसू। इति। अतोश्यादि नाम वाक्यविद्वादसू। (Continued on the next page)
says that Śaṅkara in his Bhāṣya on Brahmaśūtra (III. 4.43) explained the application of Yāj. III. 226. Unfortunately in the printed editions of Śaṅkara I could not find this. But from the Bhāmatī where Yāj. III. 226 is explained, it is clear that the passage must have occurred in the text of Śaṅkara used by the Bhāmatī. Dr. Jolly lays great emphasis in assigning a late date to Yāj. on the fact that Kumārila, who cites Manu, Gautama, Āpastamba, Baudhāyana frequently, ignores the Yājñavalkyā-smrti altogether. But this silence of the great mimāṃsaka can only mean that he did not assign the same pre-eminent and venerable position to Yāj. that he assigned to Manu, Gautama and others. Dr. Jolly himself is prepared to place Yāj. three or four centuries earlier than Kumārila. It will be shown hereafter that Nārada and Bṛhaspati cannot be placed later than 500 A. D. and may have flourished two or three centuries earlier still. On a comparison of their doctrines with those of Yāj. it will have to be conceded that they represent a far greater advance in juristic principles and exactitude than Yāj. So the latter cannot be placed later than the 3rd century A. D. As Yāj. is shown above to have followed the Manusmrti and the Kāutilya his smṛti cannot be placed earlier than the first century B.C. We shall not be therefore far from the truth if we place his smṛti somewhere between the first century B.C. and the third century of the Christian era. In the Laṅkāvatārasūtra (ed. by B. Nanjio, 1923, Kyoto) gāthas 814–816 are ‘Kātyāyanaḥ sūtrakartā Yājñavalkastathāiva ca...Valmikī Masurāksaśa Kauṭilya Āśvalāyanaḥ ....’ From the context it appears that the author of the smṛti is referred to as Yājñavalka.

Dr. Jolly (R. u. S. p. 21) following Dr. Jacobi (ZDMG 30, p. 306) thinks that Yāj. shows an acquaintance with Greek astrology. Dr. Jacobi’s position amounts to this that the naming of the week days after the planets was established among the Greeks towards the end of the 2nd century A.D. and as the names of the week days and the arrangement of the planets in correspondence with them was borrowed by the
Indians from the Greeks, no Indian work which enumerates the week days or arranges the planets in the well-known sequence (of Sun, Moon, Mars &c.) could have been composed before the third century after Christ. As is very often the case with Western Sanskrit scholars in matters of Indian chronology, this grand generalization is based upon very slender data. The premises are mere assumptions without hardly any evidence worth the name to support them. No one knows exactly when the week-days were named and who were the people that first employed the current names of the week-days. It is well-known that as far back as the days of Herodotus the Egyptians had a presiding deity for each day and that in the times of Julius Cæsar there were days of Saturn (vide I. A. vol. 14, p. 1, General Cunningham’s article for the Indian origin of week-days). At least from the third century B. C., as vouched for by the 13th edict of Aśoka, India was in close touch with Syria and Egypt, where Buddhist missionaries had been sent by Aśoka while Antiochus and Ptolemy ruled in the two countries respectively. Therefore, if Indians at all borrowed the week-days and the arrangement of planets from foreigners, there is nothing to prevent us from holding that they might have borrowed them from the Egyptians.

The present author has dealt at some length with the question of the origin of week days and their names in pp. 676–685 of Vol. V part I of the History of Dharmaśāstra. It is impossible to hold that such a brilliant planet as Venus whose rising precedes the dawn and setting follows the evening was not noticed by the ancient Indians. It is very likely that Vena praised in Ṛg. X.123.1,2 and 5 is the morning star and in X.123.5 Uśas the youthful (yośā) Apsaras that greets with a smile in the highest heaven her lover i.e. the morning star that is a little high up in the sky when Uśas smiles on the horizon. In a difficult verse (Ṛg. I.139.10) both Bhās-pati and Vena are mentioned. Several Western scholars hold that Vena is Soma or Śūrya according to the context. But this explanation would not suit Ṛg. X. 123. 1 and 5 at all. In Ṛg. X. 123.1 we have the words ‘Ayam venas codayat...imam-apām saṅgame sūryasya’ and it is clear that ‘imam’ refers to Vena (in the first half) and ‘sūryasya’ is separately mentioned from ‘imam’ (i.e. Venam). The earliest dated Indian record (so far known) wherein a week-day is mentioned is
the Eran Inscription of 484 A.D. (Gupta Inscriptions p. 89) where we have "Suraguror divase." It is to be noticed that Yaj. does not mention the week-days. In I. 296 he mentions the nine _grahas_ in order as the Sun, the Moon, Mars (the son of the earth), Mercury (the son of Soma), Jupiter, Venus, Saturn, Rahu, Ketu. No one can gainsay that at least the Sun, the Moon, Brhaspati and Venus were known to the Vedic India. Brhaspati in the highest heaven is spoken of in the Rgveda and the conjunction of Jupiter and Tisya (constellation of Pusya) is spoken of in the Tai, Brhmana. We know so very little of the ancient astronomical science in ancient India that one must think twice before dogmatising. Yaj. nowhere mentions the zodiacal signs (ratis) and probably did not know them. Not only so, in his day the _nakshatras_ were still arranged from Krttikā to Bharaṇi as was the case in the Tai. S. I. 4.10. Vide Yaj. I. 268 (Krātikādi Bharanyantam). We know from Varahamihira that in the 5th century A.D. the signs of the zodiac and the arrangement of _Nakṣatras_ from Āsvini to Revaṭi were established facts in all parts of India. Therefore, Yaj. who uses the ancient arrangement of _Nakṣatras_ cannot be placed so late as the 4th century A.D. When Yaj. (I. 80) speaks of "susthe Indau" we should not, following such commentaries as the Mit., connect the words with the signs of the zodiac or the houses of the horoscope. Viśvarūpa does not speak of rāsis in this connection, but of _Nakṣatras_ only. From very ancient times certain _Nakṣatras_ had come to be regarded as auspicious or suitable for particular acts. The Tai. Br. directs that one should not finish a thing or begin to sacrifice on a _nākṣatra_ with an evil name. The same Brhmana says that ploughing was to be begun on the Maitra asterism (Anuradhā) and consecration of fire on the Aditya _nakṣatra_. Even the Rgveda speaks of auspicious days and the Tai. Br. speaks of Deva- _nakṣatras_ and Puṇyāhas, and says

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483 ब्रह्मस्ते: प्रथमे जाश्मानो महो ज्योतिषेः प्रमेध्येम्भर । कवियेव IV. 50. 4।
ब्रह्मस्ते: प्रथमे जाश्मानस्तिपेन नक्षत्रसंबंधः । तै. ब्रा. 3. 1. 1. 5।

484 तस्मादसंकोल्पमीये नात्स्येश यजेत यथा पापो दु:हेति ताह्येश तद्व । तै. ब्रा. 1. 5. 2. 6।
मेिनेन द्रष्ट्रे आदश्ये आदश्ये । तै. ब्रा. 1. 8. 4. 2।

485 स्तोतारां विषयः छुटिनवि अहाम । कवियेव VII. 88. 4।
that a daughter should be given away in marriage on the Svāti naksatras if she was desired to be her husband’s favourite. Vide Baudhāyana Grhya (I. 1) for the marriage naksatras; also Āp. Gr. S. II. 15. 12-14, Gobhila Grhya 4.4. 28 and 2. 1.1.

There is nothing to show that Yāj. knew rāgis (zodiacal signs). He refers (I. 80) to the Magha and Mūla naksatras as forbidden for sexual intercourse between husband and wife. The presiding deity of both Magha and Mūla was pitarah (deceased ancestors); vide H. of Dh. Vol. V part I pp. 502-3 for both. Therefore, they are both inauspicious. Similarly, some of the tithis viz. Amāvāsyā, 8th and 14th tithis and Full Moon day were prohibited by Manu (IV. 128) for sexual intercourse between husband and wife. Hence times for many actions in early works were of three sorts viz. forbidden, recommended, or neutral (i.e. neither forbidden nor recommended). When Yāj. speaks (in I. 80) of the moon being auspiciously placed, or when he speaks of a planet being badly placed (duḥṣthā) in I.307, it is improper to jump to the conclusion that he refers to rāgis, but he might have in mind naksatras (like Mūla and Magha) or tithis (like Amāvāsyā or 8th). The same remark applies to the words ‘Vyati-pāta and ‘Gajacchāyā’ that occur in Yāj. I.217. Both are times for śrāddha and variously defined (not necessarily depending on rāgis). Vide H. of Dh. vol. V. pp. 419 and 705 for ‘Vyati-pāta’ and Vol. IV p. 371 n for Gajacchāyā and Vyati-pāta both.

In III. 171 and 172 Yāj. speaks of only the conjunction of planets and of the passage (of them) through tārās and naksatras. The Baud. Dh. S. II. 5.23 speaks of the nine grahas in the same order as that of Yāj. Therefore, there is hardly any evidence to show that Yāj. knew more astrology than was current in the days of the Brāhmaṇas and the Grhyasūtras. Yāj. (in II. 240-241) speaks of the fine to be imposed on those who counterfeited “nānakas” (coins) and on those examiners of “nānakas” who falsely declared a good coin to be counterfeited and vice versa. Mr. Jayaswal (Calcutta Weekly Notes, vol. 17, p. CLIX) says that nānaka is the

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486 याघेश देवभाषणे तेषु कृत्वा यज्ञारी स्वाता पुष्पाध एव कृत्ये। तै. श्र.। I. 5. 2. 9; यां कामवेति दुहितरं प्रिया स्मारिति तां निष्ठवायं देशाह्राद। तै. श्र.। I. 5. 2. 3.
gold coin of the Kushans bearing the picture of the Goddess Nanaia and that the Kushans did not rise to importance before 78 A. D. This would place Yaj after 100 A. D. But it must be remembered that this connection between the Goddess Nanaia and the word “nānaka” is quite conjectural and that the chronology of the Kushans is far from being settled.

Yaj speaks of the sight of yellow-robed people as an evil omen (I.273), which is probably a reference to the Buddhists; though it has to be remembered that he prescribes old yellow (kāśāya) robes for his seeker after mokṣa (III.157). He speaks of the founding of monasteries of Brāhmaṇas learned in the Vedas (II.185). The philosophical doctrines contained in the third section (verses 64–205) approach that phase of the Vedānta that was taught by Śaṅkarācārya. Vide particularly III. 67, 69, 109, 119, 125, 140. He employs in elucidating the philosophy of Ātman the well-known examples of ghatakāśa and of the reflection of the Sun in water (III.144), of the various ornaments made from gold, of the spider spinning webs out of his own body (both in III.147), of the actor representing various parts (III.162). All these illustrations frequently occur in Śaṅkara’s Śārīrakabhāṣya (e.g. ghatakāśa on Vedānta-sūtra II.I.14, spider on II. I.25). All these points, however, are of very little use in arriving at a definite age for the smṛti of Yaj. The foregoing discussion has established that Dr. Jolly’s date (viz. 4th century A. D. in R. u. S., p. 21) is much later than the data warrant. There is nothing to prevent us from holding that the extant smṛti was composed during the first two centuries of the Christian era or even a little earlier.

Prof K. P. Jayaswal in his Tagore Law Lectures on ‘Manu and Yajñavalikya’ has given forceful expression to some novel views. A separate treatise would have to be written for exposing the hollowness of some of his assertions. But one question concerns the text itself and cannot be altogether ignored here. On pp. 56 ff he asserts that verses 67–203 of the third adhyāya of Yaj are interpolations. The main reasons for this opinion are that these verses contain matters of anatomy and Yoga. This is a very bad example of foisting one’s own modern ideas about relevancy on writers who flourished about two thousand years ago. The Nārada-smṛti has a long disquisition on impotency (vide SBE, vol. 33
Manusmṛti contains a good deal of matter on Yoga e. g. vide Manu VI. 70–73; Yāj. III.67 imitates Munḍakopanīṣad II. 1.1 (in thought and words), Yāj. III.71 contains ideas common to Manu III. 76 and Śāntiparva 264.11; Yāj. III. 185 follows Gaut. Dh. S. VIII.23; Yāj. III.186 follows Ṛ. Dh. II.9. 23.3; Yāj. III. 193–94 have in view Chāndogyopāya V. 10.1; Yāj. III. 195–197 follow Chān. Up. V. 10.3–5 and Br. Up. VI. 2,16; Yāj. III. 200 repeats the very words of Gītā VI, 11 and XII. 4 in part.

Besides the Yājñavalkyaśāstra we have to reckon with three other works connected with the name of Yājñavalkya, viz., Vṛddha Yāj., Yoga-Yāj., and Brhad-Yāj. All these three works are comparatively ancient. Viśvarūpa quotes (vide note 219 above) two verses of Vṛddha–Yājñavalkya saying that many writers on dharma have been born and will be born and enumerating ten such writers.

The Mit. on Yāj. III. 1–2, 6, 19 quotes six verses of Vṛddha–Yāj and Aparārka quotes about eleven. The verse of Vṛddha–Yāj. quoted as 'cāṇḍāla...Pārasikādikam' in the note is quoted again by Aparārka differently on p. 1196.

One quotation cited from Vṛddha–Yāj. by Mādhava refers to the means of proof in case of doubt whether there was a partition.487 So Vṛddha–Yāj. wrote also on Vyavahāra. Most of the quotations occur in the prāyaścitta section. It is interesting to note that one of these quotations in Aparārka488 regards the touch of Pārasikas as on the same level with that of Cāṇḍālas, Mlecchas and Bhīllas. The Dāyabhāga489 says that Jitendriya cited the words of Brhad–Yājñavalkya (viz. "sodaro nānyamātrjah"). The Mit. cites Brhad– Yājñavalkya on prāyaścitta. So this also is a work that must be held to be earlier than 1000 A. D. Yāj. himself is styled

487 विभागधमस्मयदेहि बतुत्साद्यमिलितिः। विभागधमस्मा कार्याना न भवेद्व दैविकान् किया II पारासारामवीय III, part 2, p. 571; compare याला, II. 149.
488 चत्ताधामकुस्मेऽन्नमाहासिकादाकरम्। महापापतिकमाम्रव रूपम् सन्यात्साद्विकादेहम् II अयम् III. 29–30.
489 संस्थापितव वा सौद्धममिलि। अते यह ब्रह्मान्वयवचने सोरो नान्यानान्य इति जितेश्वरेण लिखितम्। दायभाग p. 298 (ed. of 1829).
Yogisvara by the Mit. and other works, but Yoga-Yajnavalkya is a different work from the Yaj. Smrti. Yaj. (in III. 110) claims the Yogaashastra to be his own work.

The Garudapurana in chapters 93-106 contains about 376 verses, most of them borrowed from the Yaj. Smrti and adds a few verses of its own. It does not follow the order of verses in the Smrti. The Mit. on Yaj. III. 253 quotes a verse of Brhad-Yajnavalkya stating that a Ksatriya or Vaisy does even knowingly drinking madya does not become blamable, (but he incurs sin if he drinks liquor prepared from flour). The Mit. on Yaj. III. 253 quotes a verse of Brhad-Vishnu setting out ten kinds of madya, all forbidden to Brhmaonas only but not to others.

Long after the first volume of the H. of Dh. was published two works have been brought out, one called Brhad yogi-Yajnavalkya edited and published in 1951 by Swami Kuvalayananda of the Kaivalyadhama at Lonavla and Pandit Raghunath Shastri Kokje and the other by Mr. P. C. Divanji published at first in J. B. B. R. A. S. Vol. 28 (pp. 98-158 and pp. 215-268) and vol. 29 pp. 96-128 and later available in book form (in 1954). Mr. Divanji in J. B. B. R. A. S. vol. 29 pp. 96-128 deals with his mss., his method of collation, the work and its date, index of verses and glossary of words. In A. B. O. R. I. Vol. 34 pp. 1-29 Mr. Divanji tries to establish that the work he has published is the Yogaashastra said to have been composed by the author of Yaj. Smrti (III. 110) before the smrti. The Lonavla editors replied in ABORI. Vol. 37 pp. 279-289 and in their Journal called Yogamimamsa Vol. VII. No. 2 (also issued as a pamphlet in 1958). The present author cannot enter into lengthy criticism of what Mr. Divanji says, who does not keep an open mind as befits a scholar who is in search of truth. The Trivandrum Sanskrit Series also published (in 1938) the Yoga-Yajnavalkya (based on a single Ms.) which generally agrees with the work edited by Mr. Divanji. The present author has to bring to the notice of scholars and readers the fact that the Yogayajnavalkya was published in the Trivandrum Series (No. CXXXIV) so far back as 1938. The present author examined the question whether any one of these two works can be the Yogaashastra which the Yaj. Smrti (III. 110) says was composed by the sage Yajnavalkya, a. of the Yaj. Smrti, in H. of Dh. Vol. V.
part 2, pp. 1404–1408. Those interested may read that discussion. The findings there are that none of the two works could have been the composition of the author of the Yāj. Smṛti.

As both works are interesting (particularly the one published at Lonavla) the present author will say a few words on each.

The Brhad-Yogiyaṉavalkya is a large work in twelve chapters and has about 930 verses. It begins just as the Yāj. Smṛti does (sages ask Yogiśvara who was in Mithilā, questions). The twelve chapters deal with the following topics. I (verses 44); the essence of all Vedas, Smṛtis and 14 vidyās; knowledge of Ātman; five matters to be remembered at the time of performing jaṅpa of Mantras viz. the sage, the metre, the deity addressed, the application of mantras and (fifthly) the explanation, origin, purpose and praise (i.e. the Brāhmaṇa of it); II (verses 158) about Omkāra (praṇava), it being a mantra by itself, eight different views about the mātrās of it (Yājñavalkya’s view being that it is ‘amātra’); III (verses 32) On the Vyāhṛtis (either 3, 4, 5 or 7); IV (verses 82) on Gāyatri, its sage, metre, deity and its employment; V. (12½ verses) on Nyāsa of Om, Vyāhṛtis, Gāyatri on the different parts of one’s body; VI (verses 31) on Sandhyopāsana (morning and evening worship); VII (196 verses) on bath, tarpana, sandhyā worship and jaṅpa (muttering of mantras); VIII (56 verses) on Prāṇāyāma and Pratyāhāra; IX (verses 198, the longest chap. in the work) on Dhyāna; definition of Dhyāna; (dhyāna being placed before dhāraṇā); X (verses 20½) on Sūryopāstha (worship of the Sun with mantras and Gāyatrijapa); XI (56 verses) practice of Yogadharma; XII (verses 49)—All Śāstras originated from Veda, 14 vidyās mean of knowing the proper dharma, greatness of Manu &c.

This work in its extensive remarks on Mantras, Gāyatri, Sandhyopāsana, bath, tarpana, prāṇāyāma deals with Dharmaśāstra matters and combines with them the higher Yoga viz. pratyāhāra, dhyāna and dhāraṇā (as in VIII. 29, 30, 32 which are the same as Manu VI. 70–72). It quotes dozens of verses from the Manusmṛti. It also contains many verses of the Bhagavadgīta and several passages of the Upaniṣads (all this will be shown in the table below. Therefore, the Brhad- Yogi–Yājñavalkya–Smṛti is Dharmaśāstra and Yoga in one.
Table about Manusmṛti verses taken into the Br. Y. Y. without acknowledgement (slight variations are not set out), B–Brhadyogi–yājñavalkya and M–Manusmṛti; B often joins together in one verse different halves of Manu’s verses:

B. 2.63 = M. 2.83; B. 4.12–13 = M. 2.76–77; B. 4.46 = M. 2.81–82; B. 4.48–50 = M. 2.78–79; B. 4.72 (latter half and 73 = M. XI. 191; B. IV. 76 (latter half) and 77 (first half) = M. 2.118; B. VI. 3 = M. II. 103; B. VII. 91–92 (one half from each) = M. III. 283; B. VII. 129–130 = M. II. 86–87; B. VII. 136 = M. II. 85; B. VII. 177 = M. XI. 260; B. VIII. 28 = M. XI. 248 (also in Vas. Dh. 26.4 and Baud. Dh. S. IV. 1.31); B. VIII. 29–31 = M. VI. 69–71; B. IX. 86 = M. III. 76; B. X. 8–9 (two halves) = M. II. 102; B. X. 12 = M. II. 101; B. X. 13–14 = M. II. 86–95 (Vas. 26.10.9); B. X. 15 = M. II. 87 (= Vas. 26.11 and Śaṅkhāsmṛti XII.28); B. X. 16 = M. XI. 34 (also Vas. 26.16); B. XI. 36–37 = M. I. 96–97; B. XI. 38 = M. XII. 85; B. XI. 49 = M. V. 108; B. XI. 57 = M. VI. 79; B. XI. 53–56 = M. XII. 120–123; B. XII. 19,20,22 = M. XII. 105, II.7, XII. 95; B. XII. 24 = M. II. 168; B. XII. 28–9 = M. II. 10–11;

In all over 40 verses from Manu have been taken without acknowledgement. Manu is expressly named in some places as in B. VIII. 8 and in IX. 159.

A few verses and half verses are taken from the Yāj. Smṛti (slight variations are not noted) e. g. B. IV.56 (latter half) and 57–58 (first half) = Yāj. III.309, 311; B. VI.29 (first half) and X.2 = Yāj. I.22 (first half); B. VII.3 = Yāj. I.23; B. XI. 34 = Yāj. I.8; B. XI. 35 = Yāj. I.9.

The verses of the Bhagavad-gītā (G in this list) are also included without express acknowledgement e. g. B. II. 9–10 = G. 17. 23–24; B. II. 39–40 = G. 18.12–13; B. II. 104–105 = G. 8.11 and 13; B. IX. 18 = G. 15.12; B. IX. 20 = G. 15.6; B. IX. 60–61 (latter half and first half) = G. 8.9; B. IX. 118 = G. IV. 24; B,
IX. 187 (first half) = G. 6. 11 (latter half); B. IX. 197-98 (latter half and first half) = G. 12. 12; B. XI. 2-3 = G. 2. 40 and 46; B. XI. 46 = G. 18. 46; B. XII. 14 (first half) = G. 16. 8.

The Brhad-yogiyajnavalkya absorbs without acknowledgement Vedic, particularly Upanisad passages. For example, it cites (XI. 7) Rg. I. 164. 39 (Rco aksare...samāsate). In IX. 158 it names the Chāndogya, Brhadāraṇyaka and Taittirīya Upanisads by name. A few examples may be cited. B. II. 37-38 are Kaṭha Up. (2. 15-16), B. II. 42 is Chān. Up. II. 23. 3; B. II. 47 (dve brahmaṇī &c.) is Maitri Up. VI. 22; B. II. 53-55 are respectively Tai. Up. II. 4 (Yato vāco &c); Muṇḍaka II. 2.4 (Praṇava dhanuḥ) and Śvetāṣṭra 7. 14 (Svadehamarāṇīm); B. II. 69 is Kaṭha Up. II. 17; B. IX. 59 is Ṛṣopanisad 15 (Hiraṇmayena &c); B. IX. 101 is Muṇḍaka I. 2.11 (slightly modified); B. IX. 148 is Chān. Up. V. 24. 5 (slightly modified); B. IX. 184-186 (latter half of 184 and first half of 186) are Kaṭha Up. 3.10-11; B. IX. 193-94 are a part adaptation in verse of Br. Up. II. 2.19.

The Brhadyogiyajnavalkya contains about 930 verses, the Yogayajnavalkya published by Mr. Divanji contains 496 verses and the Trivandrum edition of Yogayajnavalkya contains about 465 verses. Therefore, the Yogayajnavalkya is in extent about half of the text of the Brhadyogi-yajnavalkya. The references here are made to Mr. Divanji’s edition of Yogayajnavalkya (and not to the T. S. S. edition). The Yogayajnavalkya professes that in an assembly of sages (15 are named in XI.13-14 including Vasiṣṭha and Viśvāmitra) both Maitreyi and Gārgī were present and the latter (Gārgī) fell at the feet of the sage and implored him to expound to her the principles of Yoga (I. 8). The great sage promises to tell her the essence of Yoga with its anūgas, which was declared to him by Brahmā himself (I.10-15). He dilates on two pāths, one stimulating (pravartaka) a person to do acts laid down for varuṇas and aṣramas and the other called nivartaka (which prevents rebirth); he dilates on the four aṣramas for Brāhmaṇa, three for Kṣatriya, two for Vaiśyas and one for Śudras and Brahmā directed Yajñavalkya to follow the paths of Jñāna and Karma (I. 39-40). The text (I. 43) tells us that Gārgī was his wife (bhāryayā tvevamuktasti Yajñavalkyas-taponidhiḥ). In IV. 5 also Gārgī is called Yajñavalkya’s wife, in IV. 40 she is addressed by Yajñavalkya as ‘priye’ and Varārohe (VI. 79, VII. 22 and 34). The
instruction imparted by Brahmā ends with the words in I. 39–40 as quoted below. Jñāna consists of Yoga, which has eight āryās and Yoga means the union of the Individual soul with the Supreme Soul (I. 44). The principal topics are: the eight āngas, Yama &c.; ten Yamas (I. 50–51) and verses 1–19 their definitions; II (chapter)–ten niyamas and their definitions; III the eight recommended āsanas (physical postures); IV. on Nādi–śuddhi; on Susumā, the best nādi (IV. 28); names of the 14 chief nādis (IV. 26–28); ten vāyus that circulate in the nādis, the five chief being Prāṇa, Apāna, Samāna, Udāna and Vyāna (IV. 47–48) and their spheres; V. on means of Nādi–śuddhi and appropriate place and actions for securing it; Tantras are specially mentioned in V. 10; signs of having secured Nādi–śuddhi; VI. (longest chapter of the work) on Prāṇāyāma; three aspects of prāṇāyāma viz. recaka, pūraka and kumbhaka (VI. 2); explanations of these, results of practising these, such as removing diseases; VII. definition of pratyāhāra (1–2); VIII. on Dhāraṇā; definition of Dhāraṇā, verbal close resemblances between the contents of the Yogayājñavalkya and the Hathayoga–pradīpikā. The proper name of this last work is Haṭhapradīpikā (vide H. of Dh Vol. V. p. 1427, n. 2344). This is a late work and mentions 35 siddhas such as Matsyendranātha, Goraksanātha, Gahānīnātha, Nivṛttinātha, and Jñānadeva, who wrote his famous commentary on the Gītā in 1290 A. D. and mentioned these as in the line of gurus before him. Vide H. of Dh. Vol. V. p. 1429.

There are great defects in the arguments of Mr. Divanjī in favour of the work sponsored by him being the Yogāṣṭra referred to by Yājñavalkya (in Yāj. Smṛti III. 110) as composed by him before the Smṛti itself. Both works (the Brhadāyājñavalkya Smṛti and the Yogayājñavalkya) claim that they contain what Yāj., a famous and very ancient sage, contemporary of ancient king Janaka (in the case of the Br. Yogi–Yājñavalkya and also the recipient of Yajus from the Sun) and an ancient sage Yājñavalkya whose wife was Gārgi and who received the Yogic knowledge from God Brahmā himself (in the case of the Yoga–Yājñavalkya). In these days hardly any critical reader would admit these claims of both works. But the case of the author of the Yoga–Yājñavalkya is much worse. This latter would be further charged either with being ignorant of ancient History
and legends or with ignoring the Upanisad story and foisting a totally new one on Yājñavalkya. In the Br. Upanisad (II.4-5) it is said that Yāj. had two wives Maitreyī and Kātyāyāni, the former wanted no wealth but was eager only to learn the means for securing immortality and then Yāj. expounded to her Brahma-vidyā. In Br. Up. III-1 it is said that Janaka offered to donate a thousand cows to that one among the persons assembled who was the best knower of brahman. Yāj. asked his pupil Sāmaśravas to take away the cows. Then Āśvala, Janaka’s hotṛ priest, and others viz. Āratabhāga, Bhujyu, Uśasta, Kahola asked him questions, which Yāj. answered and silenced them. Then Gārgī Vācaknāvi asked him (in Br. Up. III.6) several questions one after another and lastly asked ‘kasmin nu Brahmaloka otāśca protāśca’. Yāj. said to her ‘do not carry your questioning to the utmost limit, otherwise your head would fall down’ (i.e. you will meet death.). She remained silent. In the Yoga-yājñavalkya (ed. by Divanji) she is put forward as Yājñavalkya’s wife, a pure invention by the author of that work for the sake of palming it off as a very authoritative work.

Mr. Divanji on p. 25 of his paper in ABORI Vol. 34 on the two works (having Yājñavalkya as part of their names) tries to make light of this circumstance by saying that a rose would smell as sweet even if called by some other name. This is trying to dodge the real issue, which is whether the work edited by him is that of the Yājñavalkya of the Br. Up. or is the work of the author of the Yāj. Smṛti. The present author would have no quarrel with him if he admits that it is not a work of the ancient sage Yājñavalkya but of some one who suppresses his real name and the present author would admit that the work he edited is on Hathayoga (but not by the author of Yāj. Smṛti). On p. 29 he writes ‘the author had not forgotten the fact...but had meant to speak about another Yājñavalkya’ in I.6). One fails to understand what he means. The word Vadhūḥ being in the singular would go with the nearest word Maitreyī and not with both Maitreyī and Gārgī. The work, being a small one, deals only with Hathayoga, it does not dilate upon the daily religious rites to be performed, but harps constantly on the point that actions prescribed by Śāstric texts must be performed even by an adept for Hathayoga (vide VI.79 ‘nityam karma samā- caret,’ XI.7 ‘Vidhyuktam karma kartavyam brahmavidbhiśca
nityaśah) and the author says that Gārgī was advised by Yājñavalkya (in XI.9) ‘tasmad-ā maraṇād-vaidham kartavyam yogibhibh sadā tvam caiva mātyāyā Gārgī vaidham karma samācara II’.

As regards the Brhad yogi—Yājñavalkya matters stand as follows. Vācaspatimiśra in his commentary on the Yoga-bhāṣya quotes a half verse from the Yogiyājñavalikya-Smṛti viz. ‘Hiranyakarbhō yogasya vaktā nānyah purātanah’, which occurs in the Brhad-Yogi (in Lonavala edition) as XII.5, and not in Yogayājñavalikya (ed. by Mr. Diwanji). Vācaspati wrote learned works on several sāstras. His Nyāya-sūcīnibandha was composed in Vatsara 898 i.e. 841-41 A. D. (or even if the figures be taken as referring to Śaka era before 976 A.D.). Therefore, the Brhad-Yogi—Yāj. would have to be placed at any rate before 800 A. D. or at least before 950 A. D. Prof. Keith in ‘Indian Logic and Atomism’ Oxford, 1921) prefers 841 A.D. as the proper date (pp. 29-30) for Vācaspati. Aparārka in his voluminous commentary (on Yāj.) mentions Yogayājñavalikya (Lonavala edition) at least 25 times and quotes about 65 verses from it.

There are some special features in the Br. Yogi—Yāj. Most early and mediaeval works on Yoga do not dilate upon the prescribed daily duties (such as bath, sandhya, sūryopasthāna), while this work attaches importance to them and dilates upon them. Another outstanding feature is that it upholds the view called ‘Jñānakarmasamuccaya.’ One reaches the Highest Self by the union of knowledge and actions; one would not secure perfection by treating the two as distinct from one another, therefore one should have recourse to both. Jñāna is predominant but not so when bereft of actions; activity (actions) is predominant, but not when devoid of knowledge. Therefore, perfection results from both only, just as a bird cannot fly on one wing. (To hold) that mokṣa (release from bondage) follows from knowledge is a sign of indolence. Unwise people desire no activities for fear of trouble to the body” (B. Y. Y. IX. 28, 29, 34). Another noteworthy matter is that the Br. Y. Y. arranges the list of the eight aṅgas of yoga as pratyāhāra, dhyāna and dhāraṇā and departs from the order stated in Yogaśūtra II.28. The Br. Y. Y. holds that even a householder by performing the prescribed duties, by thoroughly understanding the nature of Ātman and by the thorough knowledge of Vedānta passages secures mokṣa.
The Brahmacāri-kāṇḍa and Mokṣa-kāṇḍa of the Kalpataru (about 1125-1150 A. D.) quote respectively about sixteen and ten verses from Yogiyājñavalkya. A well-known verse about the meaning of mātra in prāṇāyāma has been quoted in vol. V. (of the H. of Dh.) p. 1438 n. 2361 from the Yogi-Yāj. which is Br. Y. Y. VIII.12. An interesting passage from the Brahmacārikāṇḍa of the Kalpataru is quoted in the foot-note which shows that the work was known as Yogi-Yājñavalkya to the Kalpataru.490

The Yoga-Yājñavalkya edited by Mr. Divanji is like an elementary treatise or handbook chiefly on Haṭhayoga of less than 500 verses. It is not possible to agree with Mr. Divanji that it was the Yogaśāstra referred to by Yājñavalkya-Smṛti (III.110) as already composed by him before the Yāj.Smṛti. One circumstance against it (in putting forward Gārgi as the wife of the sage Yājñavalkya) has already been stated above. Moreover, it differs from the Yājñavalkyasmṛti on some important matters. Some differences may be mentioned here. Yāj enumerates ten Yamās and ten Niyamas (in III.312-13). In Yoga-Yāj also the number of both is the same (I.50-51 for yamas and II.1-2 for niyamas). But the details differ in both. Seven Yamās are the same in both viz. Brahmacārya, dayā, ksānti, satya, akalkatā (i.e. ārjava), ahimsa and asteya. Dāna is a yama in Yāj; but a niyama in Yogi-Yāj. Most niyamas are different. Both these works differ a good deal from the Yogasūtra II.30 and 32 in the number of Yamās and Niyamas and their names.

Yāj. I.10 states that Brahmānas, Kṣatriyas and Vaiśyas are devījas and all rites for them from Garbhādhāna to Antyesti are to be performed with Vedic mantras. So a Vaiśya could take to the order of forest hermits if he chose to do so. But the Yoga-Yāj. (II.30 and 35) expressly states that Kṣatriya can resort to three āśramas (i.e. he cannot become a Sanyāsin).

It may be noted that Śridatta (about 1275-1310 A. D.) quotes from Yogi-Yājñavalkya about 15 verses in his small work called Chandogāhnika (only 63 pages in Nir. edition, 

490 The verse is: अद्वितिमोक्षाः नान्दे: परिश्रांतमथापि | तत्काल- न्यमिष्ट तर्कां माहात्मांशः प्रवेशिति || वृहद्योगिनाय || VIII. 12 quoted as योगियाज्ञवल्क्य in कृतकृतपत्र (मौखिकाण्ड page 171.)

Mr. Divanji has not been able to show that these numerous quotations from medieval exhaustive works such as Aparārka’s commentary, the Kalpataru on Brahmacāri and Mokṣa Kāṇḍas and the Dānasāgara occur in the work edited by him.

Even some learned and comparatively early commentators quote portions from the Yāj. Smṛti as from Yogi-Yāj. For example, Kullūka on Manu III.1 (laying down various periods of time for Vedic studies) quotes Yāj. I.36 as Yogi-Yājñāvalkya “Yadāha Yogi-Yājñāvalkyah-Prativedam brahma-caryam dvādasāblāni paṇca vā.”

From the above it is clear that Yoga-Yājñāvalkya and Brhad-Yogi-Yājñāvalkya are entirely different works and that the latter is comparatively an early work, as quotations from it are cited by Vācaspatimiśra (9th century) and Aparārka.

The Brhad-Yogi-Yājñāvalkya contains numerous quotations from the Manusmruti and the Bhagavadgītā and a few from the Yāj. Smṛti itself: Yāj. Smṛti I. 3 is the same as Brhad-Yogi Yāj. XII. 3 (which latter substitutes the word ‘tarka’ for ‘nyāya’). Therefore the Brhad-Yogi-Yājñāvalkya may be placed between 300 to 700 A.D.

There were probably many commentaries on the Yāj. Smṛti. Out of these those of Viśvarūpa, Vijñānesvara, Aparārka, Śulapāṇi and Mitramiśra are the most famous. For these, vide sections 60, 70, 79, 95, 108 below. It has been shown above that Viśvarūpa had before him some commentary or commentaries on Yāj. not now extant. For these see sections 60, 70, 79 and 95 below. On account of the paramount importance of the Mit. in modern Hindu Law as administered by British Courts in the whole of India, the smṛti of Yāj. has indirectly become the guiding work for the whole of India and this position it richly deserves by its concise but clear statement of principles, its breadth of vision.
and its comparative impartiality towards the claims of both sexes and the different varṇas.

Viśvarūpa on Yāj. I. 4–5 quotes two verses of Vṛddha-Yājñavalkya (vide note below). The Mit. on Yāj. III. 1–2 quotes one verse of Vṛddha-Yāj. and two verses of Vṛddha-Yāj. on III.19. Further, it quotes a verse and a half as from both Vṛddha-Yāj. and Chāgaleya on the after-death rites for those who kill themselves in circumstances in which the śāstras do not permit suicide, wherein the view of Yama is mentioned. The view of Bṛhad-Yāj. on there being no prohibition against Ksatriyas and Vaiśyas drinking madya (but only against surā) has been cited above. Aparārka quotes Vṛddha-Yāj. ten times.

Mr. Divanji relies on quotations in the Bhaṣya attributed to Śaṅkarācārya on the Śvetāsvatara-ūpaniṣad. In ABORI Vol. 34 p. 23, Mr. Divanji admits that scholars question the claims of that Bhaṣyakāra to be the famous Śaṅkarācārya, but argues that, even if a successor of the original Śaṅkarācārya quotes them as Yogayājñavalkya, then that is positive proof that some verses of Yogayājñavalkya are quoted by some writer. But there is a snag in this argument. The Bhaṣyakāra (whoever he may be) of the Śv. Up. quotes the Yāj. Śmṛti as Yājñavalkya (as on p. 5 Yāj. III. 62, 141 and 156–59) and as Bhagavān Yāj. (verse III, 144) on Śv. Up. I.7 p. 29. The same Bhaṣyakāra quotes on Śv. Up. I.7 (p. 28) four verses as those of Yogiyaṭñavalkya. This shows that the Bhaṣyakāra of Śv. Up. regards the two as different. Mr. Divanji fails to show that these verses occur in the Yoga-Yājñavalkya (that he edits). Mr. Divanji failed to recognize that Yāj. Śmṛti (III. 144) was quoted as that of Bhagavān Yāj. Again on the same page 23 (of ABORI vol. 34) he remarks that out of 9 verses quoted on Śv. Up. I. 29 of the Bhaṣya, 18 could be found with slight variations in the Yoga-Yāj. There is a serious mistake here. The verses are not cited expressly as from Yogayāj. as the Bhaṣya expressly cites four verses on Śv. Up. 17 as from Yogi-Yāj. The Bhaṣya does not introduce them as from Yoga-Yāj. and therefore it is quite likely that those 29 verses occurred in some other work on Yoga from which the Bhaṣyakāra (on Śv. Up. II, 9) quoted and from which the Yoga-Yāj. copied some for its own purpose. Mr. Divanji's conclusion is vitiated by this serious mistake that
he commits. Eighteen whole verses out of 29 quoted on p. 9 are not found but mostly half verses are quoted which occur in Yogayājñavalkya edited by Mr. Divanji. Granting for argument that 18 out of 29 are found in Yogayājñavalkya whence do the other eleven come? The only possible conclusion is that all 29 are from one work, from which the present Yoga–Yāj. borrows its verses. There is another slip on Mr. Divanji's part. These 29 verses are quoted in Bhāṣya on Śv. Up. II. 9 and not on I. 9. Besides, one of the 29 verses is 'Prāṇāyāmair–dahed–dosān &c.' which is Manu VI. 7 and occurs also in Br. Y. Y. VIII. 32.

Mr. Divanji's mentality is rather peculiar. On p. 113 of JBBRAS vol. 29, Mr. Divanji gives a list of eight items on quotations from and references to this work (i.e. to Yogayājñavalkya that he edits) in other works. The first item (Śaṅkara–bhāṣya on Śv. Up.) has been dealt with already. The third reference is to Sarvadarśanasāṅgraha of Mādhava-cārya (a work of the 14th century A.D.). That work, he says, contains four quotations of the work he edits. That work also quotes Brhad–Yoga–Yājñavalkya on p. 143 'Hiranyagarbhō Yogasya &c. (which is Br. Y. Y. XII.5). The 8th item (and the last) on that page is above all, the author of the Yājñavalkya–Smṛti has in III. 110 referred to a 'Yoga-śāstra promulgated by me,' which can be none other than this (and refers to his own Introduction on p. 8). This is an extraordinary argument. He was a high judicial officer in the days of the British rule. He has written profusely on this one work but with great regret the present author has to say he has not kept an open and judicial mind. He assumes as indisputable what has to be proved to the satisfaction of the scholarly world. The other items that he puts forward on p. 113 above cited are worth little.

35. The Parāśara Smṛti

This work has been published several times, but the edition of Jivananda (part II. pp. 1-52) and that in the Bombay Sanskrit Series with the voluminous gloss of the great Mādhava are the best known. In the following pages Jivananda's edition has been used.

The smṛti of Parāśara must have been an ancient one as Yāj. (I.4) mentions him among the ancient writers on dharma.
But it is doubtful whether we possess the ancient smṛti of Parāśara. The extant smṛti is probably a recast of it as it mentions Yāj. in the first chap. (p. 2). The Garuḍapurāṇa in chap. 107 gives a summary (in 39 verses) of the Parāśara-smṛti. In doing so it takes parts of the latter and pieces them together. For example, verses 2-4 in the Garuḍapurāṇa (chap. 107) are: ‘śrutih smṛtih sadācāro yah kaścid vedakartāraḥ iva vedāḥ smṛtāḥ brahmaṃ ādau dharmaḥ Maṇvādibhiḥ sadāṃ dānam kalyuṣye dharmah kartāram ca kalau tyajet iṃ pāpakrtym tu tatraiva śāpam phalati varsataḥ iva acārāt prāpnyat sarvam saṅkarmāni dine dine śaṅkhyā śānām japo homo devātithyādipūjanam iva.’ These are taken verbatim or with slight changes from the Parāśara-smṛti; compare: ‘na kaścid vedakartā ca vedasmartā ca taurukukhāḥ iva śrutih smṛtih sadācāra nirṇetavyāśca sarvadā iva tathaiva dharmaṁ smarati Maṇuḥ kalpantaratare tataḥ param... dānamekam kalau yuge i... tyajet-desām kṛtyuṣye... kartāram ca kalau yuge i... kṛte tu tatksanat śāpaḥ... kalau saṁvatsareṇa tu iva chap. I. verses 20, 21-23, 25, 27 and vide 39 for verse 4 of the Garuḍa-purāṇa. This establishes that the Garuḍapurāṇa regarded the Parāśara-smṛti authoritative and ancient. There is another problem to be considered. Kauṭilya mentions six times the views of Parāśara or the Parāśaras on various aspects of politics and state administration.

The Arthāṣāstra mentions the views of the Parāśaras (School following Parāśara’s views) in I. 8. 7, I. 15. 23, I. 17. 9, II. 7. 12, VIII. I. 24, VIII. 3. 30 (of Prof. Kangole’s edition). Therefore, it appears that there was a work of Parāśara on politics, in which it is possible that vyavahāra also was dealt with.

The extant Parāśarasmṛti is divided into twelve chapters and contains according to the last verse but only 592 verses. It deals only with acāra and prāyaścitta. Madhava introduced his disquisition on vyavahāra, which forms about a fourth of his extensive gloss, in an indirect way by regarding vyavahāra as a part of the duties of Kṣatriyas on which the Parāśarasmṛti has something to say.\footnote{Kauṭilīya hī भवन रक्ष्यनि शास्त्रपांचि: प्रवचनवर्तः। विजित्य प्रसैन्यानि दिंिति चमेण पाल्येषु। पराष्टरवस्तुति chap. I. p. 6. (B. S. Series); ‘अत एववाचारकाठ्ये व्यवहारणमांस्मतिमृत्युवेञ्जति पराशरः: प्रथमव्यवहारकाण्डमृत्युवेञ्जति क्षिति चमेण पाल्येदिति सूचनार्थे व्यवहाराणि हत्वादि। पर. मा. p. 8.}
The name Parāśara is an ancient one. In Rg. VII. 18. 21 Parāśara is mentioned as a grandson of Vasiṣṭha ‘Pra ye grhadamamadus–tvāyā Parāsaraḥ–Śatayātūr–Vasiṣṭhah.’ The plural ‘ye’ in the verse requires that ‘Śatayātuḥ’ is an individual’s designation (literally meaning either one who possessed hundred magic tricks or one against whom one hundred magic tricks were practised). In the Tai. Āranyaka (I. 1. 3. 37) we have a Vyāsa Pārāśarya. In the Vamsa that occurs in the Brhadāraṇyaka II. 6. 2 and IV. 6. 3 we have a Pārāśarya. The Nirukta gives an etymology of Pārāśara.492 Pāṇini attributes a bhikṣusūtra to Pārāśarya.493 ‘In the Śantiparva (Chapters 290–298) there is a lengthy dialogue between Parāśara and king Janaka.

The introductory verses of the smṛti say that sages went to Vyāsa and requested him to instruct them in the dharmas and conduct beneficial to mankind in the Kali age and that the great Vyāsa took them to his father Parāśara, son of Śakti, in the Badarikāśrama, who then propounded the dharmas of the four varṇas. The first chapter recites the smṛtis then known (19 in all) and lays down that in the four ages of Kṛta, Tretā, Dvāpara, and Kali, the dharmas proclaimed by Manu, Gautama, Śaṅkha-Likhita and Parāśara were respectively to be the guiding ones. The following are briefly the contents of the Parāśaramṛti :

I. Introductory verses; Pārāśara imparts to the sages knowledge of dharma; the dharmas of the four yugas; differentiation of the four yugas from various points of view; six daily duties, viz. sandhyā, bath, japa, homa, Vedic study, worship of gods, Vaiśvadeva and honouring guests, eulogy of honouring guests, the proper means of livelihood for Kṣatriya, Vaiśya and Śudra; II. duties of householder; agriculture; the five unconscious acts of injury to animal life; III. purification from impurity due to birth and death; IV. concerning suicide; punishment for wife deserting her husband though poor, foolish or diseased; definition and rules about Kuṇḍa, Golaka, Parivitti, and Parivitta; remarriage of women; rewards for chaste widows; V. expiation for minor things (such as dog-bite); about a Brāhmaṇa who has consecrated fires

492 पराशरेऽस्य वसिष्ठय जजेन । निरेत्त्र VI. 30.
493 पराशरशिलाधिप्यमिभुजुनत्त्वादः । पा IV. 3. 110.
dying on a journey or committing suicide; VI. Expiation for killing various beasts and birds, for killing Śūdras, artisans, women, Vaiśyas, Kṣatriyas, sinful Brāhmaṇas; eulogy of Brāhmaṇas; VII. purifications of various articles (such as vessels of wood, metal &c); about a woman in her menses; VIII. Expiations for killing cows and oxen unwittingly in various ways; approaching a pariṣad for expiation, constitution of a pariṣad; praise of learned brāhmaṇas; IX. proper thickness of sticks for beating cows and bulls; expiations for using thicker sticks and injuries to them; X. other expiations such as cāndrāyana for intercourse with women with whom intercourse is forbidden; the expiation called Sāntapaṇa; XI. expiation for partaking food from Cāndālas &c.; rules as to whose food may be taken and whose not; purification of wells &c. when animals fall in them; XII. bath prescribed after evil dreams, vomiting, shaving &c.; expiations for drinking wine and nasty things through ignorance; five kinds of bath; when bath at night allowed; what things should always be kept in the house or seen; definition of the unit of ground called gocurma; expiations for the deadly sins of brahmahatyā, drinking liquor, theft of gold &c.

Parāśara contains several peculiar views. He speaks of only four sons (aurasa, kṣetraja, datta and kṛtrima) though he does not expressly negative a larger number (chap. 4 p. 14). He eulogises the practice of Satī (last two verses of chap. 4). The well-known verse of Nārada (Stripūraṇa-yoga 97) “nāste mṛte &c.” is read at the end as “patir-ānyo na vidyate” (p. 15). There are a few verses in the Indravajrā metre (e.g. on pp. 11-12 and 36). The Parāśarasamṛti quotes the views of several writers on dharma. Manu is frequently cited in the words “Manur-ābravid.” In the 7th chapter alone those words occur four times. None of them corresponds exactly with any verse of the Manusmṛti. Yet Manu V. 133 may be compared with the first two. Besides these, in the 9th chapter Manu’s view is quoted that on killing an animal the guilty party should restore a similar one to the owner

494 मांज्ञार्मसिद्धान्तकोल्पनसिद्धामिदपः || समयिभेदं स्तुतायत्वं नानित्यदन्तसमुद्र-भविनं ॥. There are two more endings with नोस्यि...वेणत.. प्रभासादीनि तीर्थोनि गह्याः सतिस्ताथा || विप्रया दृश्यो नि: सानिध्यं मनुरविनं ॥ पराशरं chap. 7; compare चौ. ध. सू. I. 4.2. for the last.
or its price. In the 10th he says that according to Manu uncooked food, milk or oil brought from a śūdra's house and used in cooking in a Brāhmaṇa's house could be eaten by a Brāhmaṇa. This is similar to Manu IV. 223. In the 12th chapter Parāśara cites the view of Manu that a Brāhmaṇa fed on food (cooked) from śūdras would become a vulture for twelve births, a pig for ten and a dog for seven. There is nothing corresponding to this in Manu. In the 9th chap. Manu is spoken of as one who knows all śāstras. The first verse of the 6th chapter says that Manu deals at length with expiation for killing animals. This is probably a reference to Manu XI. 131-141. Numerous verses in the Parāśara-smṛti are word for word the same as those of the Manusmṛti. For example, Manu I. 85-86 occur in the first chapter of Parāśara, Manu V. 160 (about a widow remaining chaste) occurs with slight variations in the 4th; Manu XII. 114-115 (about pariṣad) occur in the 8th chap. (p. 29); Manu XI. 212 (about the definition of Sāntapana) is the same as Parāśara (10th chap. p. 40). Several verses are common to Baudhāyana and Parāśara, e.g. Baudh. Dh. S. I. 1. 8, 11, 14 occur in the eighth chapter of Parāśara (pp. 29, 30). The verse “na nārikelair na ca śaṇubālair” occurring in Parāśara (9th chap. p. 35) is quoted as Vasiṣṭha’s by Haradatta on Gautama (22. 18). Parāśara is mentioned by name several times (chap. III. 2. p. 8, chap. VI. I. p. 18 and p. 23, chap. VII. I. p. 24, chap. X. 12. p. 38). Usanas is cited on p. 49 (chap. 12), Prajāpati (in IV. 3. p. 13), Śaṅkha (chap. 4 p. 15). Veda, Vedāṅgas, dharmaśāstras and smṛtis are spoken of on p. 23 (6th chap.). In the 11th chap. Parāśara refers to several Vedic mantras, most of which occur in the Ṛgveda, but two of them, “tejosi śukram” and “devasya tvā” are not found in the Ṛgveda, but in the Vāj. S. (22, 1 and 1. 24 respectively). Parāśara

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495 प्रमाणे प्राणशुद्धि द्यातत्त्वातिप्रकृतं तत्त्वातुत्त्वं गृह्यं वा द्यातिहत्वं वृद्धिम् ॥ पराशर 9th chap.

496 शुचिकार्य गोरसे वेदेवमेव आत्मं पक्षे विप्रे पुर्ते भोजयं तत्त्वादूर्जन्निति ॥ पराशर 10th chap.; नायात्त्वादस्य लक्षणं विद्वतन्त्रद्विदिनो ह्यव: । आद्रसी- ताम्मेवं वासाद्वत्त्वंवज्ञातात्विक्षितम् ॥ मनु. IV. 223.

497 मनुना चैवमेकै स्वर्याशकाणि जातां । पराशर 9th chap.

498 अत: परे प्रस्तापि प्राणिहायायु निष्कृतिम् । पराशरोपि पूर्वोक्तो मन्व्येष्टपि य विस्तुताम् ॥
appears to have been a practical man. He exhorts his readers to save their bodies first in invasions, journeys, diseases, calamities and then care for dharma. He recommends the non-observance of rules of purity in times of difficulty and adherence to the strict rules of dharma when one is at ease.499

The Mit., Aparārka, Smṛticandrikā, Hemādri and other later works quote Parāśara very frequently. Most of these are found in the extant Parāśaramrīti. For example, vide pp. 1169, 1177, 1180, 1191 &c. of Aparārka, all of which are traced in Parāśara pp. 42, 43, 42 and 16 respectively. Višvarūpa quotes Parāśara several times and these quotations can be verified; e. g. on Yāj. III. 16 the verse “anātham” ascribed to Parāśara is found in Parāśara chap. III p. 10; on Yāj. III. 257 ten verses are cited by Višvarūpa from Parāśara which occur in Parāśara with considerable variations (chap. VII. pp. 20–21); on Yāj. III. 262 the verse “gavām bandhana” is cited from Parāśara, which is the first verse of the 8th chapter. Therefore, it is quite clear that in the first half of the 9th century the Parāśaramrīti that we have now was considered to be authoritative and the work of an ancient sage. It seems to have known a work of Manu, as seen above. Therefore, it must be assigned to some period between the first and the 5th century of the Christian era. In the same direction points the fact that the Garudapurāṇa (chap. 107) seems to have known the introductory verses of Parāśara and as shown above (p. 191) combines passages of Parāśara in a summary of its teachings.500 The Viṣṇu-dharmottara which is frequently quoted by Aparārka and other later works cites verses that are borrowed from Parāśara. For example, chap. 75. 1 of the former is the same as a verse of Parāśara.501

499. देशमें अहें घातक वा याबिष्ण यावतसमयाच्यां। रक्षकदेव सतेदकां च पश्चार्यम समावरते। आपक्याते तु संप्रांत शोषार्प न चिन्तयं च। संयोग समुद्रदेव पश्चात स्वस्तिः घर्म समावरते। 7th chsp., last three verses.

500. पराशररूपूर्ववीर्यायं घर्मं वर्णाश्रमान्तिकम्। कल्पे कल्पे क्षरोत्त्य शीतत्वे तु प्रजायां। 107. 1 (Venkatesvar Press ed.).

501. अनायथ राज्यां ग्रेतं व दशहिः दिशातः। पदे पदे यस्मात्मात्पुरौवहिमनित्वे तें। पराशरं च च च 3. p. 12.
Viśvarūpa frequently quotes Parāśara e.g. on Yāj. II. 6 he quotes two verses of Parāśara by name that are Parāśara III. 45 and 47; on Yāj. III. 30 he cites verses of Parāśara viz. III. 5 (ekāhāt &c.), III. 6 (nāmadhāraka), III. 8 Udbhaya-tra &c.), III. 26 (Samparkesu &c.), on Yāj. III. 250 (Patatyardham &c., Parāśara X. p. 40). Medhātithi on Manu V. 89 states that in the case of those who perform after-death religious rites for those who commit suicide Parāśara prescribes Taptakrechra penance. The Mitāksarā quotes about twenty-five verses on Yāj. III from Parāśara e.g. on Yāj. III. 250, 4 1/2, on Yāj. III. 261 and 6 1/2 verses, on Yāj. III. 263–64. Aparārka also quotes a few verses on ācāra (about 9) and about 90 on Yāj. III. Aparārka on Yāj. III. 318 quotes a verse from Parāśara about the number of morsels to be eaten on ekabhaktu and other observances and immediately afterwards quotes a verse of Vrddha-Parāśara which differs from Parāśara. The Smṛti-candrikā (on āhnikā pp. 94–95) quotes two verses from Vṛddhaparāśara.

It is to be noted that Aparārka (p. 1061 on Yāj. III. 250) quotes three verses from the Bhavisyatpurāṇa which mention that a brāhmaṇa who kills another brāhmaṇa (not learned in the Veda) may perform the penance declared by Parāśara and cites ten verses from Parāśara-smṛti of which most are found in the printed Parāśara XII Jīvananda pp. 50–51) though not all.

There is an extensive work called Brhat-Parāśara-san-hitā (published by Jīvananda, part II. pp. 53–309). It is divided into 12 chapters and the last verse says that it contains 3300 verses and that Suvrata proclaimed the sāstra imparted by Parāśara. The introductory verses contain the same story as that in the Parāśara-smṛti and many of the verses in the first chapter of the two works (such as those about the 19 writers on dharma &c.) are almost the same in both. The total of verses in the printed work comes to about 3000 and not 3300. It appears that the work is a recast of the Parāśarasmṛti made by Suvrata. The subjects of the twelve chapters are:—I. Introductory, the proper sphere of Āryas; summary of contents; II. Disquisition on the 6 daily karmans; sandhyā, bath, japa, worship of gods, Vaiśvadeva and honouring guests; Gāyatri; the dharmas of the Varnas; III. duties and manners of a householder; agriculture, honour to cows; IV. forms of marriage; duties of wives; Jātakarma and
other rites; gifts; proper persons to receive gifts; V. concerning śrāddhas; VI. impurity on birth and death; prāyaścitatas for various acts; VII. cāndrāyana and other penances; VIII. gifts; IX. rites for propitiating Ganeśa and the planets, Rudra &c; X Rājadhāra; dharmas of forest hermit and yati; XI. the different varieties of Brahmacārin, householder, forest hermit and yati; XII. prāṇāyāma and other aṅgas of yoga.

This Brhat-Parāśara contains a considerable number of verses mostly in the Indravajrā metre and a few in the Vasantatilakā (e.g. p. 134).

The Brhat-Parāśara appears to be a late work. It is a recast of the Parāśara-smṛti. It contains the Vināyakaśānti as elaborated by Yājñavalkya, since it speaks of only one Vināyaka (9th chap. p. 247) and not of four as in M. Gr. S. On p. 249 it quotes Yāj. I. 285 (about the names of Vināyaka) with the readings found in the Mit. It speaks of the rāśis (p. 244). It is not quoted by Viśvarūpa, the Mit. or Aparārka. It is mentioned in Bhaṭṭoja’s comment on the Caturvimiśatmata (p. 138) and by Nandapāṇḍita in the Dattakamimbāsā, which quotes a verse (Brhat-Parāśara p. 153).

A Vṛddha-Parāśara is quoted by Aparārka (on Yāj. III. 318) immediately after Parāśara and as holding a different view. Mādhava also quotes a Vṛddha-Parāśara (Parāśara-Madhaviya vol. I, part I, p. 230). This seems to be a different work from the Parāśara-smṛti and the Brhat-Parāśara. Hemādi (Carturvarga vol. III, part 2, p. 48) and Bhaṭṭoja in his gloss on Caturvimiśatmata (p. 138) quote a Jyotiḥ-Parāśara.

The Smṛti-candrikā quotes a few verses from a work called Jyotiḥ-Parāśara in Śrāddhakānda.

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502 अनुस्य वित्‌र्यस्य ततुःको भातुः भवेभुः स एव तस्य उवांत आदेः पिस्वो-दक्किमायम्॥ दस्तक्यामीत्रसा p. 36.

503 On याज्ञ. III. 318 (एकभौतक नलेन्द्र etc.) अपरार्क remarks (p. 235):—एकभौतकीयांमयानिवयवियम्याय पराशारः। सायं तु द्रादश मासाः मातः पवित्रम् स्मृताः। चतुर्विशिष्टियाचीयाः परे निरिशान्तम् सम्यथि इति। बुद्धस्मतः। यायात्यायिन्यायाः। सायं द्विविदितामासाः मातः पवित्रितविदिताः। स्मृताः। चतुर्विशिष्टियाचीयाः परे निरिशान्तम् सम्यथि। कुञ्जद्रष्ट्रामाणिः। स्थुंच्या वस्ये विशेषतः॥ इति।
36. The Nāradasmṛti

There are two versions of Nārada on Vyavahāra, a smaller and a larger one. The smaller version was translated by Dr. Jolly in 1876 (Trübner & Co., London). The text of the longer version was published by the same scholar in the Bibliotheca Indica series (1885) and was translated by him in the Sacred Books of the East Series (vol. 33). The edition of the text is accompanied up to verse 21 of the 5th title 'abhupetīyāśūrūśā' by extracts from the commentary of Ashāya as revised by Kalyāṇabhaṭṭa, who was encouraged in the task of revision by Keśāvabhāṭṭa.

From verse 22 of the same title the printed text is the same as the smaller version. A verse quoted as Nārada's by Kṣirāsvāmin is not found in the larger version but is found in the smaller version. An ancient Ms. of Nārada from Nepal dated 1407 A.D. contains two additional chapters on theft and ordeals. Dr. Jolly includes the first as an appendix and omits that on ordeals on the ground that it is not authentic. One of the colophons of the Nepalese Ms. describes it as 'iti Mānava-dharmaśāstre Nārada prakṛtayām samhītāyām &c.' This corroborates what was said above (pp. 149, 156) as to the close connection between Manu and Nārada.

Nārada is not mentioned by Yājñavalkya in the list of ancient writers on dharma, nor does Parāśara mention him. Viśvarūpa, however, quotes a verse of Vṛddha-Yājñavalkya (on Yāj. I. 4.5), where Nārada is the first among ten expounders of dharma enumerated therein. 'Nārada is a very ancient name. The Manusmrī (I. 35) mentions Nārada as one of the ten primeval Prajāpatis. In the Māhābhārata sage Nārada figures frequently. In Udyogaparva (49.22) he is said to have told the Vṛṣṇis to do their duties (tasmāt-karmaiva kartavyam—iti hovaca Nāradah etad—hi sarvamācaśta Vṛṣṇicakrasya vedavit). Śānti (30.6) says that Nārada was the maternal uncle of Parvata. In Śāntiparva 29.13ff it is stated that Nārada comforted Yudhisthira on the death of his many relatives and warriors by diluting upon the stories of sixteen ancient kings and heroes who had also similar

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504 Kīrītisāmi on Amarakośa 'bhūdāviśvaranāṃśā caḥ labhad jñanamaj āt' quotes 'naḥsadv-adhii hi bhagavan-mahātmya vam: kṛhate jñānam. 'dviṣe naḥ bijanīyagat.' This first half is Manu 8, 16 (तुषो...हलम् ) and शान्तियां 90, 15.
sorrows. In Śalyaparva, Nārada is said to have informed Balarāma that his two disciples Bhīma and Duryodhana were going to fight with maces. There Nārada is described as holding a fine Viṇā as an expert in dance and song and as stirring up feuds and always fond of quarrels (prakartā-kalahānām ca nityam ca kalahapriyāh) in chap. 54.18–20. According to the Mahābhāṣya on Vārtika 15 on Pān. (VIII. 1.15, Kielhorn ed. III. p. 371), Nārada and Parvata may be spoken of as ‘dvandvam Nārada-parvatau as they are a famous pair that is ‘atyantasaḥacarita’ (not even Yudhiṣṭhīra and Arjuna are so).

The printed Nārada contains three introductory chapters on the principles of judicial procedure (Vyavahāra-mātrkā) and on the judicial assembly (sabhā). Then the following titles of law are dealt with one after another:—ṛṇādāna (recovery of debts), upanidhi (deposit, lending, bailment), saṃbhūya-samutthāna (partnership), dattāpradānīka (gifts and resumption thereof), abhyupeta-āsuṛṣā (breach of contract of service), vetaṇasya-anapākarma (non-payment of wages), asvāmivikraya (sale without ownership), vikriyā-saṁpradāna (non-delivery after sale), kritānusaya (rescission of purchase), samayasyānapākarma (violation of conventions of corporations, guilds &c.); simābandha (settlement of boundaries); strīpūṃsāyoga (marital relation); dāyabhāga (partition and inheritance); sāhasāḥ (offences in which force is the principal element), such as homicide, robbery, rape &c.; vāk-pārusya (defamation and abuse) and danda-pārusya (hurt of various kinds); prakirnaka (miscellaneous wrongs). The appendix deals with theft; a few remarks are made on that topic under the title of ‘sāhasa’.

It will be noticed that Nārada follows the Manusmṛti to a considerable extent in the nomenclature and the arrangement of the eighteen titles. Some of the titles are differently named by Nārada, e.g. he speaks of upanidhi, while Manu employs the word nīkṣepa. Nārada seems to have included the ‘svāmipāḷa-vivāda’ of Manu in ‘vetaṇasya-anapākarma’. He makes one title of dyūta and samāhvaya. Nārada includes strīsaṃgrahaṇa under sāhasa and adds three titles, viz. abhyupeta-āsuṛṣā, vikriyāsaṁpradāna and prakirnaka. The Śruticandrīkā expressly says that it follows the work.
of Nārada in preference to that of Manu as regards the nomenclature and the sequence of the titles of law. Nārada follows Manu in speaking of witnesses in the section on ṛṇādāna and in treating of theft after the eighteen titles have been dealt with. (vide Manu IX. 256 ff.).

The printed Nārada contains 1028 verses (including 61 on theft in the appendix). About seven hundred of these verses occur in various nībandhas as quotations. Up to the 21st verse of the section ‘abhuyupetāṣāṣṭāsā’ the commentary of Asahāya furnishes a valuable check for the authenticity of the text. For the remaining portion, there are important data as to its authenticity, sequence and readings. Viśvarūpa, who belongs to the first half of the 9th century, quotes about fifty verses of Nārada (generally by name). The text that he had before him was essentially the same as that of the printed edition except in a very few cases. Out of the seven verses of Nārada on ‘samayasya-anapākarma’ Viśvarūpa quotes five (on Yāj. II. 190 and 196) and expressly states that Nārada wound up his chapter on that topic with the verse ‘doṣavat karaṇam &c.’ as the printed text does. On Yāj. II. 226 Viśvarūpa distinctly says that the verse ‘yameva hyativerseran’ &c. is followed immediately by ‘malā hyete manusyeśu’. This is the case with the printed text also (dyūtasamāhavya, verses 13–14). On Yāj. III. 252 Viśvarūpa quotes a verse of Nārada about the three kinds of wealth, viz. ṭukla, ṣābala and krṣṇa, which does not occur in that form in Nārada, though the latter contains similar dicta.506 Viśvarūpa contains no quotation from Nārada on the topics of ācāra or prāyaścitta. The same is the case with Medhātithi and the Mitaksara. Medhātithi somewhat inaccurately summarises the introductory words (in prose) of Nārada (vide note 269 above). Medhātithi frequently quotes Nārada particularly from the sections on ṛṇādāna (vide on Manu 8. 47, 155, 149) and dāyabhāga (on Manu 8, 28, 29, and 207, 209 and 143). On Manu 8, 349 he quotes Nārada on partnership (verse 10), on 8. 216 he quotes Nārada (vetanasya-anapākarma, verse 5). In some cases Medhātithi cites Nārada’s verses without naming him e.g. on Manu 9. 76 he quotes the

506 शुद्धं च शकौ चैव क्रृणं च विविधं धनम्। शुद्धं न्यायार्थों धर्मसिद्धं व्यावहारिकम्। ततृति विविधं शुद्धं शकौ चैव क्रृणं च तथा विशेषः। प्रमेत्रः सत्यं धृष्टं। (नारदं, ऋणादानं 44.)
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well-known verse ‘naṣṭe mrīte pravrajite &c.’ (Nārada on marital relation, verse 97) as ‘smṛtyantara’. It was shown above (p. 172) that the vyavahāra section of the Agnipurāṇa dates from about 900 A. D. Chap. 253 of the Agnipurāṇa contains thirty verses of the extant Nāradasmrīti, viz. Agni 253. 1b-9a = Nārada (vyavahāra-mātrkā chap. I. 8-15); Agni 253. 9b-12 = Nārada (vyavahāra-mātrkā chap. I. 26-29a); Agni 253. 13-30 are the verses defining the eighteen titles from rūḍāna to prakīrṇaka contained in Nārada and occur in the same order in both. The readings preserved in the Agnipurāṇa deserve some discussion. Agni (253. 3-4) reads ‘dharmaśca vyavahāraśca...uttaraḥ purvasādhakaḥ,’ while Nārada has ‘purvabādhaḥ.’ Agni reads ‘caritram samgrahë puṁsāṁ rājājñāyām tu sādhanam’ (253.5), while Nārada has ‘caritram pustakaraṇe rājājñāyām tu śāsanam.’ Agni (253.15) reads ‘dattvādravyaṁ ca samyag—yaḥ,’ while Nārada (dattāpradānīka I) reads ‘dattvā dravyamasyaṁyag—yaḥ.’ The Agni (253.11) reads ‘Śaṅkā saddhītu samṣargat tattvaṁ śoḍhābhidārsanat’ and avoids the rare word ‘ḥodhābhi—’ in Nārada ‘Śaṅkāsatām tu samṣargat tattvaṁ hoḍhābhidārsanat’ (Vyavahāramātrkā I. 27). For Nārada’s ‘akṣābradhaśalākādyair &c.’ (dyūtasamāhvaya I) Agni reads ‘Aksāvajra &c.’ (253.29). The Mit. (on Yāj. II. 199) and Vir. (p. 718) follow printed Nārada in the last case and also in the other cases. The Mit. quotes more than 240 verses of Nārada, sometimes in large groups. For example, it quotes over eleven verses in its Introduction to Yāj. II. 182, nine verses more on Yāj. II. 182 itself and seven verses introducing the topic of Sāhasa in Yāj. II. 230. In the Śrīti-candrika, Hemādri, Parāśaramādhaviya and other later nīban-dhas numerous verses of Nārada are quoted on topics of ācāra śrāddha, prāyaścitta. For example, Hemādri (caturvarga, vol. III. part 2, pp. 159, 183, 185, 223, 235) quotes several verses of Nārada on Ekādaśī and a verse of Nārada about the astrological yoga called padmaka. The Śrītīcandrika (I. pp. 198-199) quotes 26 verses on the worship of Nārāyaṇa, the last of which is the well-known verse ‘dhyeyah sādā savitṛmaṇḍala—madhyavarti &c.’ and the same work (on śrāddha p. 354) quotes a verse of Nārada in which Sunday and Saṃkrānti are mentioned. The question arises whether these quotations of Nārada on ācāra and prāyaścitta and allied topics are the work of the same Nārada that wrote on
Vyavahāra. From the fact that early writers like Viśvarūpa, Medhātithi and Vijnāneśvara do not contain a single quotation of Nārada on topics other than that of vyavahāra, it appears probable that the quotations on ācāra and prāyaścitta belong to a later date than the Nāradasmṛti on vyavahāra and either did not exist in the days of Viśvarūpa and Medhātithi or had not attained canonical authority in those days. There is in the India Office Library a ms. of Nāradasmṛti in three chapters and 322 verses dealing exclusively with ācāra and prāyaścitta (vide Jolly’s Introduction p. 5 to edition of text).

The Nāradasmṛti, excluding the introductory passage in prose about the successive abridgments of the original work of Manu by Nārada, Mārkaṇḍeya and Sumati Bhārgava, is written in the śloka metre except in the case of two verses (verse 38 of the 2nd chap. of vyavahāra-mātrkā and the last verse of the chapter on sabhā). Nārada himself is mentioned by name in connection with the ordeals (ṛṇādāna verse 253). The first person also occurs in ‘ataḥ param pravakṣyāmi’ (ṛṇādāna 343). Ācāryas are cited in ‘dattāpradānika’ (verse 5). Dharmāsāstra and Arthaśāstra are mentioned (vyavahāramātrkā, chap. I, 37 and 39) and Nārada lays down the rule as in Yāj. (II. 21) that in a conflict between the two the former should furnish the rule of conduct. Nārada refers to Vasiṣṭha’s rule about interest (ṛṇādāna 99). Two verses are quoted from a Purāṇa. Manu is named in several places (ṛṇādāna verses 250, 251, 326). The first

Nārada, ṛṇādana 158, ‘śrotiyās-tāpasā vṛddhā ye ca pravrajīta narāḥ, asāksnas-te vacanān nātra heturudāhyaḥ’ has probably Manu 8. 65 in view where we read ‘na sāksī...na śrotiyo na liṅgastho na saṅgėbhyo vinirgataḥ’.

Besides these, there are several cases where Nārada closely agrees with Manu though the verses are not identical, e.g. Nārada (sahas 19) may be compared with Manu 9. 271 and Nārada (appendix on theft, verses 1–4) may be compared with Manu (9. 256–260). These facts establish that Nārada is based on a version of Manu that was essentially the same as the extant text of Manu, though there was some difference here and there. Nārada contains several verses that occur in the Mahābhārata. For example, Śānti III. 66 = N. (vyavahāramātrkā 72),511 Udyoga 35. 53 = N. (sabhā, verse 18), Udyoga

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511 तत्तद्व द्यमेते ब्योम खयोतो हृष्यवारिव। न तत्थि विश्वेते ब्योमिन न खयोते हुताशन।
35.31-32 = N. (r. 202-203). The well-known verse of the Mahā-
abhārata on the greatness of speaking the truth (Śānti, 162.26) 
occurs in Nārada, verse 211 on p. 104 (SBE Vol. 33 p. 93).
There are several cases where the text of Kauṭilya agrees with 
Nārada.\textsuperscript{512} In some of these cases the agreement is almost 
word for word.\textsuperscript{513} A half verse on poison-ordeal (viz. 'Tvam 
viṣa...vyavasthitāḥ) is the same in both Yāj. II. 110 and 

Though Nārada is based on Manu, he differs in several 
esential matters from Manu. We have seen the difference 
between them in the nomenclature of the titles of law. Manu 
only casually mentions the ordeals of fire and water (8.114), 
while Nārada enumerates five kinds of ordeals, describes them 
at length and adds two more viz. tandula-bhaksana and 
taptamāśa (ṛṇādana, verses 259-348). He allows Niyoga 
(marital relation, verses 80-88), while Manu strongly con-
dems it. He allows remarriage of women (Nārada, 
marital relation, 97), while Manu is against it. Manu men-
tions seven kinds of slaves (8.415), while Nārada raises 
their number to fifteen (abhyupetyāsūṛśā, verses 26-28); 
Manu condemns gambling outright (9, 221-228), while 
Nārada allows it under state control and as a source of re-
venue; Nārada is further far more systematic than Manu and 
is full of divisions and sub-divisions; for example, he divides 
property into three kinds, each of which is again subdivided 
into seven varieties (ṛṇādana 44-47); Nārada divides the law 
of gifts into four sections, which are further subdivided into 
32; he subdivides the eighteen titles into 132 (vyavahāra-
māṭrikā I. 25).

There are a few points which are almost peculiar to 
Nārada such as the fourteen kinds of impotent persons (stri-
pumśayoga 11-13), the three kinds of punarbhūs and four 
kinds of svairiṇīs (ibid. verses 45-52).

\textsuperscript{512} Compare कौटिल्यं, धर्मस्थिथिः, chap. I, verses at the end with नारद, 
व्यवहारमातृकः 1st chap., verses 2, 10-11, 39-40.

\textsuperscript{513} धर्मस्ब व्यवहारश्च चरितं राजशासनम्। चुतुष्टद्व व्यवहारोपयुपरः पूर्ववाचकः।।
तन सत्वे स्थिरो धर्मो व्यवहारस्तु साक्षिण्। चरितं पुनःकरणे राजशास्त्रं चु 
शासनम्।। नारद, व्यवहारमातृकः I. 10-11; the first half in each verse 
is the same in कौटिल्यं.

H. d.—60
Nārada is probably later than Yājñavalkya. Yāj. mentions only five kinds of ordeals, while Nārada knows seven and the former’s treatment of them is not so exhaustive as Nārada’s. The rules of judicial procedure in Nārada are more systematic and exhaustive than those of Yāj. Nārada is more conservative than Yāj. For example, Nārada nowhere recognises the right of the widow to succeed to her deceased husband. Nārada cites more definitions than Yāj. In some respects, however, Nārada is more reticent than Yāj.; Nārada gives no rules about the succession of gotrajās and bandhus as Yāj. does. In a few respects Nārada agrees with the views of Manu instead of with Yāj., such as allowing a brāhmaṇa to marry a śūdra woman. Nārada regards sexual intercourse with a pravrajitī (female ascetic) as a mortal sin (stripumśayoga 74–75), while both Manu (8. 363) and Yāj. (II. 293) treat it lightly. Taking all these things into consideration it may be said that Nārada flourished nearly at the same time as or somewhat later than Yāj.

It may be noted that in an Inscription from Campā dated about 1092 (i.e. 1170 A. D.) a king is described as ‘versed in all the Dharmaśāstras, notably the Nārādiya and Bhārgaviya’; vide Dr. R. C. Majumdar’s ‘Ancient Indian Colonies’, vol. I at end p. 199 No. 81.

Nārada contains several rare words such as “hoḍha” (in vyavahāramātrkā I.27, meaning ‘one’s property when lost or stolen’). He gives expression to certain principles of law and politics, such as that a man is master of his own house, in other words, a man’s house is his castle; 514 he highly eulogises the office of the king, almost assigning it a divine origin and exhorts the people to obey and honour even a weak and undeserving king.515 Mr. Jayaswal sees in this and in the fact that Nārada speaks of dināra while the Mṛcchakaṭika speaks of nānaka indications that Nārada belongs to the fourth century, is later than the drama, is propping up the authority

514 अवः सत्वना लोकरूपमन्त्राणाचार्यत्वम् च। प्रतिवर्ण च सर्वशं वर्णोंस्मृ सेव श्रुते श्रुती || कणादान 32। तिमाहितम् 32। तिमाहितम् 147। सर्वः सेव श्रुते श्रुते राजा।

515 Vide प्रक्रीयक verses 20–22 राज् तिमाहितम् संस्करणम् भूस्त साक्षात् सहस्रं || न तिमाहितत्वम् संस्करणम् प्रतिवर्ण || किंतु || निमाहितां यथा श्रीवास्तव पूज्य एवव परि: सदा। प्रजानं विमूलोऽयं पूज्य एवः प्रजापति: ||
of a new dynasty and flourished under the Imperial Guptas (C. W. N. vol. 17, p. ccclxxxv). He regards a person as minor till the sixteenth year. This limit was probably first fixed by Nārada. Nārada further boldly says that in case of conflict between dharmaśāstra and usages, the latter have to be followed, as they are directly observed.

As Nārada’s is regarded as an authoritative smṛti by Viśvarūpa, Medhātithi and other later writers and as Asahāya, who is mentioned by name in the commentary of Viśvarūpa, wrote a comment on Nārada, the Nāradasmṛti must be older by some centuries than the 8th century, the latest date to which Asahāya can be assigned. Bāna in his Kādambari compares the royal palace to Nāradiya. Ordinarily Nāradiya standing by itself would denote the Nāradapurāṇa (compare Viṣṇu-purāṇa 3.6.21 where we have the form Nāradiya for the purāṇa). The Nārada-purāṇa (Venkatesvara Press edition, Bombay) contains, however, no treatment of rājadharma. Bāna may have intended a violent pun, meaning ‘the palace where the duties of kings were being expounded (āvarṇya-māna), like the Nāradiya in which rājadharma has not been set forth (āvarṇya-māna).’ European scholars like Dr. Jolly and Bühlcr hold that Bāna refers to the extant Nāradasmṛti. But on this explanation also the difficulty is not entirely got over. The extant Nārada can hardly be described as a treatise on rājadharma. It deals only in an indirect way with one aspect of the king’s duties and is rather concerned with vya-vahāra and the duties of the subjects towards each other from the strictly legal point of view. If we turn to the Mahābhārata and other works, we shall find that rājadharma meant something different from what is treated of in the Nāradasmṛti. Therefore Bāna’s reference to the Nāradiya is of a doubtful character. The Rājaniti-ratnākara of Caṇḍeśvara frequently quotes Nārada on politics (pp. 3, 13, 79). These quotations are not traced in the printed Nārada. Therefore it is highly probable that Bāna refers to a distinct work of Nārada on politics which has not yet been recovered.

516 वाल आ प्रेक्षादेव वसात्र पीराचष इति शर्यतं । परती व्यबहारः स्वतन्त्रः
पित्यो विना । क्रियाग्रन्थ 35-36.

517 धर्मशास्त्रिविरोधे हृ युन्मित्युथी विधि स्तुतः । व्यवहारो दि बलवान्धर्मस्तेनाव
हीन्यते । व्यवहारसारामत्रक 40.

518 ‘नारदीयभिन्नत्वार्थानकराजधर्मं’ (राजकुलं) p. 91 of Peterson’s ed.
From the Rājanitiratnakara of Caṇḍeśvara published for the BORS of Patna (1924) by Mr. K. P. Jayaswal it appears that Caṇḍeśvara knew a work of Nārada on Rājadharma. On p. 3 of that work Nārada on Rājaniti is cited for dilating upon three grades of rulers viz. Samrāt (an emperor to whom other kings pay tribute) also called 'cakravartin' and 'Sakara' and 'akara' rulers. On p. 75 Caṇḍeśvara quotes the words of Hārita and Nārada to the effect that a king should transmit his kingdom to the eldest son after providing for the maintenance of other sons if he has several sons. The Vṛddha Hārita-smṛti in the Anandaśrama collection of Smṛtis (1905 A.D.) says that Kātyāyana, Manu, Yājñavalkya and Nārada described at length the rājadharmas which he himself dealt with.

The Vyavahāramārtaka of Jimūtavāhana and the Parāśara-Mādhaviya (vol. III, part I, p. 203) quote a verse from Nārada, the latter half of which is the same as the latter half of a verse in the Vikramorvaśīya. The doctrine attributed to Nārada is found in Yāj. (II. 20) and the Viṣṇudharmaśūtra (6. 22) but not in the same words. Unfortunately the date of Kālidāsa is far from being universally accepted, but the fourth or first half of the 5th century is often accepted as the probable date. There is further difficulty in the fact that the text of the Vikramorvaśīya has been largely tampered with. If the verse is a genuine part of the drama, it seems natural to suppose that Kālidāsa turns a well-known legal maxim to a somewhat humorous use. It is hard to suppose

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519 राजा विविषः सचारु नकरः। तदाध निती नारदः। p. 3 of राजनीतिरतनकरः। 75 यदा राजा जरायुको... सताभानि व राज्यानि ज्ञेश्वरुनाय दार्मिकः। दार्शनिक विश्वविद्याः। विश्वविद्या व्याख्याय राज्यं ज्ञेश्वरुनाय दार्मिकः। राजनीति नारदः। p. 79: राजनीति नारदः। ज्ञेश्वरुनाय दार्मिकः। साधारणपती ज्ञेश्वरुनायतमः। सृष्टि। ज्ञेश्वरुनाय ज्ञेश्वरुनाय दार्मिकः।

520 राजमंदिरविविषयः विधातापदातिः समा। कायवैधेन मनुरा गाम्यक्षेत्रः वीथिता। नारदेन व सम्प्रदेश: विश्वासाधिकारः हि। 557 द्वारकित. VII. 270-71.

521 अनेकार्थधिउनुष्ठते सहस्रवायुपालनः। विभावकृत्तं के देश वदभिजुग्यते। अपराह्न (on राज. II. 20); व्यवहारमालकृत of जी० pp. 310-11; हेम प्रकाश्च मे कालं गतिर्युक्तः हुता। विभाविर्तुः। अहुः। 557 वर्षम्बीशेषाय IV. 17 (Pandit's ed.).
that Nārada would borrow the words of a dramatist for setting forth a legal maxim. This would push back the date of Nārada far beyond the 5th century. Nārada in two places uses the word “dināra,” once in the sense of a golden ornament and again as a coin or unit of value also called “suvarṇa.” In this last case he says that “dināra is equal to 48 kārṣāpanas or twelve dhānakas.” Jolly (R. u. S. p. 23) thinks that Indian dināras can scarcely be older than the 2nd century A. D., although in the times of the Indo-Scythian kings coins of the weight of dināra occur. Therefore Jolly is of opinion that Nārada is later than 300 A. D. Winternitz (History of Indian Literature, vol. II. p. 216 n. 4) follows him in this assumption that all Sanskrit works in which the word dināra occurs must be later than the 2nd or 3rd century A. D. It may be that the golden dināras most numerous in India belong to the 2nd and 3rd centuries A. D. But as Keith points out (J. R. A. S. 1915 p. 504) Jolly’s assumption is wrong and the introduction of dināras into India need not be later than the beginning of the Christian era. Golden dināras were first coined in Rome in 207 B. C. and the oldest Indian pieces corresponding in weight to the Roman Denarius were struck by Indo-Scythian kings who reigned from the first century B. C. (W. B. p. 44). Therefore there is nothing to prevent us from holding that Nārada flourished in the first centuries of the Christian era, i.e. between 100 and 300 A. D. Mr. Jayasval assigns him to the 4th century A. D. and after the Mycchakatikā. Most scholars would not be prepared to assign to the Mycchakatikā so early a date as the 3rd century A. D. Besides Mr. Jayasval builds his theory on very slender foundations. Because the drama employs the word nānaka and Nārada speaks of dināra only, no chronological conclusion as to the priority of the one to the other can be drawn. After both words became current in the language, one author, though later, may employ one word, while another, though earlier, may employ the other.

While the first volume was in the Press, an edition of the Nārādiya Manu-saṁhitā with the bhāṣya of Bhavasvāmin

522 मण्ड: पदरागाथ दीनारादिन हिरण्मय: मुक्तविदुर्वशेषाय: भ्रुत्वा: स्वामि-
 गामिन: 11 नार: व्यवहारसारासुक: 11.34; कार्ययोगित्वसर्गा भेष्या ताथतता! ते
 धानक: 1 तद्दृढ़श सुबंधस्तु दीनारादिन: श एत व 11 भर्षित्त verse 60,
was published in 1929 in the Trivandrum Sanskrit Series, edited by K. Sambasiva Sastri (based on four Mss). The work claims to be a version of the Manusmrti by Narada. Prof. T. R. Chintamani contributed a lengthy paper on this version of the Naradasmrtri to the Kunhan Raja Presentation volume, published by the Adyar Library, Madras (in 1946) pp. 153–196. He points out that the main differences between the longer and shorter versions of Narada published by Prof. Jolly are these: the shorter text omits the section on thefts, does not cite the verses on ordeals in a separate chapter and omits the chapter on legal procedure. The longer version has 1028 verses including an appendix on thefts (of 61 verses). The shorter version has 870 verses and the text on which Bhavasvamin comments has 877½ verses. The edition with Bhavasvamibhasya has at the end a chapter on five ordeals dealt with in 46½ verses (the five being Dhatā, Agni, Udaka, Visa and Kosā). There are many variations between the Smrti as published by Dr. Jolly and that published with Bhavasvamin’s bhasya. On pp. 159–193 Prof. Chintamani sets out the numerous (nearly a thousand) differences (small and also large) in the Smrti as published by Dr. Jolly and as found in the Naradiya Manusamhitā. And on pp. 193–196 Prof. Chintamani prints the text of the 2nd Appendix (on five ordeals with 46 verses) in the Nepalese Ms held to be spurious by Jolly and contained in the version of Bhavasvāmin after the section called Prakirnaka.

The editor of Bhavasvāmin’s bhasya surmises (on p. 4 of his English Introduction) from the fact that all the Mss. of the bhasya were found only in the Kerala country and the fact that many of the brähmanas that officiate as sacrificial priests in central Kerala bear the name Bhavasvāmin, that the bhasyakāra of Narada was a brähmana from Kerala. North India suffered greatly from the ravages of foreign invasions from the early centuries of the Christian era onwards by Hūnas and others for several centuries, while South India was much better off during those centuries. Therefore, the Mss. of the works of comparatively early writers of the North are often not found in North India but only in South India (Bhāmaha’s work on Poetics being a well-known instance).
Prof. Chintamani cites passages where Bhavasvāmin refers to transactions at Mathurā and Kānyakubja. On prakīrṇaka verse 116 Bhavasvāmin refers to the fact that Kārśāpaṇa is current in Draviḍa country while here (i.e. where he resided) transactions are carried on with dināras. It appears from this that he was not from the South. On Vikriyāsāmadradāna, verse 5, he refers to the changes in the price of saffron. These passages indicate that Bhavasvāmin was familiar with Mathurā and Kanoj and also knew transactions in Kashmir and was acquainted with dināras as coins there. The Amarakośa refers to both dināra and niṣka (Dinārepi ca niṣkosstri). The Rājatarangini (VII. 950) refers, to dināras of gold, silver

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523 On औपनिषदः verse 7 p. 84 तत्तात् gives the following illustration: "तथा। मुनयुरया: कविधि स्वार्य कन्याकुमारे श्रीहृति। तस्य हरे कन्याकुमारे जश्य। इश्विद्वसम्पूर्णे। देवीति समंभवति। तापि। कविधि सत्तात् श्रीहृति। देवीति समंभवति।"

On दत्तात्रेयः verse 4 (अन्वयारं यत्तात्रेयः सामार्याः सा यत्र) तत्तात् says अन्वयारं मुनयुरया श्रीहृति तस्य हरे स्वार्य मुनयुरया श्रीहृति तस्य हरे कन्याकुमारे श्रीहृति। तस्य हरे कन्याकुमारे श्रीहृति। तस्य हरे कन्याकुमारे श्रीहृति। तस्य हरे कन्याकुमारे श्रीहृति। तस्य हरे कन्याकुमारे श्रीहृति। तस्य हरे कन्याकुमारे श्रीहृति।

524 रूपमेव राज्यार्थायुः यवहरसस्यवर्तमान:। मणिद्विलामुमिन्। दिनासारत्नाः। पुनः।। राजसागरः VII. 950. This is said with reference to Harṣa, king of Kashmir (who ruled between 1089-1101 A.D.). Gold and silver dināras of Harṣa have, actually been found; vide Cunningham’s ‘Coins of medieval India’ p. 36 and plates 21-23. Vide also the English translation of Rājat. VII 926 (note) for gold coins of Harṣa bearing his name. Vide note H in tr. of Rājata, on IV. 495 on ‘the term Dināra and monetary system of Kashmir’ vol. II. pp. 308-328 (Stein). In ‘Gupta Inscriptions’ (by Fleet) p. 29 of Gupta year 93 i.e. 412 A.D. there is a permanent donation of 25 dināras, from the interest of which one bhikṣu was to be fed every year and on p. 261 there is another Inscription of Gupta year 131 (i.e. 450-91 A.D.) which mentions dināras. So dināras were current in India long before the 4th century A.D. and coins called dināras continued to be used till at least the beginning of the 12th century A.D. as the Rājatarangini on Harṣa shows.
and copper. In the ‘Indische studien’, vol. XVIII pp. 289-412 a
ms. of Lokaprahaśa of Ksemendra (latter half of 11th century
A.D.) is discussed in which the word dināra is frequently
used (e.g. on pp. 339, 391) and we have a formula forwarding
a ‘dināra-huṇḍikā’ (on p. 342). Huṇḍikā stands for
‘Huṇḍi’ used by travellers.

The time when Bhavasvāmin flourished is not free from
doubt. Prof. Chintamanani concludes (on p. 157 of Kunhan
Raja volume) that Bhavasvāmin flourished in the early centu-
ries of the Christian era. I demur to this conclusion which is
based mainly on Dr. Altekar’s view quoted in a note on
p. 157 that ‘it is very unlikely that gold dināras were in cir-
culation after 600 A.D. in the Mathurā and Kanoj area.’ But
it is clear that in the 11th century gold coins called Dināras
were current in Kashmir and if Bhavasvāmin was a Kashmire-
ian or had travelled and stayed there for some time he would
easily have known them and referred to them. Therefore,
Dr. Altekar’s opinion about Bhavasvāmin’s date is worth
little.

Bhavasvāmin refers several times to other explanations
of Nārada’s verses with the words ‘anya āha’ as on ‘ṛṇādāna’
v. 195, ‘Stripuṃśayoga’ v. 30, Dāyavibhāga verses 13, 14,
prakīrṇaka v. 80. He refers here and there to different read-
ings in Nārada as on ṛṇādāna verses 67, 153, Vikriyāśampra-
dāna, verse 12, Stripuṃśayoga, verses 2, 3, 15, 16, 29, 83. He
quotes about two dozen verses of Manu. His commentary ex-
plains the words of Nārada’s verses, is generally concise, and
makes no show of learning. He cites a few sūtras of Pāṇini
a few passages as Śrutī (as on ṛṇādāna 53, 97). It is re-
markable that he cites (on ṛṇādāna 190) ‘nāputrasya
lokostiti’ as Smṛti, which is really Ait. Br. (VII.3). He
quotes Vas. Dharmasūtra on ṛṇādāna verse 94 and on Vāg-
Daṇḍapārṇa verse 20. It is noteworthy that he speaks of
the present Manusmrī as Bhṛgu-Samhitā or Bhārgavi-

525 उपायु जात: क्षत्रयो...चेन उस्यते II इति मारमव्यां संहिताययों बिस्तर उत्तर-
स्तत्त एव इत्यः। on खोत्तुरयो: III. 7. This is Manu X. 19; मुयस्विन्दहता-
वनमिक-काण वायव्यवा क्षमन्यं गापीतनंतरं वाक्याध्यक्षक्रणं पतितं
केवलचितारशः। काणो इ मन्व VIII. 274. If may be noted that the
extant Manusmrī declares that Bhṛgu learnt the śāstra from Manu
and taught it to the sages.
sāmhitā; for example, on Strīpūṇasayoga verse 111 he quotes Manu X. 19 as Bhārgavī-sāmhitā and on Manu VIII. 274 as Bhṛgusāmhitā on 'Vāgḍaṇḍapārūṣya' v. 20. He quotes Vālmiki and Vyāsa on Rṇādāna²⁵² verse 32. He quotes a Śārdaḷavikriḍita verse on 'krodha' (anger) and a verse on 'unmāda' (delirium, or madness) due to five causes on Dattāpradāṇika 8-10. On Rṇādāna verse 31 he quotes an āryā on the importance of Ganita. On 'Rṇādāna verse 72 Bhavasvāmin quotes a verse of Vararuci explaining the meaning of the words 'pogana ṇa, kunī' and 'pāṅgu'.²⁵²

As in Bhavasvāmin's day various readings had already arisen in the Nāradasmṛti and as he refers several times to the explanations of previous commentators, Bhavasvāmin would have to be placed (conjecturally) some centuries after Nārada i.e. between 700 and 1000 A.D.

The late Prof. Rangaswami Aiyangar in his Introduction to Brhaspati assigns Bhavasvāmin to the 8th century A.D. and in the footnote 4 on that page he asserts 'Bhavasvāmin, like Mādhavasvāmin and Skandasaṃvāmin, belongs to a period long anterior to Viśvarūpa (circa A.D. 800) and refers in support to Journal of Oriental Research V. 325'. The reference to the Journal appears to be wrong.

It may be noted that Viśvarūpa quotes hardly any verses of Nārada on two epics not pertaining to Vyavahāra except one verse on Yāj. I. 34 where he speaks of three kinds of 'ṛtvika'. But the same cannot be said about the Mitakṣarā. A few verses not strictly related to Vyavahāra topics are mentioned by it as occurring in Nārada's work. For example, on Yāj. III. 39 the Mit. quotes a verse of Nārada that allows a brāhmaṇa to sell sesame in exchange of food-grains for securing medicine when he is ill or for the purpose of a Yajña. This occurs in the section on Rṇādāna (66). Aparārka also quotes this verse (p. 933). Probably it was part of the king's duty to remind a brāhmaṇa of the restrictions laid down on him by śāstra. Aparārka (p. 29)

²⁵² कर्त्तर्न-विविधतियहायपुराणवास्तुविभागः सम्बन्ध नवनित सिद्धिः गणिता-मुते लोकायता: || on ऋग्वेदादन V. 32.
²⁵² वर्षानाग्नयतमम् शरीरपिशवन्निर्तिर्गणेण शरीरिः || विकल्पं सददरुचयं योगदुःक-कृषि-पदवः || इति || on ऋग्वेदादन 72. वर्षर्थी here seems to be a lexicographer.
cites 2½ verses on the actions that are comprehended under ista and purta. But the Smrticandrika quotes from Narada at least 50 verses on ahnika and at least 16 on sraddha-kanda, one of which refers to Sunday and Sankranti and on the selection of Ekadasa for a fast when joined to the 10th or 12th tithi.

It is likely that non-Vyavahara topics came to be added as Narada’s a century or two before 1000 A.D., since the Smrticandrika (1150-1225) A.D. contains numerous verses of Narada on non-Vyavahara matters.528

It is difficult to say anything as to the home of Narada. In the appendix on theft Narada in one place says that in the south a silver karsapana is current, that in the east it is equal to twenty panas and that he does not follow the standard of karsapana current in the land of the five rivers.529 From these data and from the fact that the oldest mss. of Narada come from Nepal and that an old commentary on Narada in Newari was composed in Nepal, Dr. Jolly conjectures that Narada’s home was to be sought in Nepal. This is all pure guess-work. There is no reason why Narada could not have hailed from Central India. The places where the oldest and best mss. of a work are found can hardly ever be indications of the original home of an ancient author. Bhama is by common consent a Kashmirian writer on Poetics, but most of the mss. of his work so far found come from Southern India.

Prof. D. R. Bhandarkar (Carmichael Lectures 1918, p. 90), probably following the Nayacandrika, hazards the conjecture that the writer called Pisuna cited in the Kautilya is another name of Narada. Beyond the bare fact that Narada is often credited in the Puranas with the role of instigating feuds and quarrels and that the word pisuna means “wicked, backbiter”, there is nothing to support this identification.

A Jyotir-Narada is quoted by Bhattoji in his commentary on the Caturvimsatimata (p. 11). A Brhan-Narada is quoted

528 मातुमारमेतेन तथा संज्ञानिसर्वयुता। एवादशी सदोपोथ्या पुष्पितवर्षन्यं ॥ स्मतिचन्द्रका (आदाकण्ड p. 354).

529 कत्पणो दृष्णस्यां दिशि रौप्यः प्रवर्तते। पवनिचिदन्द: पुर्वस्या विशालिस्युष्म: पणः। स दुः।। पाण्डवाः प्रवर्त्ते तु संज्ञा या व्यावहारिकी ॥ कत्पणोप्रमाणं दुः।। निवर्धामिद नैतया ॥ चौथमात्रितेचप्रकृत ॥ ॥ ॥ ॥ (57 and 59).
by Raghunandana and a Laghu-Nārada by the Nirṇaya-
sindhun and the Saṁskāra-Kaustubha.

In the Mahābhārata several opinions are attributed to
Nārada. One of them condemns the eating of flesh. The
first half of the last verse is the same as Manu 5.52. Nārada
is credited with having divided utpātas (portents) into three
varieties. Nārada is said to have held the view that one
must always be active. It appears that all these views are
taken from some work or works from Nārada. The first is
probably taken from Nārada’s version of the Manusmṛti of
which the Purāṇas speak as stated above (note 270).

The Introductory prose passages of the Nāradasmṛti
(I. 1–5) are interesting and are therefore set out in the note
below.

For Asahāya, the commentator of Nārada, vide section
59 below.
37. Brhaspati

Brhaspati as a sūtra writer on politics has been dealt with above (section 26). In this section Brhaspati the jurist will be spoken of. The complete smṛti of Brhaspati on law has not yet been discovered. It will be, when discovered, a very precious monument of ancient India, exhibiting the high-water mark of Indian acumen in strictly legal principles and definitions. Dr. Führer collected together 84 verses ascribed to Brhaspati in the legal treatises of Aparārka and others with German translation and notes (Leipzig, 1879) and Dr. Jolly collected about 711 verses of Brhaspati on law and translated them in the Sacred Books of the East (vol. 33).

Yāj. (I. 4-5) enumerates Brhaspati among the writers on dharma, but he is probably referring to Brhaspati’s work on politics. The com. on the Nitivākyamṛta (p. 7) quotes the first verse of Brhaspati’s Nitiśāstra.

We saw above how Brhaspati closely follows the extant Manusmṛti, how he pointedly refers to the text of Manu (notes 345-349) and therefore might by analogy be styled a vārtikakāra of Manu. In many places Brhaspati explains and illustrates the lacunous treatment of Manu. Manu (8.153) speaks of four varieties of interest (Cakra, Kāla, Kārita, and Kāyika), but does not explain these terms. Brhaspati explains them clearly.534 Manu (8.49) enumerates five modes of recovering a debt (dharma, vayavahāra, chala, ācarita, bala) but leaves them unexplained; Brhaspati devotes several verses to the explanation of these terms (vide Kullikā on Manu 8.49). Brhaspati gives elaborate rules regarding partnership. Brhaspati enumerates nine ordeals (of fire, water, poison, balance, kośa, taptamāsa, tandulas, dharmādharma, phāla); while Manu barely alludes to two. Manu devotes only three verses to samvidvyatikrama (8.219-221), but Brhaspati must have devoted at least a score of verses to this topic, as Aparārka alone quotes 17 verses of Brhaspati on this title.

The order in which the topics of law appear in Brhaspati can be settled with tolerable certainty from the quotations in Aparārka, Vivādaratnākara, Viramitrodaya and other works.

534 Vide कूलिका on मन्त्र 8.153: तांत्रिक स्तरप्रामाण्य प्रद्ध्वपतिः। कावीच्छ नाम- संयुक्ता मासमात्राचा न काविच्छ। देवेदेवकृष्णधर्म: कारिता ऋषिनाः हता।
It was as follows:—the four stages of a law-suit, proof (kriyā, human of three sorts and divine), witnesses (of 12 kinds), documents (ten kinds), bhukti (possession), ordeals (nine), 18 titles, nādāna, nikṣepa, asvāmivikraya, sambhūya-samnutthāna, dattapradānika, abhyupetyā-suśrūṣā, vetanasya-anapākarma, svāmipalavīvāda, saṃvid-vyatikrama, vikriyā-sampradāna, simāvīvāda, pārusya (of two kinds), sāhasa (of three kinds), strīsaṁgrahanā, strīpuṁdharma, vibhāga, dyūta-samāhaya, prakīrṇaka (otherwise called ‘nrpaśraya vyavahāra’), wrongs for which proceedings are set on foot by the king).

Bṛhaspati was probably the first jurist to make a clear distinction between civil and criminal justice.535 He divided the eighteen titles into two groups, those springing from wealth (14 titles) and those springing from injury to beings (4 titles). This distinction was probably dimly perceived by even Gautama, when he says that in disputes based on injury there is no hard and fast rule about witnesses (i.e. about their interest in the subject of dispute).536 Bṛhaspati, like Nārada lays down the rule that a legal decision should not be arrived at merely on the basis of sāstra and that when a decision is devoid of reasoning, there is loss of dharma, for even a good man may be held to be a bad one or what is good may be held to be sinful in a judicial proceeding, just as Māṇḍavya was held to be a thief on a decision without thoughtful reasoning.537

535 तदाहु बुद्धसति:। हिसरस्यो यवहारश्च वनहित्रायसमुद्रतथा। हिसामुलबद्विचिच:। वयवहारामातुः कषौतृः। p. 277; vide also Sūtrāč:। (व्य. p.9) ‘पारये हे वयवेच परावस्वत्रियत्रविषय:। हिसामुलवानि चतुरि पदान्वाहु बुद्धसति:।

536 न पीड़िते निबन्धः। गौ. व. सू. 13.9 on which हरदत् says ‘पीड़कर्णेहि हिसामुलविषयः। साक्षराः प्रक्षेपनो न निष्ठ्वः। अर्थसंबन्धादि न किंविद्रिष्टे दृष्टिः। भवति।’

537 कैवल्यं शास्त्रामात्रेऽन कर्मणां हि निर्धनः। युक्तिहीनं विचारं दृश्यतानि:। प्रजायते। चौरोज्जरो विचारितं साक्षात्। जातिं यवहारः। युक्ति विना विचारणं माणवसबोरता गत:। II quoted by अर्गार्थं on यास. II. 1; compare नारदः। (व्यवहारामातुः च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च च

who kept silent, vide Ādirṣya 107.

(Continued on the next page)
Brhaspati gives such elaborate definitions and rules about procedure from the filing of the plaint to the passing of the decree that he can very well stand comparison with modern legislators on the same subjects.

Narada and Brhaspati agree very closely in several respects. For example, both speak of three kinds of proof, four parts of a judicial proceeding, almost the same defects of plaintiffs, four kinds of answer, four divisions of the law of gift and their sub-divisions, five modes of recovering debts, four kinds of sāhasa.

We have seen that Narada departs from Manu in several essential matters. On the other hand Brhaspati follows Manu very closely. But he too differs on some points from Manu, for example, we saw above how Brhaspati dissents from Manu on the question of the divisibility of clothes &c. (note 348). He appears to differ from Manu as to the maximum interest allowed on corn, fruit, wool and beasts of burden.538 Manu and Narada are both silent as to the widow's right to succeed to her deceased husband's estate. But Brhaspati agreeing with Yājñavalkya makes her the first heir of her sonless

(Continued from the previous page)

The story of Māṇḍavya occurs also in Ādi-parva 63. 92–93 and is also mentioned in the Arthaśāstra of Kautilya, IV. 8. 12. The story in the epic differs from that stated in Arthaśāstra which says:

हरयते ज्ञातिरोपि चैरमाय महद्यया सिंधिते चौरवशध्रभाषिष्यासायनोऽयृष्णाय: चौरवाभ्येकुपसारे सा च यथासायन: कम्बप्रेमवधावर: 'चिरोशिस' इति जयान। इन्द्रियो त स भक्तितेषु: पुराणपिदितोरशैवसमलः। अथोमाणव्यं इत्येच किब्युतः स महद्यय:॥ Ādi-parva (63. 92) has खुदे प्रीत: पुराणपिदितोरशैवस्मलोऽपि माणव्यं इत्येच किब्युतः स महद्यय:॥ Ādi-parva 107 gives further details. Thieves kept booty in his dwelling and concealed themselves. The king's officers asked him what way the thieves went. Māṇḍavya remained silent and the king's officers found out the thieves and the booty. So the officers reported the thieves and the sage and the king ordered that all be killed and so Māṇḍavya was was impaled. The story of Māṇḍavya is again referred to in Anuṣāsanaparva 18. 46–50.

538 विद्वानां वृद्धिसिद्धिपुरुष: वक्तुक्रपे। धार्मिकन्तं प्रेतता शदे वाहीं क्वः॥ बुद्धिसिद्धिः quoted by अपराध: on वास्त. II. 39: compare मनु 8. 151.
husband. Br. says 'those who say that clothes and the like are not liable to partition have not bestowed proper thought (on that matter), as rich people might, have wealth largely consisting of clothes and ornaments. This is really a criticism of the Manusmṛti but out of deference for Manu, the reference is impersonal. Aparārka p. 726 (five verses) explains from Brhaspati how to partition these.

These considerations make it clear that Brhaspati is certainly later than Manu and Yāj. It is difficult to state his exact relationship to Nārada. He agrees more closely with Manu than Nārada does, but in some respects such as definitions and the rights of women he shows great advance over Nārada. So he is probably a contemporary of or not much later than Nārada. He employs the word nānakā. He defines a dināra, also called “svarna,” as equal to twelve dhānakas and says that a dhānaka was equal to four anḍikās, an anḍikā being a copper pana weighing a karsṇa and bearing a stamp. This agrees with what Nārada says about dināra. Dr. Jolly (S. B. E. vol. 33 p. 276) assigns Brhaspati to the 6th or 7th century A.D. But this is much later by several centuries than the evidence warrants. Kātyāyana was looked upon as an authoritative writer along with Nārada and Brhaspati by Viśvarūpa and Medhatithi. This position he could not have attained in a century or two. So he cannot be placed later than the 6th century. Kātyāyana in several places quotes Brhaspati as an authority. Aparārka quotes Kātyāyana as saying that, according to Brhaspati, pastures, ways,
clothes that are worn on the body, debts, (or books for use, according to others) and what is set apart for religious purposes should not be partitioned.\footnote{542} Kātyāyana says that, according to Bṛhaspati, that wealth which a man acquires by means of his learning after refuting an opponent in a contest with a stake for the winner is styled “vidyādhana” and is not liable to partition\footnote{543}; and what is acquired through valour \&c. by persons that were taught in the family or learnt under their father should be partitioned among the brothers, according to Bṛhaspati. If a man falsely denies his liability and if only a part of the claim is brought home to him, then he should be made to pay the whole.\footnote{544} That the statement of a witness may be relied upon on a matter under his direct perception owing to his being near the plaintiff and the defendant and not otherwise; so says Bṛhaspati.\footnote{545} The foregoing examples show that Kātyāyana looked upon Bṛhaspati as an authority who must therefore have flourished several centuries before. Therefore Bṛhaspati cannot be placed later than the 4th century A.D. As he knew the extant Manusmṛti, was later than Yāj. and probably than Nārada, Bṛhaspati must have flourished between 200 and 400 A.D. This conclusion is strengthened by the fact that Viṣvarūpa quotes, without making any difference, prose and verse passages of Bṛhaspati and thereby shows that in his opinion the jurist Bṛhaspati (in verse) was identical with the political writer Bṛhaspati and was a very ancient writer in his day. Medhātithi (on Manu 9. 153) quotes the verse “na pratigrahabhūr” (ascribed to Bṛhaspati by others) as Smṛtyantara. Bṛhaspati is

\footnote{542} गोप्रभाराथ राय च वच वधारावऽज़ज़तम्। प्रयोऽक्ष्ये न विभ्रेतं धमांवं च बृहस्पति:॥ वि. र. p. 503 and अप्राणकेन याहि. II. 119 and Kalpataru on Vyavahara p. 680.

\footnote{543} परं निरर्थय यदयं विशाशु। दूतसङ्गम विभ्रेत। विशाशनं हृ तददयानं विभ्रेत।॥ quoted by अप्राणकेन याहि. II. 119; परा. मा. III. 2. p. 559; in Kalpataru (Vyava) p. 677 ‘कुले विनितविद्याम् भातृणा भ्रूतीवधिति वा। शैक्षणं हृ दर्शिते।’ विभ्रेतं तददयानं बृहस्पति:॥ (कलसतहो p. 681).

\footnote{544} समपालयं व: कृत्या प्रियत्वामिनि संबद्धत। सर्ववेद तु दृश्यं स्यादिदित युक्तो बृहस्पति:॥ व्यवहारमात्रका अमुलो p. 311.

\footnote{545} अविद्वयांसनिशानुनुसङ्गमृत्तं बृहस्पति। तद्भागं सांक्षणो वाक्यमन्यथाह बृहस्पति:॥ quoted in the व्यवहारमात्रका of जीमूलो p. 317.
cited in a few cases as referring to his own views in the third person; sometimes he uses the first person also. Nothing can be said about his country at present. In a well-known passage Brhaspati refers to the usages of the southern people, of the people in the Madhyadeśa, of the eastern and northern people. In a striking and beautiful passage Brhaspati compares vyavahāra with yajña, the king with Viṣṇu, the successful party with the sacrificer and the defeated party with the victim, the plaint and the reply to food and the pratijña to the sacrificial offering (prepared from food), the sāstras to the three Vedas and the subhayas to the priests in a sacrifice. Brhaspati seems to have been very fond of such long-drawn metaphors.

The Śmrīcandrika quotes about seventy verses of Brhaspati in the Ānkhika portion and about forty on Śrāddha. In the later works like the Parāsara-Mādhaviya, the Nirnayasindhu and Samskāra-Kaustubha, the number of verses quoted from Brhaspati is much larger than even those quoted by the Śmrīcandrika. Those verses are quoted on such samskāras as puṁsavāna, nāmakaraṇa, caula, upanayana, vivāha and also on āśauca and purification of ḍrayas. Even the Mitāksarā quotes several verses of Brhaspati on matters

546 तांदनं वन्यं च विद्विधच | एवं दश्यं हि श्रुत्कम्यं नाथेयमेवं बुद्धविद्यति | परम. मा. III. I. p. 212; स्मृति 10.
547 एवं दश्य: समान्तां तुषिका मतं | quoted by अपराक्षे on वाहं. II. 211.
548 उद्धृतेन दश्यिताचार्यादुर्लभे सुता हि दिनेत: | भवेदेवे कर्मकर्म: विलिपनात्म गवासिन: | मस्ताकालं नरं: पूवेव व्यविधाररताः: ब्रह्म: | उत्तरे मन्यान्त: नायं, स्तुत्या नूकं रक्षस: | स्तम्भितान्तिक: ( आभिः क्च. 10, Gharpure ), व्यवहारं संविधा: p. 16 भीरे. p. 29, व्य. म. अ. c.
550 e. g. विषेषे ध्रुवद्विधस्पति: स्तन्त्रवात्स श्रद्धारते: | सचिवा: पापपुष्पांगं फलं न्यायिने पालल्ल। यथो: विने स्तन्त्रसो भृगोपयत्नुम्नम: | अजोंयन्त लोकपंक्ति: | क्षेत्र श्वानां जष्णशर्तम् | वीरो p. 14. Compare नारद ( व्य. मा. I. 33 for the second verse ).
other than those of vyavahāra. For example, the Mit. on Yāj. I. 210 quotes a verse of Brhaspati that a nivartana (of land) is equal to 30 daṇḍas in area (daṇḍa being seven cubits in length) and ten nivartanas are equal to a govarna. On Yāj. III. 17 the Mit. quotes two verses of Brhaspati about impurity on birth or death &c. On Yāj. III. 21 the Mit. cites the definition of deśāntara given by Brhaspati. On Yāj. III. 24 the Mit quotes Brhaspati's opinion that the period of mourning on the death of one's maternal grandfather, acārya or ūcrtiṇya is three days. On Yāj. III. 253 the Mit. quotes Brhaspati's rule as to prāyaścitta for consciously drinking wine. Vide also Mit. on Yāj. III. 30, 250, 254, 260, 290 for other quotations from Brhaspati.

The foregoing, therefore, establishes, that Brhaspati was known at least to the Mit. and later writers as an expounder in verse not only of vyavahāra but also of other topics of dharma as well. As over a thousand verses of Brhaspati (including about 800 on Vyavahāra) are quoted it appears that his work must have been an extensive one comprising several thousand verses. Such a work of Brhaspati has yet to be recovered.

The Mit. on Yāj. III. 261 quotes a Vṛddha-Brhaspati on the nine varieties of saṁkara. Kulluka on Manu (9. 181) cites a verse of Vṛddha-Brhaspati about the eleven subsidiary

551 संहिलेन द्वेष त्वदा निवर्तनम् । द्वार तांवेष गोवर्म दच्चव स्वंग महीन्ये ॥ A similar verse occurs in the ūdhyāntasūtṛa (Jivananda, part I. p. 645 where the reading is द्वाहिलेन ).

552 महानवन्तृः यदि मित्रया व्यवहारः । वचो यत्र विभिन्नते तदौ देशान्तर- मुच्चयेत ॥ देशान्तरं वदन्वेष होपयोजनान्यतद् । चतवासिद्धस्वर्थः विभास्ये त्वेव च ॥

553 सुरापने कामयते ज्वलन्ति तां विनित्येष्वः । सुखे तत्र विनित्येष्वे मृतः हुद्ध्रव्यावनुसारः ॥

554 यथो यदृच्छुःस्प्राय: । एकश्च्याम्यानि पद्मभ्राण्युक्तालमितीष्मम् । ज्ञानायापने गौतमस्था च सह भोजनम् । नवर्गः संहरः । प्रोज्तो न कंपायस्थः: सह ॥

These are ascribed to Vṛddha-Brhaspati by Mit. on Yāj. III. 261, by Aparārka on p. 1086 (with slight variations) and by Smṛti- candrikā (Āhnikā p. 10, Gharpure) and Gr. R. p. 587 (as Brhaspati's).
sons (vide note 346 above, where the verse is ascribed to Brhaspati). Hemādri (Caturvarga, vol. III, part 2, p. 472) quotes a Jyotir-Brhaspati on the prohibition of śrāddha on the thirteenth tithi of the dark half. Aparārka on Yāj. II. 3-4 quotes three verses from Vṛddha-Brhaspati about the derivation of the word ‘prād-vivākā’ and one on the punishment for sabhyas who take bribes. Three of these verses are ascribed to Brhaspati in the Parāśara-Mādhaviya and other works and one of them to Kātyāyana in the Vyavahāra-mātṛkā.

After the publication of the first volume of ‘the History of Dharmaśāstra in 1930’ and the publication in 1933 by the present author in a book-form of the verses of Kātyāyana (with English translation and notes) on law and judicial procedure (originally contributed to a Journal on Hindu Law), the late Prof. K. V. Bangaswami Aiyyangar came to me in 1934, when I gave him a copy of the reconstruction of Kātyāyana. He asked me to attempt a similar reconstruction of Brhaspati. As I had by that time decided to bring out a large history of Dharmaśāstra, I refused to undertake what he suggested and asked him to make the attempt himself. He undertook the work of reconstructing Brhaspati’s Smṛti and published it in 1941 in the well-known Gaekwad’s Oriental Series (Baroda). That is a bulky volume in 732 pages. He not only collected the verses attributed to Brhaspati on law and judicial procedure but also on other subjects. He arranged them in seven parts: (1) on Vyavahāra in pp. 1-228 arranged in 29 chapters, (2) on Saṁskāra (pp. 231-308), (3) Ācāra (pp. 309-325), (4) Śrāddha (pp. 326-351); (5) Āśāuca (pp. 352-364); (6) Ājñad-dharma pp. 365-372); (7) Prāyaścitta (pp. 373-386). Besides a Preface, a list of Sanskrit works drawn upon or referred to in the footnotes, an Index in Sanskrit of the topics dealt with (pp. 17-69), he contributed a learned and exhaustive English Introduction (pp. 71-186) and an alphabetical (Sanskrit) Index of quarters of the verses included in the section on Vyavahāra (pp. 387-459) and another Index of half-verses on sections other than Vyavahāra (pp. 460-492); he also gives a list of additional texts found after the work was sent to the Press (pp. 493-499), a list of authors and works cited in the text of Brhaspati, additions to footnotes (pp. 502-536) and lastly a comparative statement of verses translated by Dr. Jolly (in SBE Vol. 33, 1889) and in the work that he
collected and edited. This work is a laborious performance. It should have been accompanied by an English translation and notes on difficult passages. I have, however, to differ from it in some places and am further obliged to say that, in spite of all the labour he bestows, he some how failed to notice some verses and prose passages of Brhaspati as having been mentioned by Visvarūpa and others. Dr. Jolly (in S. B. E. vol. 33) collected and translated 717 verses of Brhaspati on ‘Vyavahāra’.

Prof. Aiyangar on p. 73 of his Introduction states that Dr. Jolly published an English rendering of 697 Ślokas on Vyavahāra attributed to Brhaspati. To me it is not clear how he arrived at the smaller figure of 697. Probably there is some mistake in making the total of the verses in the 27 sections of the translation. Prof. Aiyangar further says (on p. 73 of the Introduction) that the number of Ślokas (including under the term a few passages in prose) dealing with Vyavahāra is 1372, nearly double the number collected by Dr. Jolly.

Dr. Jolly rightly says at the beginning of his Introduction to the translation of Brhaspati’s verses ‘the fragments of Brhaspati’ are among the most precious relics of the early legal literature of India.

Aparārka (on Yāj. II. 151 pp. 761–62), Kalpataru (on Vyavahāra on pp. 450–51) and Smṛticandrikā (Vyavahāra, p. 234, Gharpure) contain 8 or 9 verses of Brhaspati about the loss or gain of lands by the change in the courses of rivers or when a king grants lands from one village as situated in another.

The Vyavahāranirnaya of Varadarāja cites a verse (on p. 132) as Brhaspati’s in the work called ‘Paṅcādhyāyī’ and again (on p. 357) simply a verse in ‘Paṅcādhyāyī.’ It is possible that Paṅcādhyāyī is an independent work in which Brhaspati was quoted or it may be that Paṅcādhyāyī is the name of the work of Brhaspati himself.555

555 The मित्र, on या. 1. 310 states ‘गोचरमयस्य च वृहस्पतिना दर्शितम्। सत्तहस्तेन दच्छेद विश्राहुन्य निर्थनम्। दस तान्येव गोचरे दत्तवा स्वयं महायते।’ इति।; अपराके शास्त्रे (on p. 336) from the मस्य्युराण ‘दच्छेद सत्तहस्तेन विश्राहुन्य निर्थनम्। विभागहीनं गोचरे मानसह । प्रजापति।’” (Continued on the next page)
Prof. Aiyangar says (on p. 493 of his reconstructed Brhaspati) that certain passages (both nir. prose and verse) attributed to Brhaspati in different Nibandhas were noticed by him after the text had been sent to the press and then sets out only two passages in prose from Visvarupa's BalaKirida. The commentary of Visvarupa was published at Trivandrum in two parts, the first in 1922 (on Yay. I and II, deera and vyavahara) and the 2nd in 1924 (on Prayascitta). He began to collect materials for the reconstruction of Brhaspati after 1934. Therefore, he could have secured many more prose passages attributed to Brhaspati by Visvarupa. I set out a few more prose passages of Brhaspati from Visvarupa's commentary alone. They are ten in all, most of which refer to Vyavahara.556 Visvarupa also quotes five verses of Brhaspati.

(Continued from the previous page)

This is quoted by Aparaksha on p. 1225 from Marapuran and on the same page he quotes Brhaspati as 'Dasasmita vraja dasavarga: samantha: I

Padma Narayana Prakritdevalocharanam

Prof. Aiyangar quotes Hemadri first and it is not clear why he does not mention the Mit. and Aparaksha first and why he should not have made a reference to the verses of Yay. instead of referring to pages of some edition which many readers might not be able to get. Abh Padmaparvata


556 (1) Shriyagvati su sindooranjaparvinaI. Abhame skrocchata. Adbhoota-

kritvani srutaII on ya. II. 38; (2) Pancharaharipustanam purvaivamayothasa-mahamandrya tadvamayo kambhojaya sriyagvatiII on ya. II. 47; (3) Pancharaharipustanam kambhojayaII on ya. II. 39; (4) Upanishad vipsatanubhavasya pun: pratibhutaI on ya. II. 55; (5) Abhame: tane gargya harvadhatusya kundvikritivar ch. tane kundvikritisyaII on ya. II. 138; (6) Kama: ushvarojaughya ushvarojaughya smaranantara: sruta: vitarso dasaII on ya. II. 139; (7) Rajya kshetra uttha chadhukratavasaharitasvarvamaniyatamattarvarvam bhuvanaikti pariprakaritaII on ya. II. 154; (8) Yadi indro netara srutaII (Continued on the next page)
which have been noticed by Prof. Aiyangar. He, it appears, regards the quotations in prose and verse as belonging to the same author. In one prose quotation Brhaspati is mentioned by name as stating a certain proposition. It is possible that Viśvarūpa regarded that all quotations (both prose and in verse) are to be attributed to one author. One cannot dogmatise on such a point. But it is quite likely that the author of the verses was different from the author of the Sūtras quoted by Viśvarūpa.

Prof. Louis Renou of Paris contributed to volume VI (1962) of the Indo–Iranian Journal (Publishers, Moulton and Co., the Hague) pp. 81–102 a learned paper (in French) on the edition of the fragments of Brhaspati (collected) by Prof. K. V. Rangaswami Aiyangar. It is not possible to mention here for reasons of space even the most salient points of his criticisms against Prof. Aiyangar’s edition of Brhaspati. On p. 83 note 2 he observes that Prof. Aiyangar has not made use of P. V. Kane’s learned edition of the fragments of Kātyāyana with translations and points out that the word ‘nāṣṭika’ which is explained in H. of Dh. Vol. III pp. 464–5 and the incidents of the sale by a finder of an article lost by the owner (in Kātyāyana 622–623) are not set out by Prof. Aiyangar. It is unnecessary for the present author to dwell on the omissions pointed out by Prof. Renou in Prof. Aiyangar’s work, which latter simply collects passages with enormous details about the works and pages where the verses of Brhaspati occur with hardly a word of explanation anywhere.

An interesting point, with reference to the collections of verses quoted as from Brhaspati or Kātyāyana, the original Smṛtis of which are not now available, is the confusion

(Continued from the previous page)
caused by the same verse being cited as from Brhaspati or Katyayana or Narada or Manu (both the latter Smrtis being available in printed editions). A few striking examples are cited (in the footnote). Some verses are attributed to both Brhaspati and Katyayana (and sometimes to three viz. Nar., Br., Kat., or Manu, Br. and Kat.).

557 (1) Pratistha-viirmukha sarva-satkaranisthitam. litihtnt laikadishya pary upakarihitam. pav. vishnuh cintas without name on Yaj. II. 6; tvam. m. p. 291, krtvatah (vishvah p. 61 ascribes to bhuh. and kalyano). aparayak p. 610, srutich. (tvam. p. 30) and para. m. III. p. 61 ascribe to bhurosattva.

(2) Tatipahi nasu kemkarike vrdhyesen kareyate. mavarayamahariva caev svarn kamparakarastu. tvam. m. p. 281 ascribes to both bhurosattva and kalyano, and bhuvan p. 30 to bhuvah. tvam. m. p. 12 to bhuvah. It occurs in kritinasik I. 19, 32.

(3) Lekshyemahattu yhe kamakshaa karya ca ve smruh. va ekadevi nasu krtvahp parehat. tvam. m. p. 83 ascribes to kalyano; aparayak p. 672, bhuvah p. 164, tvam. m. p. 39 (to bhuvah).

(4) Abhitya samitvamah va prabhuprahitamah va. yatra varvah artho varvah-prajnayo. aparayak p. 639 ascribes to kalyano, tvam. m. p. 287 to nara and kalyano.

(5) Anu-naksatramah paryo vartamah. tvam. mahabhishyam tathapi nithinam dharmam c sah. tvam. on yaj. II. (170 ascribes to manu); srutich. (tvam.) p. 215, vib. r. p. 108, tvam. m. p. 197, bhuvah p. 381 ascribes to kalyano.

(6) Bomejanamahinahatah bhanu-pratishthahas. vartamah paryo varvahartho vijnanta-kareyate. aparayak p. 783 ascribes to kalyano; s. vib. (sarvabhuvanah vijaya p. 287 to nara). This is mnu 8, 165.

(7) Aahanty sakritya: puratraahyamah daryayeshaswam. sampatma-dipatubhara-samakhyad kirtvah. vib. on yaj. II. 73 ascribes to kalyano; aparayak ascribes to nara.

(8) Sahu-labhanyasvaghyah khyahapad vah ca yah. bhumah ca paryah khyatekalevyam bhurosattva. krtvah (tvam. p. 67) ascribes to both kalyano and bhuvah, and para. m. III. p. 171 ascribes to bhuvah.

(9) Samjyayam viimah: puratraahyamah paryaahitam. naskyasvaghyaritamah samakhyatvam viimay. vib. vib. to aparayak. p. 650, vib. r. p. 51, vib. vib. p. 16, para. m. III. p. 263. In the Introduction to my edition of the reconstruction of kalyayana I have (on pp. VIII-X) pointed out many verses that are common to kalyayana, Brhaspati, Narada and Manu.
38. Kātyāyana

Nārada, Brhaspati and Kātyāyana form a triumvirate in the realm of the ancient Hindu Law and procedure. The work of Kātyāyana on Vyavahāra, like that of Brhaspati, has yet to be recovered. After the first volume of H. of Dh. was published in 1930, I contributed to a Law Journal in Bombay a collection of Kātyāyana’s verses gathered from quotations in 21 works and later (in 1933) published in a book form 973 verses of Kātyāyana with English translation, two Appendices and a General Index (in all 372 pages). Later on Prof. K. V. Rangaswami Aiyangar contributed a paper to the Kane Festschrift (pp 7–17) embodying 121 additional verses of Kātyāyana from the work called Vyavaharaniṣṇaya of Varadaraja (which he published in 1942 as No. 29 of the Adyar Library series).

Kātyāyana is enumerated as one of the expounders of dharma by Śaṅkha-Likhita, Yājñavalkya (I. 4–5) and Parāśara. A Kātya is quoted as an authority in the Baudhāyana-dharmasūtra (I. 2. 47). A Ārta-śatrasūtra and Śṛaddhalakalpa of the white Yajurveda are ascribed to Kātyāyana.

Kātyāyana appears to have taken Nārada and Brhaspati as his models in the order and treatment of the subjects to be dealt with on vyavahāra. He closely follows both the writers in terminology and technique. On several points he presupposes Nārada and expounds and elucidates the latter’s dieta. For example, Nārada (Intro. chap. I. 10–11) lays down that Vyavahāra has four pādas, each later one prevailing, viz. dharma, vyavahāra, caritra, rājasāsana (note 361) and then Nārada very briefly in one verse explains these four terms; Kātyāyana, on the other hand, devotes at least nine verses to the elucidation of the rule as to each succeeding one prevailing over its predecessor.558 Nārada contains very little on the topic of stridhana (dayabhāga chap. verses 8–9). He merely enumerates the six kinds of stridhana and then lays down the rule of succession. Kātyāyana’s treatment of stridhana has attained classical rank. It appears that he was probably the first to carefully define the several kinds of stridhana (such as adhyagni, adhyāvahanika, pritidatta, śulka, anvādheyā, saudāyika), to lay down woman’s power of disposal.

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over the several varieties of stridhana and to prescribe lines of devolution as to stridhana. The verses on this topic occurring in the nibandhas number about thirty. The leading nibandhas contain only a few quotations from Brhaspati on stridhana. Hence it may be surmised that Kātyāyana probably was the first smṛti writer to give elaborate rules on this topic.

It has been already shown how Kātyāyana often quotes the views of Brhaspati. A few more examples may be added here. According to Brhaspati, says Kātyāyana, when a man who stands surety with others on a joint liability goes abroad, his son would have to pay the whole debt, but if the man dies then the son would be liable for his father’s share only.550 When cattle stray into fields, gardens, houses or cowpens, they may be, according to Brhaspati, caught hold of (by the ear &c.) or beaten.560 According to Brhaspati, a man of the ksatriya, vaisya or śūdra caste may employ one of his own caste to do the work of a dāsa (slave or serf), but even a Brāhmaṇa could never employ another Brāhmaṇa in the same way.561

More than 21 nibandhas on Vyavahāra quote about 1100 verses of Kātyāyana on vyavahāra, the Smṛticandrikā alone citing about 600 of them. In these verses Kātyāyana refers at least a score of times to the views of Bhṛgu. It is remarkable that only a few of the views ascribed to Bhṛgu are found in the extant Manusmṛti. Kātyāyana says, according to Bhṛgu, whatever (ancestral) wealth was concealed by one coparcener from others, whatever was badly divided should be divided in equal shares when afterwards discovered (Parāśara-Madhaviya III, p. 566). This may well be compared with Manu 9. 215. Kātyāyana says, according to Bhṛgu, it is not Brāhmaṇa-murder to kill an ātātāyin who is foremost by his austerities, learning and caste. This has in view Manu

559 एकर्ष्यायापिते सर्वे दशान्तु प्रौढः पुतः। मृते पितारिव पितृवं शरणं न बृहस्पतिः। परं मा. III, p. 251.

560 क्षत्रारम्बिततु गृहेः पुष्पारदिः। प्रहणे तन्त्रविद्यानां ताहने वा बृहस्पतिः। वि. र. p. 241.

561 क्षत्रविद्यारम्बिततु समवर्णं कषाचन। कार्येदा दस्तकर्माणि ब्राह्मणं न बृहस्पतिः। वि. र. p. 152.

h. d.—63
8. 360. Kullūka distinctly says that Kātyāyana simply explains the verse of Manu by referring to it as Bhṛgu’s. On the other hand, there are several places where the views ascribed to Bhṛgu find no counterpart in the extant Manu. Bhṛgu seems to have been a predecessor of the author of the extant Manusmṛti since it mentions (III. 16) the view of Bhṛgu. The Mit. on Yāj. III. 292 quotes a verse of Bhṛgu. Viśvarūpa also quotes a verse of Bhṛgu on Yāj. I.79 and another on Yāj. I.187, both of which are not found in the Manusmṛti. Aparārka quotes in all four verses of Bhṛgu (on pp. 58, 461, 547, 696). The Smṛticandrika, after dilating upon the two superior places cited by Manu (viz. the king or a judge appointed by the king where disputes are decided) quotes three verses of Bhṛgu which refer to 15 inferior tribunals for decision in some special matters. The Smṛticandrika also quotes several verses of Bhṛgu on Śrāddha, two of which are interesting and indicate that the Bhṛgu it quotes is a much later writer than Manu, as they refer to the position of the Sun in rāḍīṣ (signs of the zodiac).

According to Bhṛgu in all sāhasas of the worst type the truth should be found out by means of divine proof (ordeals &c.) even though there may be witnesses. There is nothing in the Manusmṛti corresponding with this. According to Bhṛgu the ordeals of balance &c. are prescribed for those who are suspected to be in league with marauders and who have

561a  दार्शनानि वादानि पश्च धृतार्कविन्ध्यमुः । निर्णयं इत्य गच्छन्ति विवादानि प्रायः वादनः । आर्य्यास्तु स्त्राकः कुर्यः सार्थिकः सार्थिकस्याः । सैनिकः सैनिकेऽवर्मापुमत्राशिष्यः ॥ (and two more verses) quoted by स्यूतिः (व्यवह्र०) p. 18.

एकराशिस्थिते सूर्येऽया यदा दिब्यदुः क्षेत्रं । ह्यवयक्तिवाहिन्ता तदस्त्रियोऽथ-पिमासकः ॥ सुद्रस्याः तथा सोममन्नाथोऽह्यं महाल्पश्च । राजाभिषेकः काम्यं च न कुश्याङ्गाबल निषेधते ॥ स्यूतिः (व्यवहरा) p. 370.

ख्यः । येशु पापेऽविवाहिनि प्रतिविपणिनि यत्नः । कारोत्सज्जनानि नाभिकल्यहेन्द्रेऽनुः ॥ ख्यः q. by अर्कार्क p. 666 reads प्रतिद्वेषानि ।

562 उत्कमेऽच संवेधः साहसी विचारयेद । सद्यंवं दिश्यिते सत्य साक्षियं वै ख्यः ॥ पर. मह. III. p. 90.
incurred popular censure, but in such cases there is no undertaking (by the complainant to pay fine). The Manusmṛti has not a word on this point. Household paraphernalia, beasts of burden, cattle, ornaments, slaves should be divided when discovered; if they are (alleged to be) concealed, the ordeal of koṣa should be resorted to; so says Bhrgu. Another important circumstance that deserves to be noted is that Kātyāyana several times refers to the views of Manu. Kātyāyana says that the view of Manu was 'In those disputes (or crimes) for which ordeals are forbidden (to be administered to perpetrators) the king should make efforts to have them performed by good men on their behalf (if available); he should not abandon the person charged (without testing his guilt by proxy)'; this is the view of Manu. According to Manu, if a woman deserted her son, though he may be able (to pay), her strīdhanas should be seized and the paternal debt should be paid thereout. Manu declared, says Kātyāyana, that if animals be killed, the offender should offer (to the owner) another similar animal or its proper price. All these views attributed to Manu by Kātyāyana are not found in the extant Manusmṛti. In certain places Kātyāyana refers to the views of the Mānavas; e.g., according to the Gārgiyas and Mānavas if a bribe had already been paid, the person receiving it should be made to repay it and should be fined eleven times as much; according to the Mānavas thieves caught red-

563 लोकान्तरुद्धाराः श्रंखलानां न द्विपुष्टं। दुतोदिन नियोजयानि न शिरस्त्र

564 गृहोपसर्ववासाः शिरामारणकर्मणि। द्विपुष्टमना विभद्यान्ते कौशः गुढवेणिनमनुः। अपराक्रम p. 723 and Para. Man. III, p. 557.

565 एक् बर्दिषु दिश्ययानि प्रतिविद्यानि यस्तस्त:। कार्यविज्ञानेनन्त्यानि नाभिस्वस्तः। यथेनमनुः। अपराक्रम p. 696 who ascribes it to भृगु। The तीव्रातन्द reads तीज्जसा:।

566 या खपतुः स ज्ञातानि समर्थयोग्यपुर्विनां। आद्वत्रोपनं तत्र विद्ययथो:। श्रोत्यायनमनुः। चिर. p. 65.

567 अव अपनेव देश स्यायतिदृष्टस्यता बलन्त। दशः चैवक्रियाद्विग्नमाहुरगांविन-मानव। अपराक्रम p. 782; चिर. 626 (which reads आपमानवाः।).
handed with their booty should be at once banished.\textsuperscript{568} As regards both these references, the teaching of the Manusmṛti seems to be different; vide Manu 9. 231 and 270 respectively. These facts about Kātyāyana’s references to Brhgu and Manu raise several difficult questions, whether Brhgu and Manu stand for two entirely different works or for the same work and whether he refers to some other version of the Manusmṛti ascribed to Brhgu. In my opinion he is not referring to two separate works, and that he had before him a version of the Manusmṛti promulgated by Brhgu but somewhat different from and probably larger than the present Manusmṛti.

In the \textit{nibandhas} several verses are ascribed to Kātyāyana along with Manu, Yājñavalkya and Brhaspati. For example, the well-known verse about the sixfold division of strīdhana (adhyagnyadhyāvahānīkam &c.) is ascribed by the Dāyabhāga to Manu and Kātyāyana. The half-verse “varṇānāmnāmulomyena dāsyam na pratiolomataḥ” is the same in both Yājñavalkya (II. 183) and Kātyāyana. The Viramitrodaya (p. 140) ascribes a verse to Brhaspati and Kātyāyana, in which the opinion of Brhaspati is cited. There is very close agreement between the definitions proposed by the two last writers of dharma, vyavahāra, caritra, and rājaśāsana. Besides Manu (or Mānavas), Brhaspati and Brhgu, Kātyāyana cites the views of several other writers on dharma. For Gārgyas and Gautama vide notes 567 and 568. He says, according to Kauśika, powerful robbers were to be guarded by chains of iron, were to be low-fed and were to undergo hard labour for the state till death (Aparārka p. 849). He quotes the view of Līkhitā that where a woman is deprived of food, raiment and dwelling (by her husband’s coparceners) she would be entitled to demand her own (strīdhana) and a share from the coparceners. In one case (Aparārka p. 755), a verse is cited as Kātyāyana’s in which Kātyāyana himself is named (Parāśaramadhaviya III. p. 235).

Kātyāyana contains the same advanced views about law and rules of procedure as are found in Nārada and Brhaspati.

\textsuperscript{568} मानवा: सय एवालूः सहीद्यानि प्रवासनम् 'पोतमानानां वर्ततमुच्छेदङ्ग्रही-गतिनम् II वि. र. 332. It is not unlikely that the correct reading is प्रमाणं for प्रवासं, as the immediately following view of शौलय suggests. The words of मनु are सहीदं संपकरणं चालवेदतविचारयम्.
He is even in advance of these two writers in certain matters, such as definitions in general and the elaboration of rules about strīdhana. He gives numerous definitions, such as those of vyavahāra, prājīvīvāka, stobhaka, dharmādhikarāṇa, tīrītīa and annūśīṣṭā, sāmanta &c. He seems to have been the first to invent some new terms. For example, he defines paścātkāra as a judgment given in favour of the plaintiff after a hot contest between the plaintiff and the defendant, while the term jayaputra is restricted by him to the judgment given on admission by the defendant or a judgment dismissing the suit on various grounds. He lays down a stringent rule that if a man abandons a ground of defence or attack and puts forward a less cogent one, he would not be allowed to put forward again the stronger ground after a decisive judgment of the court. This resembles the 4th explanation to section 11 of the Indian Civil Procedure Code (1908) about res judicata. The verses about kārsāpaṇa and dināra quoted above (note 368) from Nārada (parīśīṣṭa verses 58–60) are ascribed to Kātyāyana by the Sṛṇta-śāstras.

The date of Kātyāyana can be settled only approximately. He is certainly much later than Manu and Yājñavalkya. As shown above he presupposes Nārada and regarded Brhaspati as a very leading authority on vyavahāra. Hence his upper limit is the 3rd or 4th century A.D. Viśvarūpa quotes eight verses as Kātyāyana's by name (vide on Yaj. II. 5, 6, 47, 63, 281) on such topics of Vyavahāra as the defects of the plaint, the contents of the plaint, the liability for the debts of a deceased person, payments of debts of honour ( satyāṃkāra ), punishment for abortion, grievous hurt and homicide of a brāhmaṇa woman. Medhātithi (on Manu 7.1) ascribes to Kātyāyana the rule that in case of conflict between the dictates of dharmaśāstra and arthaśāstra the king should prefer the former. Medhātithi on Manu (VIII. 216) speaks of Kātyāyana-sūtra, appears to quote a portion

569 निर्देशस्तु किया यथा प्रमाणेन्त्र वादिना । पश्चात्कारीं भवेत्रत्र न सवासु विशेषते ॥ अन्यवादाहित्रनेष्वं इत्यर्थं प्रदेयभन्मेऽः । दुरागुववादसिद्धं तत्च स्थानपरकः ॥ स्मृतिः, टोड्हाराम, वीरे।

570 किया वाल्की मुखर्व दुल्लालो योगवस्तु । स जाववृहत स्वयः पत्नी नामुलाद्यथः कियान। ॥ मिति ॥ on याज्ञ. II. 80; व्य. म. p. 251; वीरे p. 108.
of it in prose and explains it. Medhātithi says that Kātyāyana extended the maxim of the trader carrying merchandise (bhāndavāhā-vaṇīk maxim) to all similar transactions. All known quotations of Kātyāyana are in verse. When Medhātithi speaks of a sūtra and quotes a portion of it (as “vā” and “ītī” after “nivarteta” indicate) in prose, we must either suppose that he is referring to some other work of Kātyāyana than the one in verse from which hundreds of verses are cited by other writers or that Kātyāyana’s work on vyavahāra also contained some prose passages. As hardly any other writer quotes a prose passage of Kātyāyana on vyavahāra, the second alternative appears somewhat unlikely. Viśvarūpa and Medhātithi regarded Kātyāyana as an authoritative smṛtikāra along with Nārada and Brhaspati. This position he could not have attained in less than a few hundred years. Therefore, the lowest limit to which Kātyāyana can be assigned is the 6th century. Hence it may be said that Kātyāyana flourished between the 4th and 6th century A. D.

The Vyavahāramātrkā (p. 307) quotes a Brhat-Kātyāyana on the question of proof. The Dāyabhāga mentions a Vṛddha-Kātyāyana. The Sarasvativilāsa also quotes verses of Vṛddha-Kātyāyana on rescission of purchase and other topics (p. 320). In the present state of our knowledge it is very difficult to say whether these two are different works. The Caturvarga-cintāmaṇi (vol. III, part 2, p. 657) speaks of Upakātyāyana. Aparārka on p. 485 quotes a verse from śloka-Kātyāyana which is not found in the Karmapradīpa (Jivananda’s ed.), but appears to be a summary of a prose passage quoted as Kātyāyana’s immediately before by Aparārka.

In Jivananda’s collection of smṛtis (part I, pp. 603–644) there is one of Kātyāyana in three prapāṭhakas and 29 khaṇḍas and about five hundred verses. The same work is printed as Gobhilasmṛti in the Ānandāśrama collection (pp. 49–71). It contains also a few prose passages in the 12th, 13th and 14th khaṇḍas. The prevailing metre is Anusṭubh, a few verses being in the Indravajrā and other metres. The

571 ‘श्रेष्ठो: काश्चिन्दमीणि धनमाध्यं अर्जितं निनिष्टेति कालाधिभिष्बे सुने धनमाध्यं आत्मव्यं धनव्यं कारिष्ठि यदि अर्जितं निनिष्टं सोवि तदवहिंद्र-लब्धः II’
work is styled the Karmapradīpa of Kātyāyana. The opening verse justifies this name when it states that like a lamp the work will clearly show the mode of performing certain rites treated by Gobhila and other rites which are not clearly elucidated. The contents of this work are briefly as follows:—how to wear the sacred thread; sipping water and touching various limbs with water; the worship of Gaṇeṣa and fourteen mātrīs in every rite; kuṇas; śrāddha details; consecration of sacred fires; details about uraṇīs, sruc, sruva; rules about cleansing the teeth and bathing; sandhyā; prāṇāyāma, muttering of Vedic mantras; tarpana of gods and manes; the great daily yajñas; who is to offer śrāddha; rules about periods of impurity due to death; duties of wife; śrāddhas of various kinds.

The Karmapradīpa mentions by name several authors. It very frequently cites the views of Gobhila (pp. 603, 626, 638) and Gautama (pp. 619, 620, 626, 630, 636, 639). The Karmapradīpa as the opening verse says is intimately related to the Gobhila grhyasūtra. It distinctly says that as Gobhila did not dilate upon the details as to time and procedure of goyajña and vajiyajña, Kātyāyana dilates upon them. This is borne out by the Gobhila grhyasūtra another passage of Kātyāyana about the Aṣṭakās is based upon the very words of the Gobhila-grhya. Frequent reference is made to the views of Vasistha on the worship of Mātrīs (p. 605), on śrāddha (pp. 608, 625). Vide also p. 642 (28.16). Among the other authors named are Nārada on the sticks for danta-dhāvana (p. 615), Bhārgava (probably Uṣanas) on p. 640,

572 अनुसारे गीतिकामनापमेंष्म विवक्षामात्र। अस्तानि स्त्रियो सम्प्रदाश्विशिष्या

573 Vide p. 638 verses 1-11 of 26th khaṇḍa and compare with Gobhilagṛhyasūtra III. 6. 10-15 (मेनेण्ड्रकालु, मेनेंकालु, मेनेन्कालु, मेनेण्ड्रकालु, मेनेण्ड्रकालु, मेनेण्ड्रकालु, मेनेण्ड्रकालु, मेनेण्ड्रकालु, मेनेण्ड्रकालु, मेनेण्ड्रकालु, मेनेण्ड्रकालु, मेनेण्ड्रकालु, मेनेण्ड्रकालु)

574 यत्र शाक्तिको होम: कार्यपापाध्यक्ष:। अत्यन्तयो मध्यमायायिते गीतिकामनामात्र। अन्तर्ज्ञयो मध्यमायायिते गीतिकामनामात्र। विषयान्तर्ज्ञयो मध्यमायायिते गीतिकामनामात्र। अत्यन्तयो मध्यमायायिते गीतिकामनामात्र। अत्यन्तयो मध्यमायायिते गीतिकामनामात्र। अत्यन्तयो मध्यमायायिते गीतिकामनामात्र। अत्यन्तयो मध्यमायायिते गीतिकामनामात्र। अत्यन्तयो मध्यमायायिते गीतिकामनामात्र। अत्यन्तयो मध्यमायायिते गीतिकामनामात्र। अत्यन्तयो मध्यमायायिते गीतिकामनामात्र। अत्यन्तयो मध्यमायायिते गीतिकामनामात्र। अत्यन्तयो मध्यमायायिते गीतिकामनामात्र। अत्यन्तयो मध्यमायायिते गीतिकामनामात्र। अत्यन्तयो मध्यमायायिते गीतिकामनामात्र। अत्यन्तयो मध्यमायायिते गीतिकामनामात्र। अत्यन्तयो मध्यमायायिते गीतिकामनामात्र। अत्यन्तयो मध्यमायायिते गीतिकामनामात्र। अत्यन्तयो मध्यमायायिते गीतिकामनामात्र। अत्यन्तयो मध्यमायायिते गीतिकामनामात्र।
Śāndilya and Śāndilyāyana on p. 626. Kātyāyana is named in several places (pp. 624, 627, 638) and once the first person is used (as in “mamāpyetād hṛdi sāhītam” p. 643). The Kātyāyanasmṛti quotes the verse of Manu (III.70) on the five great yajñas. On p. 633 four verses forming the consolation to be offered to the relatives of a person departed are the same as Yāj. (III.8-11) and one verse in the same context occurs in the Mahābhārata (Śāntiparva 27.31 and other places). On p. 631 Kātyāyana speaks of Rāma having performed yajñas taking as his spouse the golden image of Sītā.

The question is:—what is the date of this Kātyāyanasmṛti (Karmacāndrapā) and whether it is the work of Kātyāyana the great jurist. The Mit. (on Yāj. I. 254) quotes a verse as Kātyāyana’s which occurs in Jīvananda’s text (p. 624 verse 29); similarly the Mit. quotes two verses as Kātyāyana’s (on Yāj. III. 247) which have a place in the Karmacāndrapā (Jīvananda p. 634 verses 4-5). Scores of verses cited as Kātyāyana’s by Aparārka (on ācāra and prāyaścittta) are found in the Karmacāndrapā. For example, vide Aparārka p. 43 (three verses) and Karmacāndrapā (p. 605, 1110-12), Aparārka p. 51 (three verses about samuḍdha) and Karmacāndrapā (p. 613, 8.17-19), Aparārka p. 135 (four verses about bathing in rivers) and Karma. (p. 615, 10.5-7 and 14), Aparārka p. 532 (four verses on śrīdhṛta in which Kātyāyana himself is cited as an authority) and Karma. (p. 624, 16.16-19), Aparārka p. 872 (six verses) and Karma. (21.2-7 p. 632), Aparārka p. 1066 (three verses about an apniḥātrin being guilty of mahāpātaka) and Karma. (23.4-6 p. 634). The Smṛticandrika also quotes profusely from Kātyāyana on ācāra, śrīdhṛta etc. and cites from the Karmacāndrapā by name passages which occur in Jīvananda’s edition. The above references show that in the eyes of the Mitāksarā and Aparārka the Karmacāndrapā was an authoritative work. Therefore, it follows that it must have been composed long before the 11th century A. D. It is, however, remarkable that several quotations ascribed to Kātyāyana in the Mitāksarā, Aparārka and other works are not found in the Karmacāndrapā. For example, the Mitāksarā (on Yāj. III. 242) cites Kātyāyana’s

575 संवेद श्चाय निच्छया: पतनान्तः समुच्चया:। संयोगा चिन्मयोऽगान्तं मरणान्तं
हि जीवितम्॥
verse about five varieties of lapses in conduct viz. mahāpātaka, atipātaka, pātaka, prāsaṅgika, upapātaka and on Yāj. III. 260 quotes a verse of Kātyāyana about what are atipātakas. These are not to be traced in the Karmapradīpa printed by Jivananda. Similarly, Aparārka (pp. 94–95) quotes three verses of Kātyāyana that are very interesting but are not found in Jivananda’s edition. Later works like the Nirñayasindhu, the Saṃskāramayūkha, the Madanapārājyā quote numerous verses of Kātyāyana on upanayana, marriage and other saṃskāras which we mainly seek to find in the Karmapradīpa. It is better to hold with Dr. R. C. Hazra that several works were ascribed to Kātyāyana, though they were composed by different persons. Vide New I. A., vol. VII at pp. 64–65.

The next question is whether Kātyāyana the jurist and the author of the Karmapradīpa are identical. There are not sufficient data to identify the two. The only fact that points to the identity is that such eminent and early writers as Vijñāneśvara and Aparārka appear to make no distinction between the two. Besides, the Karmapradīpa is also an early work. Against this it has to be remembered that Viśvarūpa, probably the most ancient of all extant commentators, nowhere quotes Kātyāyana on ācāra and prāyāścitta. This absence of quotations is not a very cogent argument; still it raises a doubt in one’s mind whether a work of Kātyāyana on ācāra and other non-jural topics was known to Viśvarūpa.

A few words must be said about the additional 121 verses collected and published in Kane Festschrift by Prof. Aiyangar as ascribed to Kātyāyana. Many verses are ascribed to Brhaspati in some Dharmaśāstra works which are attributed to Kātyāyana by others. For reasons of space only a few striking examples are cited below: (Kāt. = collection of Kātyāyana’s verses by P. V. Kane and Br. Col. stands for

576 वर्यत्वा तु यः कथित्रस्थतेष्वपूर्वे यदा। रत्नागमाब्रजोत्तमाय कन्यायेऽवर्येद्वर्षम्।
प्रयाय ग्रेहस्तुर्ववच्य यः कन्यायः ब्रीधने तथा। घर्षण सा वर्येव तु देयाबृसमे
विधानत्। यथेऽवद्वते तू यथा कन्या अत्यंतते तत्र भवेत। सक्कृताप्रेय यथाप्रेय
स्यायसे पूव्व नावानूः।
The first verse ‘Varayitvā tu &c.’ and the third ‘Purvatattā’ are cited by Aparārka on Āhik (pp. 82–83) as Kātyāyana’s view and the first as of Kāt. in Smṛticandrīkā p. 82 (āhikā).
H. D.—64
Prof. Aiyangar’s own collection of Brhaspati verses; P. M. = Parāśara-mādhaviya, Vy. N. = Vyavahāranirṇaya ed. by Prof. Aiyangar):


2. The verse ‘Pramāṇasamatā yatra’ Kat. in Vy. N. p. 63 is Br. 3.45 (p. 43) found in Aparārka p. 625, Smṛticandrīkā and several other works.

3. ‘Strībālārtālīpitijñānām’ is Kat. in Vy. N. p. 91, but Br. Col. p. 66 (Br. in Smr. c. p. 65 on Vy.).

4. ‘Paśyan-nanyasya dadataḥ’ is Kat. in Vy. N. p. 138, while it is Br. in Aparārka p. 632, Smr. c. (Vy. p. 68).

5. ‘Parikṣeta svayam panyam’ is Kat. in Vy. N. p. 344, but Br. (in Br. Col. p. 156 and is Smr c. (Vy. p. 220), Vyavahāramātrkā p. 215 and others.

6. ‘Vāgḍāṇḍam prathamam kuryāt’ is Kat. acc. to Vy. N. p. 528, but Br. in Daṇḍaviveka p. 263 (Br. Col. p. 227).

Three verses of Manu are quoted as occurring in Kat. by Vy. N. p. 529, which are respectively Manu IX. 288 and Manu VIII. 124–125.

The verse ‘strīnām sākṣyam striyaḥ kuryuh’ is ascribed to Kat. (my collection No. 351) and to Manu by Vyavahāramātrkā p. 323 (and it is Manu VIII. 68). The same is the case with the verse ‘Svabhāvenaiva yad-brūyus’ &c. (Kat. No. 393, which is Manu 8. 78). The verse ‘anupasthāpayan-mūlam’ (Kat. No. 619) is ascribed to Manu by the Mit. on Yāj. II. 170 and to Kat. by Smr. can. (Vy. p. 215), Par. M., Vivāda-ratnākara 108 and Vīramitrodāya and Vy. Mayūkha.

It is difficult to say why these differences arise. All that can be proposed as the rule to be followed is that the ascription to Br. or Kat. of a verse should be accepted on this basis that one should follow what the older and distinguished authors and works (such as Viśvarūpa, Mitāksarā, Aparārka, Kalpataru, Vyavahāramātrkā, Smṛticandrīkā and Parāśara-Mādhaviya) say or a majority of them say.

Similarly, many verses on Vyavahāra are ascribed to both Brhaspati and Katāyana. A few examples may be cited. Kat. verses 382–384 are ascribed to different authors by different authorities. Verses 693–95 in my Kat. collection are
assigned to different authors viz. to Nārada (first two occur in printed Nārada 12. 5–6, ), Bṛhaspati, Kāṭ. and Vyaṣa (No. 83 my collection of Kāṭ.) is ascribed to both Bṛ. and Kāṭ. in Vyavahāramatrīka p. 281 (it is Kautilya I. 19. 32); No. 141 (Pratijñādōsa) is ascribed to both Bṛ. and Kāṭ. by Kalpataru (Vya.) p. 61, Vya. Mātrakā p. 291, but Aparārka (p. 610) and Smṛ. c. (Vya. p. 40) ascribe to Bṛ. alone and it occurs in Viśvarūpa on Yāj. II. 6 (without name). The Prthvīcandra ascribes it to both Bṛ. and Kāṭ. (on Vya. p. 47, a digest of about last quarter of the 15th century A. D.); Kāṭ. No. 152 (‘sāhasasteyya’ &c.) is ascribed to both Bṛ. and Kāṭ. by Prthvīcandra (Vya. p. 55) and Kalpataru (Vya. p. 67) and is almost the same as Yāj. II. 12).

Kātyāyana himself is named in a verse that is cited from Kātyāyana by Par. M. 577

The number of Smṛtis or Smṛtikāras quoted or referred to by themselves or mentioned in commentaries and digests is very large, particularly if one takes into account Smṛtikāras or Smṛtis with the words 'brhat' 'madhyama,' 'laghu' and 'vrddha' prefixed to many of them. The important versified Smṛtis in the Sanskrit alphabetical order will now be briefly dealt with one after another.

**39. Āṅgiras**

Āṅgiras is one of the ten primordial sages mentioned in Manusmṛti I.34–35). It is a very ancient name even in the Rgveda. On Yāj. I. 50 Viśvarūpa quotes a verse of Āṅgiras that what is done according to one's own will without following the dictates of Śāstra is fruitless. 578 On Yāj. III. 248 Viśvarūpa says that the vrata called Vajra was prescribed by Āṅgiras for Brāhmaṇas guilty of deadly sins. Viśvarūpa (on Yāj. III. 255) quotes two verses of Āṅgiras on the prāyaścitta for killing the wife of a brāhmaṇa who has kindled the sacred fires for killing wives of other brāhmaṇas and ksatriyas and vaisyas. On Yāj. III. 266 he quotes two verses of

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577 अनिर्दिष्टाच्च निर्दिष्टयमेव च बिलिकितम्। बिशेषितिं ज्ञाति कार्यादेवनाबबीत॥ परा. मा. vol. III. part I. p. 235.

578 स्वाभिमायकं कर्म भूत दयाविवर्तितम्। कीकाकः कालानि तत्तथं निप्पोतनम्॥
Aṅgiras laying down ṗrāyaścittā for killing certain beasts and birds, wherein Aṅgiras himself is mentioned with honour (bhagavān). Aparārka (pp. 22–23) quotes thirteen verses from Aṅgiras on the constitution of pariṣad, wherein such terms as cāturvidyla, vitarki, aṅgavid, dharmaṇațhaka are explained and the last of which says that a pariṣad sitting in judgment over those who are guilty of mahāpātakas may consist of hundreds. The Mitāksara (on Yāj. I. 86) quotes several verses on the practice of satī and ascribes them to both Śaṅkha and Aṅgiras.\(^{579}\) Aparārka (pp. 109, 112) quotes four other verses on the same practice, one of which is in the Indravajrā metre and another prohibits a brāhmaṇa wife from following that practice. Medhatithi (on Manu. V. 157) quotes the view of Aṅgiras on satī and disapproves of it. The Mitāksara, Haradatta and others quote numerous verses of Aṅgiras on aśauca and prāyaścitta. Haradatta on Gautoama (20. I) quotes a verse of Aṅgiras about the seven antyajas.\(^{580}\) Viśvarūpa (on Yāj. III. 237) quotes a sūtra of Sumantu in which Aṅgirasa is cited as an authority. The Śuddhi–mayūkha quotes a verse of Aṅgiras which relies upon Śatātapa.\(^{581}\) The Smṛticandrikā quotes Aṅgiras on the enumeration of Upasmrta (vide note 260 above). The Smṛticandrikā also contains a few prose quotations from Aṅgiras; the same work cites a verse of Aṅgiras holding the dharmāśastra of Manu as the supreme guide.\(^{582}\)

The Aṅgiras-smṛti (in Jivananda part I, pp. 554–560) in 72 verses is probably an abridgment. It lays down prāyaścittas for various occasions, such as taking food and drink from antyajas, for cruelly beating or causing various injuries to cows. It also lays down various rules for the wearing of the dark cloth (nilivastra) by women. It cites Aṅgiras and Āpastamba by name. The penultimate verse condemns those who rob women of their wealth.

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579 One of them is the well-known verse तिष्क: कोवय्योड़कोटी व यानि कोमानि मानुषि । तवक्कः वस्त्रवन् मत्तिं मानुसचतिः ॥
580 द्वाराल: अभिष: कुत्ता मूलति बेदेहिंद्रस्तया । मामपाश्याग्नि बैव सतेश्वरवा–
साधिनः ॥
581 समवेवस्व वर्णांगु मुद्दके मृतेन तथा । दसािहस्तुद्धिन्तिस्मिति शातातपीपितवीन ॥
582 द्वृढ़ा गद्यन्त मेंगे घर्मशाष्मवत्तमयः । नहि तत्सङ्कितं वित्त हितमात्मनः ॥
582 सुतिचं (आहिक).
In the Ānandāśrama collection of Smṛtis (published in 1905) there is an Āṅgiras-Smṛti in 168 verses. At the beginning it is said that, when asked by Bharadvāja and others, Āṅgiras declared the Smṛti dealing with rules of prāyaścitta. It names the following Smṛtikāras, viz. Śaṅkhalikhita (in v. 15), Sumantu (in v. 26), Āpastamba (v. 76), Manu (v. 86), Āṅgiras (147 and 155). In 1953 Mr. A. N. Krishna Aiyangar published an Āṅgirasasmṛti at Adyar. This is different from the preceding two works and contains over 1200 ślokas. Pandit Manoranjan Sastri (of Gauhati) claims that he has found the mss. of a different Āṅgirasasmṛti compiled before 14th century A. D. (p. 100 of the Pragjyotisa Souvenir published by him at the time of the All India Oriental Conference at Gauhati in January 1965). As the text is not yet available to scholars, and no reasons are given except the learned Pandit's opinion on reading the Kāmarūpa Ms., other scholars have to suspend their judgment. The Kalpataru (on Śuddhi p. 18) states that Vasiṣṭha and Āṅgiras have certain passages in common (vide note below).\footnote{533}

There are several mss. in the Govt. Mss. Library at the Bhandarkar Institute (Poona) which contain a varying number of verses on prāyaścitta agreeing more or less with Jivananda's text. For example, No. 53 of 1879–80 contains about one hundred verses, No. 205 of 1882–83 contains 54 verses, while No. 65 of Viśrāmbāg collection and No. 83 of 1895–1902 contain only 32; No. 81 of 1884–86 is styled Brhad-Āṅgiras and contains 151 verses, many of which are identical with those in the Calcutta text.

The Mitākṣara (on Yāj. III. 277) and the Smṛtiratnāvali of Vedācārya (I. O. cat. No. 1552 p. 475) quote a Brhad-Āṅgiras and the Mitākṣara also quotes a Madhyama-Āṅgiras several times (on Yāj. III. 243, 247, 258 and 260).

533 वसिष्ठ-जिज्ञाश्य | जनवरे दु माताविषेष सुतकल्प | इत्येवेव स्थायिन्याण्युद्भिदिनुमयम् | माताविषेषाः | तत्शिषितविश्ववाकिरिकोऽध्यायुपरति | नाथीच तुसमनुसंसर्गेः संसर्गेन्नेत्र गत्वति | रजस्तनायुचि ज्ञेये तब रुपिन्न न निवेते। Compare वसिष्ठपारंशुत्र IV. 20-23.
40. Rśyasṛṅga

This is a writer who is frequently quoted on ācāra, āśāna, śrāddha, and prāyaścitta by the Mit., Aparārka, Śrīticeandrikā and other works. Aparārka (p. 724) quotes as Rśyasṛṅga’s a verse ascribed to Śaṅkha in the Mitākṣara (on Yāj. II. 119) and other works, which states that when one coparcener recovers with his own efforts family property that was lost to the family, he gets a fourth share of it and the others become sharers in the rest. The Śrīticeandrikā (I. p. 32) quotes ‘api vāsasā yajnopavītarthān kuryāt tādabhāve trivṛtā sūtreṇa’, which is in prose.

Rśyasṛṅga is frequently quoted by Aparārka on the Prāyaścitta section of Yāj. (about 13 verses) on Prāyaścitta. The Vy. N. of Varadarāja (p. 26) ascribes the verse of Yāj. II. 32 (Mattonmattārta &c.) to Rśyasṛṅga also. Aparārka (p. 724) quotes one verse of Rśya, on Vyavahāra viz. ‘If one coparcener in a joint family recovers by his efforts property lost to the family, he should be awarded one-fourth of it and the remaining portion should be distributed among the remaining coparceners according to their proper shares. This verse is ascribed to Śaṅkha by the Śrīticeandrikā (on p. 276).

Kalpataru (on Vy. 622) quotes two verses on a wife’s duties.

41. Kāṛṣṇājini

This writer is quoted by the Mit. (Yāj. III. 265 three verses), Aparārka, Śrīticeandrikā and other works mostly on śrāddha. Aparārka (p. 138) quotes a verse from him which enumerates the seven sons of Brahmā, viz. Sanaka, Sanandana, Sanātana, Kapila, Āsuri, Voḍha (?) and Paṇca-śikha. Aparārka (p. 424) quotes a verse of Kāṛṣṇājini which refers to the two signs of the Zodiac, Kanyā, and Vyāscikā.

42. Caturvimsatimata

There are two Mss. of this work in the Bhandarkar Institute, Poona (No. 244 of A. 1881-1882 and 111 of 1895-1902). It contains 525 verses. The work is so called because it embodies the essence of the teachings of 24 sages, Manu, Yājnava-alkya, Atri, Vīṣṇu, Vasistha, Vyāsa, Uṣanas, Āpastamba,

584 पृष्ठनंतर तु यो भूमिस्थत्केतुदुर्गितः कमात्। कर्त्तवां तु लम्बन्तेन्ये दत्तवां तु
तुर्याक्रमः।
Vatsa, Hārita, Guru (Brhaspati), Nārada, Parāśara, Gautama, Yama, Baudhāyana, Dakṣa, Śāṅkha, Āṅgiras, Śatātapa, Śāṅkhya (Śāṅkhya-yāna?), Saṁvarta. The subjects treated of are:—The usages of the varṇas and āśramas, śauca, ācāmara, cleansing the teeth, bath, prāṇāyāma, repeating the Gāyatri, study of the Vedas, marriage, agnihotra, five great daily yajñas, means of livelihood, forest hermits, sam- nyāsins, duties of Kṣatriyas and the other two varṇas, prāyaścittas for the deadly sins and other lesser misdeeds, means of livelihood, śrāddha, āśauca (on birth and death).

In the Govt. Mss. library at the B. O. R. Institute (Poonā), there is a Mss. bearing No. 111 of 1895–1902 of Caturvīṃśatimāta which contains 526 verses and another No. 244 of A. 1881–82 which has 525 verses.

The work often quotes the views of Uśānas, Manu, Pārāśarya, Āṅgiras, Yama, Hārita. It quotes Manu III 5 (‘asāpindā ca yā’ etc.) and Manu XII. 95 (yā vedabāhyah smṛtayaḥ). Two other verses which it contains are indicated as interpolated in several editions of Manu. 585 It says that the teachings of Arhat, Cārvāka and Buddha delude people. 586 Its position is that whatever is not found in the Veda or the Purāṇas, the Rāmāyaṇa, or Mahābhārata or in the śāstras of Manu and others is as good as non-existent. 587

The Caturvīṃśatimāta is frequently quoted by the Mit., Aparārka and later works, 588 but not by Viśvarūpa and

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585 वृद्धो च मातापितेरौ सावृत्य भार्याः सिद्धं सुतः। अप्यकार्यान्तं क्त्वा भर्तविष्रु मनुसमौदी। II (after मनु. XI. 10); पुराणं मानवं धर्मं: साव्रो वेदविविष्ठसिद्धं। आज्ञावदाचनि चत्वारि न इन्द्रय्यानि वेदविविष्ठानि: II (after मनु XII. 110.). This occurs in यशस्तिंक, 4th आधार p. 117 and the first half of it occurs in the तन्त्रावंतिक.

586 अह्स्वत्वाक्षिकान्यानि बौद्धादिक्ततानि च। विन्यम्भवक्षान्यानि तानि सर्वाणि वर्जयेन। II This occurs in the स्रुविच. I. p. 5 (Gharpūre) and परा. मां. vol. I, part I, p. 10.

587 यथार्थेतेदं न च भद्ररणं रामायणं भरतसंजीवे वा। मन्तवदिशाक्षेषु च यच वेदविविष्ठतिः न तत्स्वाद्वितिः। II

588 जन्मो पाणि: प्रमुखेन योधायान्वयो यथा। विमुख्यक्षुरणि च नान्तक्षे तथावयेन यथा। नारायणं ज्ञेयस्वरु मृत्युत्रं व्रजात्यये। हंस: श्रविविष्ठयेको ज्ञेदापि (Continued on the next page)
Medhātithi. It was probably compiled about the time when the latter two writers flourished. Aparārka\textsuperscript{589} (p. 1121) quotes a prose passage from the work on the prāyaścittas for dvijāti procreating children on a Śūdra wife. This passage could not be traced in the two mss. referred to above.

The Mit. on Yaj. III. 58 quotes the Catur\textsuperscript{o} for the proposition that a person resorting to the 4th āsrama (i.e. Sannyāsa) may be ‘ekadāṇḍin’ or ‘tridaṇḍin’. The Mit. quotes several verses from the Catur\textsuperscript{o} on penances (prāyaścittas) for serious and light sins or offences. It suggests alternative penances for even very heinous sins, e.g. on Yaj. III. 308 it provides that if a person performs the Japa of Gāyatrī (Rg. III. 62. 10 ‘tat–savitur–vareṇyām’) a crore of times he atones for the sin of brāhmaṇa murder, becomes free from the sin of drinking liquor by japa of Gāyatrī 80 lakhs of times, from the sin of the theft of gold by repeating 70 lakhs of times the Gāyatrī. The Smṛti–candrikā quotes Catur\textsuperscript{o} many times on Āhnikā and on Śrāddha. It quotes the opinion of Baudhāyana in a verse and goes so far as to say that a man becomes free from sins by the japa of brāhmaṇa works, the six aṅgas, the ākhyaṇas (legends), Itiḥāsa, Purāṇas and praises of gods and expositions on Dharma. Aparārka also quotes about 60 verses of Caturvīṁśatimata and one prose passage on p. 1121 (quoted below).

Another somewhat remarkable point is that Aparārka in several cases places Caturvīṁśatimata passages immediately near Śaṭ–trimśatimata passages (vide Aparārka pp. 1081, 1172–74, 1182, 1248).

The portions of the works on saṃskāra and śrāddha together with the commentary of Bhaṭṭoji, son of Lakṣmīdhara, have been published in the Benares Sanskrit...

\textit{(Continued from the previous page)}
Series (Nos. 137 and 139). The commentary is a very learned one and refers to a host of writers. This commentary is in some mss. ascribed to Rāmacandra (vide I. O. Cat. No. 1554, p. 473).

43. Dakṣa

Dakṣa is one of the writers on dharma enumerated by Yāj. Viśvarūpa quotes verses of Dakṣa several times, viz. on Yāj. I. 17 (on clods of earth for purifying the body), on Yāj. III. 30 (two verses on āśauca), on Yāj. III. 66 (about a parivrājaka), on Yāj. III. 191 (about padmāsana). The Mit. (on Yāj. I. 89) quotes a half verse of Dakṣa to the effect that a dviṣa should not remain unattached to an āśrama (i.e. without a wife in the context) even for a moment; on Yāj. III. 58 two verses about bhikṣus; on Yāj. III. 243 (one verse). Aparārka cites numerous verses of Dakṣa on ācāra, āśauca, śrāddha and similar topics. In one case (p. 368) he attributes a prose passage to Dakṣa about the gift of gold. Two of Dakṣa's verses most frequently quoted by writers on vyavahāra are those that lay down what nine things cannot be the subjects of gift.

In Jivananda's collection there is a Dakṣasaṁrāti (part II, pp. 383-402) in seven chapters and 220 verses (vide also Anandaśrama collection pp. 72-84), M. N. Dutt's collection Vol. I. pp. 291-309. The principal subjects treated of are:—Four āśramas, two kinds of brahmācāris; the daily round of duties for dvijas; various subdivisions of actions, nine karmans nine vikarmans nine actions that should be concealed, nine acts that should be made public, nine things that should not be gifted; gifts; eulogy of a good housewife; śauca of two kinds; impurity due to birth and death; Yoga and its six aṅgas viz. prāṇāyāma, dhyāna, pratyāhāra, dhārāṇā, tarka and samādhi; maithuna of eight kinds to be avoided by ascetics; duties of bhikṣu, dvaita, and advaita.

590 सूत्येश्वर विश्वमर्य च देशाकाल्पमत्तुर्वपीतमणांकं रक्तविशिष्ठं। अपरार्कम्।
591 सामान्य यान्ति न्यात्माधिविदं तदनम्। अवाहितेः व किशोरः सर्वस्वं चान्त्यसं सति। आपस्वप्त न देयानि नव वस्तुः पञ्चिते। यो दृष्टि स शूलतत्वा प्रायेकंतीयेते न। अपरार्कम्। p. 404. These occur in the Daksasūkti (Jivananda, part II, p. 391).

N. d.—65
Daksasmrti contains the name of Dakṣa himself and shows that he was a thorough-going Advaitin (as the note shows).\footnote{592}

This smrti is certainly a very old one. All the quotations from Dakṣa cited by Viśvarūpa occur in the printed Dakṣa (vide pp. 395, 396, 384, 397 which reads ‘napathyā-śanāy yogyo’). Similarly all the quotations in the Mit. from Dakṣa are found in the Calcutta text. Aparārka contains over forty verses from the printed Dakṣa, though there are a few verses cited by him as Dakṣa’s which are not found therein. The Smṛticandrīkā quotes about ten verses of Dakṣa on woman which are all found in the 4th chap. of the Calcutta text.

In the Govt. Mss. library at the B. O. R. Institute Poona, there is a ms. of Dakṣa (No. 120 of 1895–1902), which contains 197 verses on the same topics as above, many of which are identical with the Calcutta text. The Bombay University has also a similar ms. Vide I. O. Cat. No. 1320 p. 385 for a similar ms. in 197 verses.

44. Pitāmaha

Pitāmaha is enumerated among writers on dharma in a verse of Vṛddha–Yājñavalkya quoted by Viśvarūpa. The Smṛti of Pitāmaha (part I p. 10) is drawn upon mostly on Vyavahāra. Viśvarūpa cites (on Yāj. I. 17) a verse from him on śauca.\footnote{593} The Mitāksarā and Aparārka respectively quote about 45 and 75 verses from Pitāmaha only on Vyavahāra and especially on ordeals and the Kalpataru on Vyavahāra quotes about 90 verses on the same topics from Pitāmaha. Some verses are ascribed to both Pitāmaha and Nārada (as in Kalpataru Vy. pp. 238, 239) and in a few cases to Brhaspati and Pitāmaha (as in Kalpataru, Vy. p. 251). The Smṛticandrīkā quotes about ten verses (of Pitā) on āhnikā, 130 on Vyavahāra and only a few on śrāddha. Pitāmaha regards the Vedas with the angas, Mīmāṃsā, the

\footnote{592}{\scriptsize यस्यांत्रविरिक्षं द्वितीयं नैव पदनि। ब्रह्माभूतं स विक्रेयोद्ध्वपक्षं उदाहरतं॥
\scriptsize दक्षस्मृति VII. II (Ānav. ed.).}

\footnote{593}{\scriptsize बिषु वे नीप्तीमिन्ते शूद्र। सौपननमः क्रियः। गम्भर्लपपक (संक्षेप ?) तेन घौरं शृद्धाम्भसा॥}
Smṛtis, Purāṇa and Nyāya system as dharmaśāstras. Pitāmaha, like Brhaspati, enumerates nine kinds of ordeals, while Yāj. and Nārada name only five, though the latter seems to have known two more, viz. tāndula and taptamāsa. The Smṛticandrikā quotes a dozen verses about 50 chalas on which a king took action without any complaint. Pitāmaha seems to have followed Vyāsa in defining documents called krayapatra, sthitipatra, saṃdhipatra, viśuddhipatra. The Smṛticandrikā cites Pitāmaha for an enumeration of the 18 prakṛtis viz. washerman, leather worker, etc. The same work states that according to Pitāmaha the titles of law to be taken cognisance by the king himself were twenty-two. In the hall of justice, he says, there should be eight constituents viz. the scribe, the accountant, śāstra, the sādhya-pāla, the assessors, gold, fire and water. Some of the other noteworthy dicta of Pitāmaha are:— a suit should be first tried before the village (pancāyat), then before the town (court of appeal), then before the king; between litigants of the same country, town, societies, cities and villages, the decision should be arrived at according to their own peculiar conventions and usages, but when there is a dispute between these and strangers, the decision must be

594 वेदः साङ्कात् चतवारी सौमान्सा सृष्टयस्था। एतानि चर्मशाश्वाणि पुराणे न्यायदीर्घैनुम्। आयर्के प. 601; compare याज. I. 3.

595 आदं तालामिकपणं नवसं चर्मिनं मंडत। दिच्छायतानि सर्वाणि निद्यानि सर्वाश्चु। quoted by आयर्के प. 694.

596 खललि चापरायं खपति दुष्टाश्च टूपतीस्था। स्वत्वेतानि यज्ञीयानुपरस्वविद्यद्विभिः।

597 सृष्टिच।

598 Vide परा. म. vol. III. p. 128 and सृष्टिच।

599 रक्षकर्मारािणं नदी बुध एव च। कंतकक्षिक विलेय रेलविभिः। तथा च। वेदस्मृतिरविवया न्यात्वाधुनियम:। कृषिरक्षकर्मारुपमात्विहायोपमोपकोक:।

एता: प्रकृताय प्रोतसा अद्यस्तर्मनन्तिमिः। वर्णितामात्रामामाणि स च संवर्त: दु वहि:।

रिताता। सृष्टिच।

600 ले:को गायकः! गायक सामयतः समासः। हिरण्यमिर्गिधक्षाङ्गकर्मण्यः सृष्टिच।

सृष्टिच ( येत )। compare नारद्ध (Intro, chap. verse 15).
according to the śāstra; possession in order to be recognised by the courts as decisive must have five characteristics,⁶⁰¹ it must have title, long duration, it must be uninterrupted, it must not have been impeached and it must be before the eyes of the opponent; a private document⁶⁰² under one's own hand is inferior to a jānapada (a publicly written and attested) deed, the latter is inferior to a royal edict, this last is inferior to possession continued for three generations.

Pitāmaha is later than Bṛhaspati,⁶⁰³ as he cites the latter's view that a litigation between members of the same village, society, town, guild, caravan or army must be decided according to their peculiar usages. Therefore, Pitāmaha must be assigned to some date between the 4th and 7th century A.D.

45. Pulastya

Pulastya's name is among the ten primordial sages mentioned in the Manusmrīti I. 34–35.

Pulastya is one of the expounders of dharma enumerated by Vṛddha-Yājñavalkya. Viśvarūpa quotes a verse from him on śārīrasauca.⁶⁰⁴ The Mit. (on Yaj. I. 261) cites a verse from Pulastya that a Brāhmaṇa should principally use ascetic's food (i.e. vegetable food) in śrāddha, that kṣatriyas and vaisyās should use meat and śūdras madhu.⁶⁰⁵ The Mit. (Yaj. III. 253) quotes two verses of Pulastya who enumerates eleven intoxicating drinks together with surā as the twelfth.⁶⁰⁶ Aparārka quotes several verses from Pulastya on saṁdhyā, śrāddha, āśauca, duties of yatis, prāyaścitta. Aparārka quotes two verses from Pulastya propounding the view that a

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⁶⁰¹ साम्पत्र्यमा दौर्योजकला चाविचित्तापराभोजिता। प्रयोगिससैदित्या व वुधिः।।

⁶⁰² स्वदूतकाजानांतः पत्राय वृत्तांसम्भवं। ततामपुरं अयोगः। प्रभावतारिग्ने।।

⁶⁰³ मामोझुरुपेन्द्रसप्तकम्बायानिताविनाम्। व्यवहारविरिन्न निष्कृतव्यो बुद्धिस्पर्णः।।

⁶⁰⁴ स्नातकस्य यजेश्वरानि। पितापाने महाभिंियविद्वेदं।।

⁶⁰⁵ मुन्यथन्त्र द्रामणेषौ कार्त्त वन्यवैवैक्षयः। मद्यपञ्चमिन्त्य सवैव। चाविधिविन्त षयः।।

⁶⁰⁶ पदर्थ द्रामामपुरेऽ सावर्तं तात्त्विकानम्। मद्यर्थं सैर्यमुर्तं मेकरं नारिकेलदिक्षम्।।

समानानि विज्ञानेत्यान्त्यान्यात्मकात्याश्रव्यं व।। हर्दशं हुं सुरामां सत्वास्माशयं स्त्रतमः॥
45. Pulastya

combination of jñāna and karma is the correct view. The first of these verses is ascribed by him to Yoga-Yajñavalkya elsewhere (note 336). The Smṛticandrikā quotes about forty verses from Pulastya on āhnika and śrāddha. In one place it quotes Pulastya on the efficacy of bathing on Sunday, Tuesday, and Saturday. In another place it refers to the japa of Rāma, Paraśurāma, Nṛsiṁha Trivikrama.

Aparārka (on p. 1136) quotes eight verses from Pulastya that provide various religious rites or actions for dog-bite in the case of brähmana men and women.

The Dānaratnākara of Caṇḍesvara cites a prose text from Pulastya on the gift of deer-skin.

The Pulastya-smṛti must have been composed between 4th and 7th century A. D.

46. Paithinasi

Paithinasi, though not named among the Smṛtikāras enumerated in Yaj. I. 4-5, is mentioned among the 36 Smṛtis quoted by Aparārka (p. 7) from the Bhavisyapurāṇa and also in the quotation from Paithinasi about the thirty-six names of the expounders of Dharmaśāstra in the Smṛti-Candrikā (p. 1). Another reason is that he appears to have dealt in his work with all three branches of Dharmaśāstra, viz. ācāra, vyavahāra and prāyaścitta. Another important matter is that quotations in prose from him far outnumber quotations in verse in the comparatively early digests like the Mit., Aparārka, Kalpataru. Viśvarūpa on Yaj. III. 262 cites a prose

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607 शानकम्बसमायोगायरूप्राप्तीप्रुद्र धुरवमायात सिद्धवति उभे तत्सात्ममात्रयो श्वेतम्। शानं प्रवचनं न तु कर्महीनं कर्म प्रचारं न तु बुद्धिहीनम्। तत्त्वात्माक्ष्यो न भेदेतसिद्धिम् हेक्षकेषा विहः। प्रायति। अपरार्के या या III. 57, p. 961. These verses occur in the Brhad-Yogi-Yajñī (chap. 9-29), which probably borrows from Pulastya.

608 रविधारणवेद्वेषि। शानं कर्मविन्ति ये नराः। व्याधिष्ठिते न धीयते मृगी। कृतसिद्धो यथा। स्मृतिचः.

609 अथात्: रस्त्राजयात्विविष्य। व्याधियान्य। कारिक्यों शीत्मकायों वैशाख्यां च च चन्दस्यस्येकं विमुखायों ह्रणातिनं सख्यं सभृष्टि मनोहरम्। या म. No. 114 of 1884-86 from the Govt. Mss. Library at the B. O. R. Institute, Poona, (folio 51a).
passage of Paitihina about the праyaссита for killing acow.⁶¹⁰ The Mit. quotes prose passages from Paitihina on Yaj. III. 17, 19, 253, 265 &c. Aparārka quotes several prose passages from Paitihina on pp. 58, 60, 105 174, 189 (three Astakas in Pausa and the following two months), 239, 248. Two interesting prose passages⁶¹⁰ on Vyavahāra also occur, one being that the wealth of a man dying sonless goes to his brother, in default of brother, to parents or to the senior one among his wives. On p. 1175 Aparārka quotes a long prose passage mentioning 18 persons at whose house one should not dine, nor sit for dinner in the same row with them and who are unfit to be invited at a śrāddha. An interesting passage cited by Aparārka about marriage is as follows: A man should choose a girl whose (father's) gotra is not the same as his. He should avoid girls who are within the fifth degree in descent from a common ancestor on the mother's side and 7th in descent from the father's side; or three on the mother's side and five on the father's side.⁶¹⁰ This latter portion about three and five degrees has now been accepted by the Indian Parliament (excepting customs to the contrary) in the Hindu Marriage Act No. 25 of 1955, Section 3 (f).

Kalpataru on Vyavahāra quotes 22 prose passages of Paitihina and 7 verses. On p. 627 it says⁶¹⁰ women are the

610 पैतीनिषायि-मामो धृष्टिर्दक्षुत्तत्तरावं नर्त्त्य सुजनो गोमायः प्रियं कुवायः: वुष्टिः इति। विश्रूः on या, III. 282; part II p. 141; also in मिता। on या, III. 263-64; मितानि विनिवर्तपुर वेतातनाः शाखायाः। वैते्। मिता। on III. 17; सुनिष्क धृष्टिकारण रमणीयाः कारयेन। मासेन भ्रोजनः नामौ। वैते्। in मिताः या, III. 19; and कपटह (यादिः) p. 20 सुरा आद्रवताधार अपितवाः सुरां विवेदृः। इति पैतीनिषायिः सरसाराः। मिता। on या, III. 253.

610a अनुवाच द्रव्यात्त्वाऽक्तागमिं तद्भवे मातापितरौ कर्मां पतिः वा ज्ञेश्। श्राहेणिप्रकृतिपैतीनिषायिः। etc.। अपारक्ष p. 744; परिप्रेमाः वा धनिष्कार्याः न राजमाः। न हार्य राज्ञा। देशतानवस्थितं न निजेयोपनिधिक्रियांतं न बाल-ब्रोजनायाः। शाह न हार्य लहरान राज्या तथा धारणामाः न। नाशी। धारणाम वित्ते बालान्नेतृकः धनमू।। पैती। in अपारक्ष p. 746.

610b धृष्टिकास्फ। अपायान्येन क्रामः वर्णेन। पञ्च नामान्त:। परिवर्तेत। सत्त्वीव।। नीम्बवतृत:।।। पञ्च। मितान्त:। अपारक्ष p. 82. The मिता। on या, I. 53 quotes this sutra of Paitighina.

610c विष्णुं युद्धातः। नासों न तीर्थं न वर्तं नोपासः। पतिञ्जायव पद्धानिः। पैती। in कपटह (यादीः) p. 627.
presiding deities of the home; (strict) rules about purification are not demanded of them, nor the observance of vratas nor fasting; they reach the highest world if they properly look after their husbands. When an appointed daughter dies her husband does not succeed to her wealth; if she dies sonless, her wealth should be taken by her unmarried daughter or sister. On pp. 818 and 819, there are two prose passages, the first providing for the status of the children of a brähmana, ksatriya or Vaiśya woman born from a person of a lower varṇa and the second providing for the status of children born in unions (which are not bad on the ground of illicit intercourse). The Brahmācārikaṇḍa of the Kalpataru quotes 22 prose passages and seven verses from Paithinasi. Kalpataru (Moksakāṇḍa pp. 21–22) has a long sūtra of Paithinasi about the daily life of a forest hermit (vānaprastha). Kalpataru (on Śrāddha) adduces prose passages of Paithinasi fifteen times and only two verses. Kalpataru (on Śuddhi) adduces from Paithinasi only prose passages (15 times), some (as on pp. 105 and 140) being very long. Kalpataru (Naiyatakālika) quotes Paithinasi 24 times; one prose passage (about one page in extent) deals with honouring a guest (on pp. 188–89) and there is another very long prose passage on rajasvala occupying one page and a half on pp. 352–3.

47. Pracetas

Pracetas finds a place among the sages enumerated by Parāśara (though not in Yājñavalkya), in the list of 36 Smṛti-kāras by Paithinasi in Smṛticandrikā p. 1). In both Mit. and Aparārka there are passages in prose and verse ascribed to Pracetas on daily duties, śrāddha, āśauca, prāyaścitta. The Mit. (on Yāj. III. 27) quotes a verse from Pracetas saying that workmen, artisans, physicians, male and female slaves, kings, royal officers have not to observe periods of impurity (on death). This verse is cited as a smṛti by Medhātithi on Manu V. 60 without ascribing it to Pracetas. So Medhātithi looked upon Pracetas as equally authoritative with Manu, Viṣṇu and others.

611 कारव: चित्तिनो वै दासीदासा तथेव च। राजानो राजभूयास्थ सवऽशौचः । प्रकृतिता: II
It appears from the quotations in the Mit., Aparārka and Smṛticandrikā that they had before them a large work of Pracetas containing sūtras and verses and that Pracetas did not deal with Vyavahāra. An example of a long prose passage is cited below.\(^6\)

The Mit. on Yāj. (III. 20, 263, 264 and 265), Haradatta on Gautama (22,18) and Aparārka (on pp. 910, 1125, 1171) quote several verses of Brhat-Pracetas on āśauca and prāyaścitta and the Mit. on Yāj. III. 265 and Aparārka (on pp. 888, 897 and 1098) quote several verses of Vṛddha-Pracetas on the same topics.

A few prose quotations from Pracetas are noted in the Smṛticandrikā and by Haradatta (on Gautama 23. 1).

48. Prajāpati

Prajāpati is cited as an authority by the Baudhāyana-dharmaśūtra (II. 4. 15 and II. 10. 71). Vasiṣṭha several times quotes Prajāpatya ślokas (viz. III. 47, XIV. 16–19, 24–27, 30–32). It has been shown above that most of these verses are found in the Manusmṛti or have close correspondence with verses of Manu. So it is not unlikely that both the writers of dharmaśūtras mean Manu by Prajāpati.

In the Ānandāśrama collection (p. 90–98) there is a smṛti of Prajāpati in 198 verses on the various details of śrāddha, such as the time, place, the persons authorised to perform, proper food, Brāhmaṇas to be invited etc. The prevailing metre is Anuṣṭubh, but there are nine verses in the Indra-vajrā, Upajāti, Vasantatilaka (verse 137) and Srādgdhara (verse 96). It speaks of Kalpaśāstra, smṛtis, dharmaśāstra, purāṇas. It contains a verse referring to the Kanyakā and Vṛṣeika (scorpion) signs of the Zodiac, which is almost the same as a verse of Kāraṇājini.

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612 सुत्तायाम एवि विक्रवणकालेप्रायःप्रिषाणिः प्रेतविषाणि। अद्वृतवाकु तस्करो राजभृत्याः बुधकर्मक्षतिरमर्गदेहिः प्रेतविषाणिः। अद्वृतवाकु तस्करो राजभृत्याः बुधकर्मक्षतिरमर्गदेहिः प्रेतविषाणिः।

613 तद्वरको बुधकर्मक्षतिरमर्गदेहिः प्रेतविषाणिः। अद्वृतवाकु तस्करो राजभृत्याः बुधकर्मक्षतिरमर्गदेहिः प्रेतविषाणिः।

614 तस्करो राजभृत्याः बुधकर्मक्षतिरमर्गदेहिः प्रेतविषाणिः। अद्वृतवाकु तस्करो राजभृत्याः बुधकर्मक्षतिरमर्गदेहिः प्रेतविषाणिः।

615 तस्करो राजभृत्याः बुधकर्मक्षतिरमर्गदेहिः प्रेतविषाणिः। अद्वृतवाकु तस्करो राजभृत्याः बुधकर्मक्षतिरमर्गदेहिः प्रेतविषाणिः।

616 तस्करो राजभृत्याः बुधकर्मक्षतिरमर्गदेहिः प्रेतविषाणिः। अद्वृतवाकु तस्करो राजभृत्याः बुधकर्मक्षतिरमर्गदेहिः प्रेतविषाणिः।
The Mit. (on Yaj. III. 25 and 260) quotes verses of Prajamāpati on āśauca and prāyaścitta. Aparārka cites verses of Prajamāpati on purification of various substances, on śrāddha, witnesses, ordeals and āśauca. None of these is traced to the printed text of Prajamāpati. Aparārka (p. 952) gives a long prose text of Prajamāpati on the four orders of parivrājakas, viz. kuṭikakā, bahūdakā, hamsakā, paramahāmsakā. Aparārka (p. 542) cites a verse of Langākṣi which refers to the view of Prajamāpati that the son of a putrikā was to offer piṅḍas to his mother by the gotra of his maternal grand-father.613 Aparārka, Smrticandrika, Parāśara-Mādhaviya and other works quote several verses of Prajamāpati on vyavahāra. Witnesses are of two kinds, kṛta and akṛta.614 In this he seems to have followed Nārada (ṛṇādāna, verse 149). Prajamāpati lays down the characteristics of valid reply (uttara) of the defendant and defines615 the four varieties of uttara. The Parāśara-Mādhaviya cites several verses of Prajamāpati on ordeals. Prajamāpati recognised the right of the sonless widow to succeed to her husband's wealth616 and enjoined on her the duty of offering śrāddha every month and year to her husband's manes and to honour his relatives.617

49. Marici

The name Marici is very ancient. In Manusmṛti II. 34-35 Marici is mentioned first among the ten Prajamāpatis.

This sage is relied upon as an authority by the Mit., Aparārka, Smrticandrika on Āhnika, Āśauca, Śrāddha, Prāyaścitta and Vyavahāra. Aparārka quotes several verses on

613 मातामहस्त गोयाण मादुः: पिण्डोरकियामुः। कुष्ठीत पुण्डिकापुरुष एवमाद ज्ञापति:। अपरारके।

614 सती दिवसेदी विघ्नः कुष्ठी एकोपरोक्षः। लेखाकुष्ठ: कुष्ठो अव: युजपकस्-\kṣटत उँचेा\ p. 668, स्त्रिच। (व्यृ p. 80 reads उर्दोक्षः।).


616 पुरुष प्रमीलानिवों मूते भंसरी तदनम्। अभेत् पतिवता नारी धर्म एष सनातनः।

617 जद्रम स्पार्के हेम कुष्ठी धनरससाम्बयम्। अदाय अपप्रेरिन्द्र मातसप्तसरिवकम्। विजयकुष्ठीहिंद्रासन महेस्वरीयमातुलनार। पुजेत्वस्त्वपुरातियो इदानियातिथियो-साध थ। स्त्रिच। (p. 291), परा. मा. vol. III. p. 586.

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tarpāṇa, one of which speaks of Sunday. Marici disallows bathing in the rivers in the months of Śrāvaṇa and Bhādrapada. Marici made a very near approach to the modern conceptions underlying the Transfer of Property Act. Completeness is not attained without writing in the transactions of sale, mortgage, partition and gift of immoveable property. If a buyer purchases a chattel before a row of merchants and to the knowledge of the king's officers and in broad daylight, he is free from blame and gets back his money (if the thing turns out to be another's property), while if the price (paid by a buyer for a chattel) cannot be recovered (from the vendor who sells without title) owing to the vendor's address being not known, the loss should be apportioned between the buyer and the original owner of the chattel. Marici divides adhi into four varieties bhogya, gopya, pratyaya, ājñādhi.


It is to be noted that Aparārka (p. 908) quotes a prose passage of Marici on āśaṃca.

50. Yama

The Vasistha-dhammaśūtra (18.13–15 and 19.48) cites four ślokas of Yama and quotes (11.20) one verse in which Yama is spoken of as an authority. All the ślokas except one

618 सस्मया रविवारे च यद्दी जन्मदिनः तथा | सूचयुक्तवृत्तार्थो न कुर्वतिल-तत्त्वात्राम् || अपरार्कः p. 132 ; स्त्रितिचः ( आदिक p. 123 ).

619 नमोलामलामथें जानं सर्वं रजनाः | तातु भानं न कुर्वत देवरिमित्र-तत्त्वात्राम् || अपरार्कः p. 235.

620 स्मार्ते विक्रायाने विभोगे दान एवं च। प्रातिचयैं च कृति च नाविक्या सिम्यति किया || परा. मा. vol. III, p. 128 ; स्त्रितिचः ( व्य. p. 60 reads विक्रियानुमाणान्त विक्रियाविसंवेदनादेव च ). According to Vy. N. p. 88 the verse (sthāvare..kriyā) is one of Kātyāyana and it explains that the verse means 'यद्विद्वे कालायणीयनवन तक्षण्यिवधानायं न त्वन्य-विनिज्ञितपदम् ||'.

621 अविशालविवेकावधन मूल्यं न तथ्यात्। हानिस्त्र समा कथ्या केतुनाष्टकः-योऽवृत्तं। || अपरार्कः p. 775.
are found in Manu. Vasistha quotes a śloka of Prajāpati wherein Yama's view is set forth. Yama is one of the sages enumerated in the list of Yājñavalkya. Govindarāja (on Manu 5.16) and Aparārka quote a verse of Śaṅkha wherein Yama's view that the flesh of certain birds could be eaten is referred to. Aparārka (p.1231) also cites a verse of Śaṅkha in which the view of Bhagavân Yama that one should save one's life in all ways (even by incurring sin) is relied upon.

In Jivananda's collection (part I, pp. 560-568) there is a smṛti of Yama in seventy-eight verses on प्रायासित्ता and purification (सुध्दी). In the smṛti Yama himself is cited in the third person (verse 65). One verse (33) refers to the view of Bhāsvatī (son of the Sun, by which may be meant either Manu or Yama himself). Some of the verses are identical with those of Manu (e.g., verses 26, 28 are the same as Manu 11.178 and 3.19). Verse 44 is in the Upajāti metre. In the Ānandāśrama collection there is a Yamasmrtri in 99 verses on प्रायासित्ता, śrāddha and purification. Most of the topics of this smṛti are the same as those of the Calcutta text, but most of the verses are not identical. A few

622 अयापि यमगीतानादात्मानात्मार्नित्तः समंनमेवंस्य शुद्धः पापार्मिणः।
तस्मात्स्वयंसमापि ्सु नायेततः कर्मवन। न शुद्धत्वः मंति देवाकोर्षिण स्वायत्तमः।
न भास्वतिर्भविष्यति ्सु नायेततः व्यास्वातिः।
सर्वसंपुितं ततो चारं तह सत्त्वन प्रपितं। वसिष्ठ 18.13-15.
The last two are almost the same as मनु IV.80-81 and the first is a paraphrase of आर. अंि, 'वषु ह वा एतस्ब्धानं वर्षुः। तस्मात्स्वयं
समापि नायेतत्वम्। नागराजिनि राजो वे विनिन्ति न च सविनाम।
एन्द्रथानमुषाधिशीला वद्मभूता हि ते सत्त्व। वसिष्ठ 19.48 and मनु V.93.
'अश्वात्स्वयंहरित। अथ चेन्नात्वम्बिकुष: शार्डी: पिश्चिस्ये। अदुध्य ते यमः
प्राह प्रक्ष्यावन एव सा। वसिष्ठ गृह 11.20; vide यम 3.41. पुत्रो वा
वदि वा तेन त्रिवो नायानीश्वर्तः। यमस्त्वापि प्राह द्रुवं गोमिस्य।-
वसिष्ठ 14.30.

623 तत्ततितिर्च में धृतरथ च भार्करक्रम कपिलम्।
वायुव्रें वत्तेन्द्र च हस्यवाह यमः।
सत्मुः। (सत्त्व: यम: v.1.) अभार्क: p.1167.

624 तत्तदेशलक्ष्ये मुयुक्तो बेहस्विकिरय।
'एते वच्यः प्रग्राने एवदास्यतिरिक्तिविवः।
Compare मनु 3.180.
verses are found in both, e.g. the verses about the seven lowest castes\textsuperscript{625} (antyajas). Verse 11 quotes the view of Sātātapa. This Smṛti contains the well-known text that a woman passes on marriage into the gotra of her husband, which is cited by the Mit. (on Yāj. I. 254).\textsuperscript{626} In the same collection there is a smṛti of Brhad-Yama (pp. 99–107). It is divided into five chapters and contains 182 verses. It deals with prāyaścittas for various lapses, purification from various kinds of contacts (suddhi), śrāddha, partition and a few matters of medical procedure. In this smṛti Yama is frequently cited by name. Sātātapa is cited on partition (V. 20). Many of the verses of this text are identical with those of Yama in Jivananda’s text. For example, Jivananda (p. 561) verses 15–17 are the same as Brhad-Yama III. 1–8, Jivananda p. 563 verses 29–33 are the same as Brhad-Yama III. 34–38, Jivananda verses 35–36 are the same as Brhad-Yama III. 16–17. The verse in the Upajāti metre, Jivananda 44) is Brhad-Yama III. 61. Two of the verses at the end of chap. V. are the same as Yāj. II. 17 and 23.

The numerous mss. of Yama contain either one or other of the above three texts or different texts bearing on the same topics. For example, the Govt. Mss. Collection at the Bhandarkar Institute, Nos. 209–211 of A 1881–82 and No. 153 of 1895–1902 are the same as the Yamasmṛti in the Ānandāśrama collection. No. 401 of 1891–95 seems to be the same as Brhad-Yama in the Ānandāśrama collection. But the I. O. Cat. No. 1334 p. 390 contains 37 ślokas, the last 20 of which are in the Indravajrā metre.

Viśvarūpa, Vijñāneśvara, Aparārka, the Smṛticandrikā and other later works quote over three hundred verses of Yama on all topics of dharmaśāstra including vyavahāra. This establishes that they had an extensive work of Yama before them from which it is probable that various abridgments corresponding with the printed works were made. Viśvarūpa quotes about ten verses of Yama on water as purifier (on Yāj. 625 रजकश्रेष्ठकाश नरो बुर्ध दूम च। कृतेनिद्विव्रितहस्त सतैते अन्नजा। स्मृत: I। जिवनान्द वर्ष 54, आनंदाश्रम वर्ष 33. 626 लभाढत्वमस्ति नारी विभ्राहतस्मे चेद I। सामिग्रोष्ण कृतव्यास्तः। विण्डाद्वाक्रिय: I। वर्ष 78.
I, 187), on śrāddha (on Yāj. I 225 and 252) and on prāyaścitta for killing a cow (on Yāj. III. 262). The identical verses are not found in the printed texts. Some of the verses quoted from Yama in Aparārka and the Smṛticandrikā can be traced in the printed text. For example, Aparārka (p. 42) quotes a verse of Yama in which Yama himself is referred to as an authority. It occurs in Jivananda’s text (verse 65). The two verses in Jivananda’s text (verses 26, 28) that are identical with Manu are cited in the Smṛticandrikā as Yama’s. Aparārka p. 1135 quotes a prose passage of Yama, yam—bruhvalatāmalakhevede bhrūkruṣṭaḥ: ṛṣabhatī prājanaparyāyaḥ. Two verses of Brhad-Yama (III. 20-21) about the proper age of marriage in the case of girls are quoted as Yama’s in the Smṛticandrikā. In some of the verses quoted by Aparārka from Yama, the opinions of Manu are cited which can be identified with the views of the Manusmṛti. For example, according to Yama food polluted by the touch of hair, moths and insects, or seen by sinners and women in their courses is purified by water, holy ashes etc. This refers to Manu V, 125. Similarly, the Smṛticandrikā quotes a verse of Yama which says that according to Manu those who administer poison, who are incendiaries and robbers and those guilty of homicide and abetment thereof should pay the extreme penalty of death. Aparārka (p. 988 on Yāj. III. 109) quotes five verses of Yama which refer to the 26 tat tvam well-known in the Sāṁkhya system, regard Purusottama as a 26th tat tvam and propound that he who correctly understands the 25 tat tvam, in whatever āṣrama he may be, reaches the highest abode of Viṣṇu. Aparārka quotes a few prose passages from Yama on the garments to be worn by brahmācārin, on prāyaścitta.

627 अप: करनस्तुत्रश्च य आचामिति वै ह्वऽः, तुरं विषति स व्यक्त्य यमवस्य वचने यथा। This is attributed to yam in the स्मृतिनः also.

628 अवना ब्रह्मदानी नववर्या च रोहिणी। द्वावर्या भवेक्ष्या अतोऽर्जवस्या। प्राति द्वारस्मे वर्षेण कन्या यो न प्रसन्नद्वित। माति माति रजस्ववा: पिता पितिति गोणिनम्। स्मृतिनः (आदिक. p. 79).)

629 अवश्च तेषपतुक्ति नववस्या वा पतितेष वृष्ट्या। अलमतमस्तावस्मि वहियमा: सस्स्त्रयमनं मनुस्राह मृगणम्। अपाराक (p. 287).

630 विवाहिकरणाकथा चालकाब्रेहपाताहृः। खासारेण दशः: सक्षात्मतराह प्रजापति:। स्मृतिनः; वैदो मनु. 9. 278.

631 सबिष्यं रीरवशाश्चायामाः सामव्यवर्तमाच्यथाणि न। अपाराक (p. 58,
for killing various kind of birds and insects, for cutting trees and bushes, for drinking wine, for stealing gold and for the other deadly sins etc.632

The Anuśasanaparva of the Mahābhārata (Chap. 104 verse 72) states that those who are conversant with ancient times recited verses (gāthās) of Yama and then follow 84 verses which are more or less like verses found in several smṛtis e. g. the verse ‘ūrdhvam prāṇā...pratipadyate’ occurs as Anuśasana 104. 64-65 (and is Manu II. 120); so also ‘Dūrādāvasathān...dure kāryam hitaśīnā’. This is Anuśasana 104. 82 (Manu IV. 151). The verse Ācarāllabhate hyāyur–ācāro hantyalakṣāṇam’ (Anu. 104. 155) occurs in Manu IV. 156. It is possible that the final redactor of the Mahābhārata had before him a Smṛti ascribed to Yama or it is likely that a few verses ascribed to Yama were first cited and the author of the Epic added a few more from other sources. Yama is profusely quoted in the various Kāṇḍas of Kalpataru.

The Smṛticandrikā quotes a verse of Yama which speaks of the Sun being in the zodiacal sign Virgo.633

Yama required the king to look into the disputes of litigants carefully and impartially.634 Yama cites the authority of Manu for the proposition that everything brought about by coercion such as a gift or a deed was liable to be set aside.635 This is almost identical with Manu 8. 168. Yama lays down that a Brāhmaṇa was never to be awarded corporal punishment, but that a Brāhmaṇa guilty of crimes was to be imprisoned and made636 to work. Yama like Yāj. (II. 145), prescribed that the stridhana of a woman married in the Āsura

632 Vide pp. 1130, 1135, 1218, 1222.
633 इत्ये वर्णानु कथायित्वे &c. स्मृतिच् (p. 366 Garpure).
634 राजा महिन्यकार्यं द्वाराविविधमाणं: सम्यक्षःयाविशेषं रायाद्विविहितं:॥ अपराक्रम p. 596.
635 बलाहतं वषोदकं बलाक्रत्वार्घि लेखितं: सर्वाशं बलिक्यानांनौ निवर्यानानौ वै मनु: ॥ 636 स्मृतिच् (व्य. p. 130).
636 न शारीरी ब्राह्मणस्य दृष्टि भवति कहिचिदः गुणाः तु वनपने वन्द्या राजा भवं प्रदायिते:॥ ... यथार्थविवि विशेषत्वं कारितं। अक्षया ब्राह्मणा गाथी वैरिक्यनु लंदित्वे अन्तः ॥ स्मृतिच् (व्य. p. 316).
form went to her father if she died childless. Aparäńka (p. 822) quotes two verses of Yama that prescribed the first ammercement for him who, though forbidden, wrongfully takes the water of a lake or disturbs a water-course and the highest ammercement for him who breaks a lake. Aparäńka (p. 860) also cites Yama for the fine of five kṛṣṇalas in the case of adultery with another’s wife of the same caste as that of the paramour and twelve paṇas in case the wife is of a lower caste. The Smṛticandriki and the Vyabhāramayūkha on the other hand direct that the king should punish the Brāhmaṇa woman guilty of adultery with a Śūdra by throwing her to dogs and by forcible tonsure and riding on an ass in case of adultery with a Kṣatriya or Vaiśya. The Smṛticandrika, Parāśara-Madhaviya and Vyabhāramayūkha quote a verse of Yama about a debtor, who, being able to pay, does not want—only pay, being punished by taking twice the amount. Yama remarks that the order of Saṁnyāsa is not allowed to women in the Vedas or in the śāstra(dharmaśāstra) and that her real dharma is to be the mother of children from one of her own caste.

Verses of Brīhadya are cited by the Mit. on Yāj. III. 255, 260, 289 and by Aparäńka, who, on p. 496, quotes also from Laghuyama a verse and a half.

Yama is cited 46 times in the Kalpataru (Brahmacāri-Kāṇḍa) and 13 times in the Mokṣakāṇḍa (in which it quotes 70 verses). In Brahmacāri (pp. 23–24) it cites two verses of Yama in which the names of twenty Dharmaśastrakāras are given including the name of Yama himself and it is added that they are extremely authoritative and should not be nullified.

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637 आपुराङ्गीय वर्ण इत्यद्विशेष प्रश्नमयते | अप्रजायामतीतया वितव वु धनं द्वेषत् || सुतिवर्णम् (व्य. p. 288). Note अप्रजायामतीतया which is the reading in विशेष (p. 172 above).

638 खान्या: भृती वा शाष्के वा प्रजाया न विवीर्यते: प्रजा हि तथा: सो धर्मः सत्वग्रहितिः धारणम् || सुतिवर्णम् (व्य. p. 254).

639 नवाम्भीतिं तौरं वदि किष्टं पितेद्रं हि: | कुमारः विसेषेऽवदि भवेऽभा शुश्रुण वैवेदेऽ || वृहद्यम q. by मित्रे. on III. 255; विद्वेद् आपारां के p. 1074 who quotes वृहद्यम अस युराम्भीतिं तौरं वदि किष्टविषेद्विषेद्विछ: | स द्वारशाहेऽशुश्रुण पितेद्रं ब्राह्मु सुपर्वेलाम् ||
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(lit. killed) by mere ratiocination (tān evātipraṇātani na hantavyānihetubhiḥ) we should read ‘atipramāṇāni for atipraṇātani’. On pp. 243, 270 there are prose passages. On p. 24, it quotes two Upājāti verses. In the Moksākāṇḍa Lakṣmīdhara quotes on pp. 101, 102 five verses of Yama which set out the eight prakṛtis of the Sāṅkhya system and the 16 vikṛtis thereof, the 25th tattva viz. ‘avyaktā’ and adds Purusottama or Viṣṇu as the 26th (pañcaviṃśakam-avyaktam sadvिमśah purusottamaḥ। Pañcaviṃśatitattvajñā, Yāti Viṣṇoh param padam।) In Srāddhakāṇḍa Lakṣmīdhara quotes about 150 verses of Yama (17 on pp. 64–65 and 19 on pp. 82–83). Vyavahārakāṇḍa quotes about 47 verses of Yama.

51. Laugākṣi

Laugākṣi is mentioned among the 36 expounders of Dharmāśāstra set out by Paitihinasi (on p. 1 of Smr. Ch.) and Aṅgiras quoted on the same page includes Laugākṣi among Upasmṛtis.

The Mit. (on Yāj. III, 1–2, 260, 289) quotes verses of Laugākṣi on Āśauca and prāyaścitta. Aparārka quotes nine prose passages (pp. 28–29, 33, 122, 145, 166, 176 and 530) on Ācāra including Srāddha and ten verses on ten pages on Ācāra, Āśauca and the order of forest hermits and one very long prose passage on p. 1227 (covering half a page). On p. 542 Aparārka quotes a verse of Laugākṣi in which Prajapati is mentioned as an authority. The Mit. on Yāj. II. 118–119 quotes the definitions of ‘Yoga’ and ‘Kṣema given by Laugākṣi and which are declared to be not liable to partition by coparceners (acc. to Manu IX. 219), even if they be acquired by detriment to the parent estate. Those definitions of Yoga and Kṣema are quoted by many works and writers on Vyavahāra such as the Smṛticandrikā (on Vy. p. 277), Par. M. Vol. III. p. 563. Vide H. of Dh. Vol. III. pp. 588–589 for different meanings of the two words.

It is remarkable that Aparārka quotes from Laugākṣi prose and verse passages ten times each. On pp. 1227–28, a long prose passage of Laugākṣi is quoted about Kūsmāṇḍa-homa (for which see H. of Dh. vol. IV p. 43 n. 102).
52. Viśvāmitra

Viśvāmitra is one of the writers on dharma enumerated by Vṛddha-Yajñavalkya as quoted by Viśvarūpa. Aparārka, the Śrīdhavatikā, the Kālaviveka of Jīmūtavāhana and other works quote verses of Viśvāmitra on almost all topics of dharma except vyavahāra, such as on the five deadly sins, on śrāddhas, prāyaścitta etc. Viśvāmitra defines dharma as that which is esteemed by Āryas (respectable people) who know the Vedas. Aparārka quotes 18 verses from Viśvāmitra on Prāyaścitta and the Śrīdhavatikā also quotes several verses of his Kalpataru (on Brahmaśāstra), cites Yāj. I. 14 (Garbhāśrama &c.) as occurring in Viśvāmitra also. Similarly Kalpataru (on Naiyātakāla p. 314) states that Yāj. I. 179 (prāṇātyaye &c.) also occurs in Viśvāmitra’s Śrīdhv. His verses on the mahāpātakas are frequently quoted. The Madras (Govt.) MSS. cat. (p. 1985 No. 2717) notices a Śrīdhv of Viśvāmitra in verse in nine chapters.

53. Vyāsa

In Jivananda (part II, pp. 321-342) and in the Anandāsrama collection of śrīdhis there is a śrīdhv ascribed to Vyāsa (pp. 357-371). The two texts are the same with a few variations. It is in four chapters and contains about 250 verses. Vyāsa is said to have declared the Śrīdhv in Benares.

640 बमारख: कविमान तू शालष्ठामयमविविदः। स भम्म ये विष्णुति तथथमयम प्रवचनं || स्तुतिगोऽ ( आदिक p. 8 ).

641 बार्शरो न च हन्त्य: सुरा देवा न च हिते। । वालव्यस्तवण्डेः न कर्त्ये कदयनं || गुरुपरम्ये न गच्छे च संस्मो तै ध्य नांवरेत। महापातिकविशा तु नमिन्तिष्ठा मनोभिष: || आपार्ख p. 1044.

H. D.—67
The contents briefly are:—the dharmas herein laid down prevail only in that region where the black deer roam about; the authoritativeness of śrutis, smṛtis and purāṇas; mixed castes; sixteen samśkāras; duties of brahmucārī; marriage; a Brāhmaṇa may marry Kṣatriya or Vaiśya girl but not Śūdra; duties of a wife; the nītya, naimittika and kāmya acts of householders, eulogy of the householder stage and of gifts.

Viśvarūpa quotes a few verses of Vyāsa. They are mostly taken from the Mahābhārata and are concerned with topics of marriage, daily duties (such as washing the teeth and bathing), śrāddha and prāyaścitta. Similarly Medhātithi quotes several verses from the Mahābhārata as Vyāsa's. Kalpataru quotes Vyāsa about 80 times on Vyavahāra, 16 times in Grhastrā, 3 times on Rājadharma. Viśvarūpa on Yāj. II. 121 (part 2, p. 121) quotes three verses of Vyāsa on theft, the 2nd and 3rd of which say 'on acquiring by theft one suvarṇa, one cow or even one fingerbreadth of land from the best of Brāhmaṇas (the thief) certainly receives bodily punishment' (or death sentence); and 'by gift or theft the reward (or result) is middling or lowest or highest, depending on the extent of the thing donated and the worth of the donee'. Maskarin on Gaut. 23. 2 quotes Vyāsa's verse⁶⁴² (i.e. Mahābhārata, Udyogaparva, 59. 5, that both Keśava (Kṛṣṇa) and Arjuna were seen drunk (having drunk sweet liquor), who had applied sandalwood paste to their bodies and who lay down on the same bed. Kalpataru (Grhastrakānda p. 302)⁶⁴³ speaks of only five Yamas and five Nīyamas (as quoted below), while the Yogasūtra also names five Yamas and five Nīyamas, but Yāj. III. 312–313 and Vaik. Smārtasūtra IX. 4 enumerate ten yamas and ten nīyamas; vide H. of Dh. Vol. V.

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⁶⁴² मकरिण्यः व्यास 'उभयमहाकालिनिः' चङ्गनाथितिः। एकायुः यथाया निर्भृतोऽभिन्नो न केशावादृशी।। In the Ch. ed. this is read as उभयमहाकालिनिः। यत्र निर्भृतोऽभिन्नो न केशावादृशी।।... निर्भृतोऽभिन्नो न केशावादृशी।।

⁶⁴³ अनेन सत्यश्रवणे ब्राह्मचर्यमूर्तिता अस्तेयमिति पशुपते पाथस्विन वा।। अश्वाहो गुहुत्सुष्णा श्रीचाषार्यवास्मृतिः। अवमाध्यं निमावः पशुपतवतानि।। क्योऽ भवस्वरूपं p. 302. ब्राह्मचर्य here is explained as प्रतिययमेऽपुस्तवंजनम् and अक्षणना as द्विप्राहितम् by क्योऽ।.
p. 946 n. 1525 and pp. 1419-21 for these. Vyāsa says944 ‘nobody is a friend or foe of anybody; friends and enemies arise on account of power’. Vyāsa refers to the opinion of some that one should not marry a girl of the same gotra as that of one’s mother (in her maiden state). Vyāsa and Brhaspati provide that aged parents, a virtuous wife and a son who is a child must be given maintenance even by taking to condemned means of livelihood. A brāhmaṇa should not hanker after gifts; he may collect them only for his livelihood; a brāhmaṇa taking more than what is required for his maintenance incurs degradation. In Aparārka, the Smṛticandrikkā and other works about two hundred verses of Vyāsa are cited on vyavahāra. From these it appears that Vyāsa dealt with rules of procedure and the several titles of law (vyavahāra-padas) and that his doctrines closely agreed in most respects with those of Nārada, Kātyāyana and Brhaspati. He gives rules on the four kinds of uttara (mithyā, sampratipatti, kāraṇa and prān-nyāya), divides documents into three varieties (svahasta, jānapada, rājaśāsana), divides laukika documents into eight sub-varieties (just as Kātyāyana seems to have done); Yāj. (I. 316-318) provides that when a king makes a grant of land or of a permanent right to receive a certain sum of money or a certain part of goods, he should inscribe on a piece of cloth or on a copper plate the details of the grant with his seal. Brhaspati (four verses quoted by Aparārka on pp. 579-580) deals more elaborately with the same matter and Aparārka quotes about eight verses of Vyāsa, one of which prescribes that the grant should record in it the merit for the grantor and his successors who continue the grant, and heaven for 60000 years, and hell for the same length

944 न कविक्षणचिन्मित्वं न कविक्षणचिन्मित्वं... सार्थयोगोमागायने मित्राणि रिवस्तथा। कर्तर् (on राजवर्ण) p. 97; vide शास्तिरत्व 138.110 न कविरत... चिन्मित्वं। अर्थात्... निब्धमं... स्मार्थं। समाह वा ज्ञानवेदि नेत्रिक्षणणुज्ञातमेण। जनान्नेतारवेदिविशिष्टं। ज्ञानान्नेतारवेदिविशिष्टं। ॥ p. 9 त्रैहृदं (कप्त्र)। त्रैहृद च मातापिताँ साति माया पुत्रं शिष्यं। अपि कर्मोच्छातं इत्यति भर्तिः सनुजं सत्यं ॥ त्रैहृदज्ञातविशिष्टं in यहूं (कप्त्र) p. 229. अकार्य्यात् means नित्स्तनं इत्यति।; प्रतिवहस्तिनेन स्मार्थवार्ष्य (यथार्थवेदिने); तु समाहर्षय। विभिन्नां विभिन्नं विधोहितं। ॥ p. 249 त्रैहृदं (कप्त्र)।
of time for him who resumes it.\textsuperscript{645} Vyāsa lays down that if a stranger enjoys a person’s land for twenty years when the king is there (i.e. when there is no revolution or anarchy) and when the owner is able (to resist) the latter loses his property.\textsuperscript{646} He speaks of adverse possession as having five characteristics.\textsuperscript{647} He mentions seven kinds of sureties, while Hārita and Kātyāyana speak of only five and Brhaspati of four. He speaks of only five kinds of ordeals. He defines a nāśka as equal to 14 suvarnas, a suvarna being equal to eight palas.\textsuperscript{648} Vyāsa seems to represent a middle stage in the evolution of the rights of the widow to succeed to her deceased husband. He says that a woman was to get a maximum of two thousand (kārṣāpanas) from the estate of her deceased husband\textsuperscript{649} (besides what he gave her when living). Vyāsa gave to the father and sons equal share in ancestral property and allowed partition even against the wish of the father.\textsuperscript{650} From these important characteristics of Vyāsa it may safely be concluded that Vyāsa flourished about the same time as Yājñavalkya and Brhaspati, i.e. between the second and the fifth century (A. D.).

\textsuperscript{645} Aparārka quotes (p. 580) one of Vyāsa’s verses as ‘दाता: पालविन्दु:। स्वाभ हुनुम्बेस्वच च। पष्टि वर्षसहस्राणि दानचेदपरस्मि विलेवेत्॥

\textsuperscript{646} यीतिचे (on व्यवहार p. 56) remarks that another verse also should be included in the grant as Vyāsa recites viz. सामान्योऽयं

\textsuperscript{647} पर्वसुतुप्रयणं कालं करोपाल्यो भवन्द्रि:। सबौनितान्यावैनो पार्थिवेन्द्राम। भूगी भूमयो वाच्ये रामचन्द्र॥।।

\textsuperscript{648} दोनो, ‘पष्टि वर्षसहस्राणि’

\textsuperscript{649} and ‘सामान्योऽयं’ &c., occur in many grants; vide, for example, H. of Dh. vol. II pp. 1272–1277 for 43 verses among which the two verses set out here are Nos. 2 and 10.

\textsuperscript{650} वर्षोऽयं विशाविष्स्य भूमुःकाय परिरंध। सति राष्ट्र समर्प्यस्य तत्य सेह न

\textsuperscript{651} सिवायति॥ अपरार्क p. 632.

\textsuperscript{652} सामानोदीर्शकालूऽ च्छेदोपाधिविविजित:। प्रस्विंसंधिधान्त चधाऽं, भोग

\textsuperscript{653} उच्यते॥ अपरार्क p. 635.

\textsuperscript{654} प्राणते चुक्कुस्य चुक्कुस्य चतुर्देसा। गृहनिर्माणमाण तु व्यासेन परिविदिततम॥

\textsuperscript{655} स्वतिचे॥

\textsuperscript{656} द्रव्याधित्वं प्रोत दाय: ब्रह्म देयो जस्य च। यथा अत्र अन्य द्वे सा

\textsuperscript{657} वा कामयामायथ॥ अपरार्क p. 752.

\textsuperscript{658} कमावते ुदे क्रेयो विनिरुता: समोगिन:। पैरुक्षण विभागार्थ: पुनः विशुर-निस्तन्त॥॥ अपरार्क p. 728.
In Aparārka and other works there are numerous verses attributed to Vyāsa which are certainly not taken from the Mahābhārata or from the Vyāsa-smṛti in the Ānandaśrīma collection (pp. 357–371). For example, on Yāj. I. 12 he cites a verse of Vyāsa in the Vasantatilakā metre about the auspicious asterism for caula and another verse laying down Saturday, Sunday and Friday as not suitable for caula. Similarly, Vyāsa’s verses dealing with the merit of bathing on Sunday, Monday, Tuesday and Wednesday in conjunction with certain tithis are cited by Aparārka (p. 213). Vyāsa speaks of śrāddhas when the Sun is in the sign of Virgo (Aparārka p. 424). These indications are sufficient to assign Vyāsa to a comparatively later date. But, as Aparārka evidently makes no distinction between Vyāsa the jurist, Vyāsa, the reputed compiler of the Mahābhārata (e.g. he quotes on p. 961 six verses of the Bhagavadgītā as Vyāsa’s) and Vyāsa who wrote on the sāṁskāras, śrāddha and other topics, it appears that the jurist and the writer on other topics of dharma were separated from him by several centuries. Whether the jurist and the writer on other topics of dharma are identical is a difficult problem. The Mit. also appears to identify Vyāsa of the Mahābhārata with the jurist. For example, on Yāj. III. 253 it refers to ‘Ubbau Madhvāsa’s (Udyogaparva 58. 5) applied to Kṛṣṇa and Arjuna and explains that all intoxicants were not forbidden to Kṣatriyas but only wine prepared from flour. The Mit. on Yāj. II. 283 (on ‘Strīsaṅgraḥana’) quotes three verses and a half on the three kinds of that juridical topic. No one has so far identified these verses in the Mahābhārata. The Mit. appears to make no distinction between the two. The Kalpataru (on Vy. pp. 577–579) quotes with slight variations the same verses and also sets forth similar verses of Brhaśpati. Aparārka (pp. 854–55) and Smṛtisandrikā (Vy. p. 8) also quote the same verses as Vyāsa’s (with slight variations.). All that can be said is that the two may probably be identical. The Smṛtisandrikā quotes a Gadya-Vyāsa and quotes about 450 verses of Vyāsa on āhnikas, vyavahāra and prayāścittas.

651 It adds in Yarnatarpasa the following: ‘यमाह चयराधय भूक्षे चालनवच च। वेषवचय कालय सर्वभृत्याय च। एभैः सत्तनिष्ठ्यशकर- (Continued on the next page)
The Smṛticandrikā quotes several interesting verses of Laghu-Vyāsa that condemn somewhat severely and uncharitably the memorizing of the Veda without understanding the meaning. A few verses are quoted below. It may be noted that the Nirukta I. 18 (several centuries before Christ), by quoting a verse ‘a man who memorizes the Veda but does not know the meaning is like a stump of a tree, a mere carrier of a burden’ condemned mere learning of the Veda by heart in very similar words (Sthāṇur-ayam bhārahārah kilabhūt &c.) Dakṣa (in II. 34) states that the study of Veda has five aspects viz. first to commit it to memory, then to think over its meaning, then to repeat it often, its japa and to pass it on to pupils.

Aparārka quotes a verse of Vṛddha-Vyāsa on Saudāyika, a kind of stridhana. The Mit., the Prayaśicitta—mayūkha and other works cite verses of a Brhad-Vyāsa. Ballālasena in his Dānasāgara quotes Mahā-Vyāsa and Laghu-Vyāsa as authorities and also Dāna-Vyāsa, which probably means the dāna-dharma portions of the Mahābhārata.

Dr. Batakrishna Ghosh collected from fourteen works (such as Aparārka’s commentary, Mitākṣara, Dāyabhāga, Parāśaramādhaviya, Smṛticandrikā, Vyavahāramātrkā, Vyavahāramayūkṣa &c.) 268 verses of Vyāsa on judicial procedure and the substantive law and published them in ‘Indian Culture’ Vol. IX. pp. 65-98 (with references at the bottom of the pages). They relate to the king as judge, the qualifications of the Judge and the members of the Court, the plaint,

(Continued from the previous page)

Some of the verses of लघु-व्यास are quoted here: न वेदपाठसात्विन सन्तोष कारयें दुःखान्त
पापाभावसात्विन दुःख भजे धर्मान
विद्वत्तत्वाध्यायांगते विद्वत्तत्त्वाध्यायांगते
स साप्तवः आलोके च पापाभावसात्विन
सन्तोष कारयें दुःखान्त

652 Some of the verses of लघु-व्यास are quoted here: न वेदपाठसात्विन सन्तोष कारयें दुःखान्त
पापाभावसात्विन दुःख भजे धर्मान
विद्वत्तत्त्वाध्यायांगते विद्वत्तत्त्वाध्यायांगते
स साप्तवः आलोके च पापाभावसात्विन

vide परा. मा. 1. 1. p. 151 for two of these verses it quotes from Kūrma-purāṇa I. 2. 14, 86, 88.
the reply, proof and burden of proof, documents; the judgment, eight different kinds of documents such as cāraka, ādhipatra, krayapatra; examination of documents; possession and title; witnesses and pointing out their faults; ordeals; interest; mortgage and pledge; debts and persons liable to pay debts; sureties; several titles of law; abuse and defamation; crimes of violence; thieves and robbers; adultery and other wrongful acts about women; punishments; duties of women and wives; partition of family property; strīdhana (woman’s property).

Some of the verses quoted as Vyāsa’s occur elsewhere e.g. verse 11 (of the above collection ‘na sā sabhā…viddham’ occurs in Nārada III. 18 and is quoted as Vyāsa’s in Aparārka (p. 604). Similarly, the verse ‘na narmayuktam vacanan hinasti (No. 111 in the list of Dr. Batakrisna Ghosh) quoted by the Śmrtycandrika (Vy. p. 89) as Vyāsa’s occurs in the Mahābhārata (Ādi. 82, 16 and Śāntiparva 165, 30). Verse 129 (Ādityacandrāvaniolo which is the mantra to be employed in ordeals) occurs in Ādiparva 74. 30. No. 140 of the collection by Dr. Ghosh defines niśka as equal to fourteen suvarṇas. The Mit. on Yāj. I. 72 provides that a wife who drinks wine, who is guilty of adultery with the husband’s pupil or guru, who kills her husband and particularly one who has intercourse with a man of a degraded caste (such as a shoemaker) should be abandoned. So, whoever might have been the author of the Vyāsasmṛti he incorporates some verses from the Mahābhārata therein.

54. Śat-trimsan-mata

The title literally means ‘the doctrines of thirty-six (Smṛtis).’. This appears to have been a work like the Caturvimsātimita. It has been stated above that Paśṭhinasi enumerated thirty-six propounders of Dharma (vide Śmrtycandrika p. 1). Quotations from Śat-trimsan-mata cited in the

653 पलान्यङ्गो दुर्गर्भीमे दुर्गर्भी वत्ते दुर्गर्भे नात्मक दुर्गर्भिः ||
एतत्तवम्रमवर्मणू व्यसने परिक्षिततिमः ||
quoted by स्वतिचो (वधो) p. 99, पराम. मा. (वधो) p. 158.

654 चतुरस्रृ विष्टवाणाः शिवायाः गुह्याः च या ||
पतिनीं च विष्णेष दुप्लितोप-गता च या ||
व्यस q. by मिता. on या. I. 72. This is पतिप्र-धर्मयु (वधे) 21. 10.
Mitaksāra are prose passages on Yāj. III. 265 and about 23 verses on the third section of Yāj. S̄mr̄ti and Aparārka also has one prose passage on p. 1196 and about 37 verses on two sections viz. ācāra and prāyaścitta. Both these digests cite no passage of the Śaṭ-trimśan-mata on Vyavahāra. It appears that the Kalpataru was aware of the existence of this work but regarded it as unauthoritative, since it was accepted only by a few and was contradicted by others, as stated in the Brahmacārikāṇḍa of Kalpataru (p. 26).\footnote{655} The prose quotation in the Mit. on Yāj. III. 265 from the Śaṭ-trimśan-mata is a long one and provides the penances for adultery by a woman of the four varṇas with a male of a varṇa different from each of them. Aparārka quotes a prose passage (on p. 1196) from this work which provides a penance for touching the corpse of a cāṇḍāla or for occupying the same vehicle, seat or bed with the latter.

The fact that Viśvarūpa and Medhātithi do not mention this work, taken along with the above statement of Mitrāmiśra may be relied upon for holding that this compilation must have been among the latest products of the age of smṛtis and was probably compiled some time between 790–909 A. D. Almost all the quotations from this compilation are concerned with the topics of purification of substances (śuddhi), śrāddha and prāyaścittas for sins and pollutions of various sorts. No verse of this compilation dealing with vyavahāra could be discovered. One verse quoted from it prescribes a bath on touching Baudhāyas, Pāśupatas, Jainas, atheists and followers of Kapila.\footnote{656} Another verse quoted by Aparārka cites the

\footnote{655} स्यु स्तुतिविशमतादि तत्केषिदेव परियुद्धोलतवाद्विहितानाःत्वच प्रमाणम्। p. 26 of ब्रह्मचारिकम् क्षतरस। This makes no sense. The editor would have corrected it if he had carefully read the note 475 of the first edition of the H. of Dh. That note cited from the Vīramitrodaya said: ‘स्तुतिविशमतिविदे तु केषिदेव परियुद्धोलतवाद्विहितयुक्तं क्षतप्रमाणं। विज्ञानिक्षेपपरायणप्रभृतिभन्तु प्रमाणवेन क्षतप्रमाणं। p. 17 of परियुद्धोलतयुक्तप्रभृतिभन्तु दिनकालिकाः। दीनकालिकाः। प्रमाणवेन। । विज्ञानिक्षेपपरायणप्रभृतिभन्तु। विज्ञानिक्षेपपरायणप्रभृतिभन्तु।

\footnote{656} बौद्धान्त पाशुपत्तज्ञान्तः लोकायतिकायपिलयः। विकर्मस्थानं द्विजान्तं स्युद्द सन्चेले जलमाविषेण। स्तुतिच। p. 118; अपराकः p. 923 omits जेनानु and reads लोकायतिकायपिलयः।
view of Brhaspati.\(^{657}\) In another verse the view of Vaivasvata is referred to.\(^{658}\) The Vyavahārāramāya quotes (on p. 13) two verses from Śat-Trimśaṇ-mata defining those that may be called Pāṇḍita.\(^{659}\) The Prthvīcandra (in Vyavahāraprakāśa p. 19) quotes two verses (from Śat-Trimśan-mata which state that the words of a Śūdra even if he be a learned man should not be accepted (as authoritative).\(^{660}\)

The Mit. on Yāj. III. 288 quotes Śat-Trimśan-mata as prescribing that if one recites Śruti or Smṛti in a place where a cāndāla can hear it, he should take no food for one night (as a penance) and remarks that this refers to a person who does not do so knowingly. It is noteworthy that the Smṛtīcandra (on Śrāddha p. 393) quotes two verses from a work called ‘Śaṭ-viṃśamatā’ (doctrines of 26 Smṛtis) as quoted below. As no ms. was available, it is difficult to say what 36 sages are relied upon as authorities.

The mit. quotes about two dozen verses from Śat-Trimśan-mata on several verses of Yāj. viz. III 6, 17, 20, 250, 259, 263–64, 335–36 and a prose passage on Yāj. III. 265 about Kṛchra penance.

### 55. Samgraha or Smṛtisamgraha

This work is frequently cited by the Mitāksāra, Aparārka, the Smṛtīcandra and other works on all topics of dharma. The quotations on Vyavahāra are copious and are very important.

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657 तत्त्वज्ञानोऽवलम्बन च गाध्याय लक्ष्मीकर्मनं स समानत्वाय वृहत्पतिः \| अयसरं p. 1249.

658 सहस्त्रकृत्ततः यो मुख्यं मुखः च मुख्यभोजनः \| एवं वैस्तुवः यद्व युक्तवा सान्तपवनं चरे \| अयसरं p. 1174.

659 शामायनेव ये वै न वृहत्तिकुटस्यः \| तत्सं वै दैवतांदीति पापषयक्ष्ये \| प्रवव्यवसिता (प्रवव्यवसिता) ये तु पापः प्रदायिते \| पौराणिकान्तः वै (वै दैवता) यद्व एव \| तत्सं वै वै विकारिकादि नैमायः प्रवव्यवसिते \| पद्मविश्वमतः.

660 पद्मतस्यापि शुद्धं शाश्वान्वन्तिवन्यते \| वचनं तयं न गर्भं गुरुनिधिष्ठं हिंद्रवाया \| पुष्पचिरे (व्यवहारं p. 19).

661 सतिस्मृतियोऽवलम्बन यो व्यक्तिकमनुः \| भोजने च च दृश्ये च हन्यति विभुषं कुलम् \| यथा वेदमेव मूर्तिः दूरस्थेऽनुभावितम् \| गुणाविविशाल दशायो नालवै श्रेष्ठव्यतिकम् \| पद्मविश्वमत q. by सम्भवितम् (भाद्र) p. 393.

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important for the history of Hindu Law. A few of the important views of the Samgrahakāra are set out below. He gives the requisite characteristics of a plaint in five verses. According to him documents are of two kinds, rājakīya and jānapada. The ordeals from dhāta (balance) to poison (i.e., four) are prescribed in cases where the subject matter is of great value (i.e., above 500 paṇas), while kośa and the (other) ordeals (in all three) are prescribed in disputes for lesser sums. This is slightly opposed to Nārada (ṛṇādana, verse 336), according to whom the five ordeals from tulā to kośa were prescribed in substantial disputes. The Samgrahakāra has in view the seven ordeals spoken of by Nārada (ṛṇādana verses 252, 337, 343), while Brhaspati and Pitāmaha enumerate nine. He defines dāya as the wealth that is handed down through father and mother. He held that ownership arose from the dictates of śāstra and was not an affair of the world (laukika) and puts forward two reasons in support of his theory, viz. if ownership were laukika, then it would not be possible to make such assertions as ‘his wealth has been wrong-fully seized by another and the texts (vide Gautama X.49) laying down the means of acquisition of wealth for the several varṇas would be meaningless. Dhāreśvara held the same view. These views were elaborately criticized by the Mit. According to the Samgrahakāra, partition creates ownership in the son as regards paternal wealth (in which he has no rights by birth). Dhāreśvara entertained the same opinion, which was vehemently controverted by the Mit. holding that partition takes place of that in which one has already ownership.

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662 Vide mīta on ब्रह. II. 6, स्त्रितिः (व्य. p. 36), व्यवहारमयूख (p. 12), गीर (p. 62).

663 धनादीम विषयान्तानि गुर्यथेषु दायपेतं च कौशादीम पुनर्ब्राह्मण गुर्यथेषु यथाकम्। स्त्रितिः (व्य. 98); पर. मा. III. p. 153; कौशादीम वितान्तानि गुर्यथेषु दायपेतं।

664 विवेकद्वारायतं दयं दशवर्गारं व यद्व दशवर्गदेव दशभागोऽनुप्स्वतं। पर. मा. III. p. 478.

665 अंकाप्रकारण स सुकुम्भुत्तणम स विन्ध्योपारंगमम: श्रावणि यथावर्गः पृथक् पृथकः। प्रतिमहेकाश्र्याणिं यथाप्रकाश्व: यथाकम्। स्त्रितिः (व्य. p. 257).

666 किमेते च विमाणेन दुनाणां पैदुङ्कः पन्मस। सर्वेऽसति प्रक्षेती तथांवर्गाः; पृथकः किम्। स्त्रितिः (व्य. p. 259).
According to the Saṃgraha, ownership does not consist in being able to dispose of a thing at one’s sweet will, since it is the śastra that prescribes the proper disposal or application of all things. The Saṃgraha laid down that the special share given to the eldest son, the practice of nīyoga and the offering of a cow are all forbidden in the present age. Dhāreśvara also held the same view about the eldest son’s rights and the Mit. also approves of it and quotes anonymously the same verse (on Yāj. II. 117). The Saṃgraha in two verses apparently following Manu 9. 182–183, lays down that, if of several full brothers one has a son, all thereby have issue and that, if one out of the several wives of a person has a son, all the co-wives may be regarded as putravatī. The Smṛticandrika says that Devasvāmi explained this dictum of the Saṃgrahakāra (Smṛticandrika, Vy. p. 289). The Saṃgraha says that the widow of a separated copareener dying childless would inherit his whole estate if she submitted to Nīyoga at the behests of her elders. This was also the opinion of Dhāreśvara and was refuted according to the Smṛticandrika by Viśvarūpa. The Mit. also criticizes this view. He names Manu in connection with the succession of a person dying without leaving any one out of the twelve kinds of sons. He has in view Manu 9. 185. According to the Saṃgrahakāra the order of succession to a sonless man is: widow, the daughter who is a putrikā, mother, paternal grandmother, father, full brothers, half-brothers, the line of the father (pitṛsantati), the grandfather’s line, the great-grandfather’s line, other sāpindas, sakulyas, the preceptor, the pupil, a fellow-student,
a learned Brähmana. The Mit. notes that relying on Manu (9. 217) Dhārēśvara placed the paternal grandmother after the mother and before the father (thus agreeing with the Saṁgraha). The Saṁgraha says that homicide and other offences when committed with force are called nāhama.\(^{671}\)

It will be seen from the above that the views of the Saṁgrahakāra closely agreed with those of Dhārēśvara in many respects and were not approved of by the Mit. and other later writers. In vyavahāra the Saṁgraha certainly marks a far more advanced stage than Yājñavalkya and Nārada, whose works do not contain the controversial questions about ownership, partition etc. As Dhārēśvara agrees very closely with the Smṛtisāṁgraha it may be argued that they were not separated by a long interval of time. It has to be also noted that Viśvarūpa and Medhātithi do not refer to the Saṁgraha. It is not unlikely that the Saṁgraha was in vogue in the territory ruled over by Bhoja of Dharā and was therefore followed by Bhoja Dhārēśvara. Taking all things into consideration the Saṁgraha was probably compiled between the 8th and 10th centuries of the Christian era. The Smṛticandrikā no doubt says in one place that the Saṁgrahakāra follows the views of Dhārēśvara.\(^{672}\) But this statement should not be emphasized and interpreted too literally. All that it means is that both held the same opinion. There is no intention to state that Dhārēśvara preceded the Saṁgrahakāra. Chronology was never the strong point of Indian commentators, particularly when the writers whose opinions were referred to flourished several centuries earlier. We know that Bhrāucī and Dhārēśvara preceded the Mitāksāra which names both; but the Sarasvatīvilāsa in several places (e.g. pp. 347, 361, 383) says that Bhrāucī cannot tolerate the view of Vijnānesvara and also says that Dhārēśvara and Devavāmi follow the view of Vijnānayogin (p. 395).

The Smṛticandrikā quotes several verses from the Saṁgraha on topics of śrāddha in which Gautama, Kātyāyana,  

\(^{671}\) सन्तुप्तमार्गार्थशिवी हृदानि प्रसभे यदि। साहसांवति कथयन्ते वायस्वायाम्यवनयोऽपि। स्त्रुतिन्द्र (त्या. प. 7)।

\(^{672}\) संग्रहकारव घरेष्वरमाननामार्गित्रः।
Parāśara, Manu, Yājñavalkya, Yama and Śaunaka are cited by name.\(^{673}\)

The Saṅgraha or Smṛtisamgraha must have contained a very large number of verses, since the Smṛticandrika alone quotes several hundred verses, from it on ‘āhnika, Vyavahāra and Śrāddha’. The Vyavahāra–nirṇaya of Varadarāja states (on p. 324) that the view of Saṅgrahakāra is relied upon by Dhāreśvarabhatta!

### 56. Saṃvarta

Saṃvarta occurs as a Smṛtikāra in the list of Yājñavalkya. He is cited on all topics of dharma by Viśvarūpa, Medhātithi, the Mit., Haradatta, Aparārka, the Smṛticandrika and a host of other writers. Viśvarūpa quotes either wholly or in part about twenty verses of Saṃvarta on evening sandhyā-vandana, on the duties of a yati and on the prāyaścittas for theft, adultery of various kinds, deadly sins. Medhātithi quotes verses of Saṃvarta on Manu V. 88 and XI. 116. The Mit. quotes him on prāyaścitta and āśauca (Yāj. III. 6. 17 19 etc.). Aparārka had a large work before him and quotes about 200 verses almost all on ācāra and prāyaścitta.

A few of the views of Saṃvarta on topics of vyavahāra may be noted here. According to him oral testimony when in opposition to writing was to be discarded.\(^{674}\) This is in striking agreement with section 92 of the Indian Evidence Act. He says that if houses and fields are being enjoyed (by one person as against another) when the king is there (i.e. when the central government is strong and there is no...

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\(^{673}\) For example, 'ग्राह्यक्रमे विसम्बादक पावयुचिनामार्हवति । यही विशेषतः इत्यादिष्टमा युहार्कार्यि शौचनकः ॥ ॥ श्रीनिप्रभा देवाना पुर्व कालयानादयः।' स्नृतिः (II. p. 484); compare याँ. I, 248, 'वस्त्रेऽवेष्टितः पञ्चसच्चेति । चिन्तूपनिः तदुत्तारन्त्यत्वा विसम्बादिः विसेषाभेदत् ॥'.

\(^{674}\) लेखे लेखकविया श्रीका वाचिक वाचिकी मता । वाचिके तु न सिद्धेन्या लेखस्य-परिः ब्र क्रिया ॥ लेखक्योगर यस्तास्य कुटे तदर्धियने । अपमेश्व हि तदु द्वारसतो राजा निवृत्ततु । वाचिकर्ष्यां सामायिकामण विहयने । क्रियाणं सहनामः स्यादनमत्वं च जायते ॥ अपरार्क्कः pp. 691-92 and रूपसाहः (व्यव. pp. 172-73), ब्रह्मचारण्य (of द्रव्यस्नी) p. 91.
anarchy), then it is possession that counts and not mere writing (i.e. possession will be protected and not mere paper title without possession). He lays down that no interest was to be allowed if not stipulated for in certain cases, viz., on stridhana (when used by the husband), on interest, on deposit (as long as it is not lost or deteriorated) and in suretyship. He enumerates ten wrongs (aparaadhahas) of which the king was to take cognisance suo motu without any private person's complaint, viz., restraint of the defendant (before judgment), obstruction of the public road, women conceiving in adultery, becoming rich without any ostensible means, destruction of a meeting hall and of trees and crops, kidnapping of maidens, sinning Brähmaṇas, champerty and maintenance, destruction of the roads where tolls are to be paid, the danger of robbers, rape, injury to cows and Brähmaṇas. He prescribed that disputes were not to be investigated on the full moon and new moon day, and on the 14th and 8th tithis. (Vide Par. M. Vol. II. p. 23).

In Jivananda's collection (part I, pp. 584–603) and in the Ānandāśrama collection (pp. 411–424) there is a smṛti of Śamvarta in 227 and 230 verses respectively. It purports to have been declared to Vāmadeva and other sages by Śamvarta. Its main contents are:—that is the religious country where the black deer roam about, rules of conduct for a Brähmaṇa, prāyaścittas for various lapses on the part of a student,

673 सृजन अग्नि सिद्धां विषयानि दु राजानि। सुचिं धारणा भवेत्त्वः न सेवनः तद्र
कारणाम्॥ परा. मा. III p. 146.

676 न दुर्देव: श्रीयने लोभे विवेके च यथास्थिते। संस्कृते द्रष्टान्याये च यदि न
स्मार्तस्वयंहः॥ सृजनः (व्य. p. 157.) तथा कल्पनः (व्य. p. 291),
व्यवहारप्रकाशः (of पुराणी) p. 209.

677 आसेचं पदि भागं च यथा गर्भ: पति विना। स्मार्तस्वयंहः द्रष्टान्याये विना चैव
बिकारिना॥ च यथ् दृष्यम (१) संपतिः द्रष्टान्यायम्: करिते। स्वयं... दिना॥
स्मभागः तस्मदी स्मार्तस्वयंहः च। स्वः॥ कल्पाभारः पार्थ विवेके च
पति तथा। पराभवसामाये स्वयं राजा विकारिये॥ प्रभावः प्रभावः
मार्गभेदते। स्वराज्याच्यायिनि च प्रवासमिति। स्मार्तस्वयंहः द्रष्टान्याये॥
स्मभागः पार्थ। स्वयं राजा बिकारिये॥ सृजनः (व्य. p. 28), परा. मा. III. 44-45, p. 25.
duties of householder, eulogy of liberality, duties of forest hermit and saṁnyāsinu, prāyaścittas for various sins and actions. Saṁvarta is sometimes cited as an authority (verses 38, 123). He recommends the marriages of girls at the age of eight (verse 67) and condemns marriage with a maternal uncle’s daughter (verse 157).

In a few Mss. (e.g. I. O. cat. No. 1367) the Saṁvarta-smṛti comprised is different from the printed Saṁvarta.

The printed smṛti appears to be an epitome of a portion of the original smṛti of Saṁvarta. Many of the verses in the printed texts are found in Aparārka. For example, Aparārka p. 14 = Saṁvarta verse 6; Aparārka p. 693 = Saṁvarta verses 107–108; Aparārka p. 1053 = Saṁvarta verses 111–113; Aparārka p. 1094 (eight verses out of which five) = Saṁvarta verses 130–34. The pāda of Saṁvarta which Viśvarūpa quotes (ardhastamitabhāskarām) on Yāj. I. 25 occurs in verse 6 of the printed text. This shows that the printed smṛti preserves very ancient material, the authenticity of which is vouched for by so early a writer as Viśvarūpa.

The Mit. quotes a Brhat-Saṁvarta (on Yāj. III. 265 288).

A Svalpa-Saṁvarta is quoted in Harinātha’s Smṛtisāra.

57. Hārita

The verse quotations from Hārita on topics of vyavahāra deserve some treatment. He defines vyavahāra as that whereby the recovery of one’s own wealth and the avoidance of (doing) the duties peculiar to another (caste or class) are effected in due course of law. He further says that that judicial proceeding is proper which is based on the dictates of dharmaśāstra and arthashastra, which is in conformity with the usages of respectable people and which is free from fraud. Hārita calls upon the king to know the śāstras, the

678 स्त्राचतुर्य ब्रह्म प्रातिः पर्यामुख वर्जनयूः। न्यायेन वच विषयं व्यवहारः स
उच्यते ॥ स्पृतिः ॥

679 धर्मशास्त्रार्थशास्त्रोऽपि शिश्मचारादिलक्षणः। छल्लेन च व्यपेतो यथा व्यवहारः स
धामिकः ॥ स्पृतिः ॥
duties of the varṇas and of the lowest castes. He, like Narada, said that vyavahāra had four aspects, each succeeding one prevailing against the preceding one, viz., dharma, vyavahāra, caritra, nrpañjā. He attached the greatest importance to writing and said that a transaction consigned to writing is effective even after great lapse of time and that he who has a writing in his hands is entitled to possession (probably in cases of mortgages and pledges). He lays down very elaborate rules about the requisites and defects of plaints, about summoning the defendant, about the contents, faults and kinds of the defendant's reply, and about the burden of proof. He protects long possession of property even if it originated without title provided it had lasted for three generations. He says that the title is the decisive factor as to various kinds of possession, viz., when possession is forcibly taken by soldiers and freebooters, when a thing is stolen or kept concealed, when it was delivered through affection and friendship or when it was lent on hire, or when it was handed over for wearing or safe custody or was borrowed through friendship. To illustrate the relation of title and possession he uses a very apt figure, viz. just as a branch cannot be seen expanding in the sky unless it is supported by the roots, so title is the root and possession is its offshoot.

680 शास्त्राणि सौवर्षांतु प्रहितानां च भूतति: ॥ व्यवहारस्वहं च जात्वा तत्त्वव- मार्गेश्वरोऽ ॥ स्मृतिः ॥

681 भर्मेश्व व्यवहारेण चार्येण न्याग्न्या ॥ चतुर्यादि व्यवहारोर्चुल्लर: पूर्व- वायक: ॥ सर्वनाथविलास p. 58 (Mysore ed.). Vide नाराय (Intro. chap. verse 10 ).

682 सुदीर्घ्यसाप्त कौत्तन निविष्ट्त: सिद्धिमुच्यात । स्मृतिः ॥; लेखः यस्र भवेदसे भोगं तत्त्व विनिर्देशः । अपराके on या. II. 90.

683 Vide मिता on या. II. 6 and 7.

684 अन्यायन्यापि ब्यटूसे विन्द्रा आत्रथवापि च । न तत्त्वकं पराहु वृत्तं समु- पागतम् ॥ स्मृतिः ॥; ब्रह्मनागममक्वतं भुवं वृद्धिभिर्भेदः । न तत्त्वस्य- पाहुं कमाविपुर्वपागतम् ॥ मिता. on या. II. 27.

685 अंतरावलाभुन्तं हन्त गम्ममापणि वा । ब्रह्मणगद्रस्तं न प्रदत्ता भाटकेन वा ॥ तथा समस्तं बहिर्वात्तं याचिन्द्र ग्राहयति वा । एवं बहुविचे भोगे आगमो निर्मयः समूः ॥ न सूत्रं विना शास्त्रा अस्ततिर्द्व प्रोहिति । आगमस्य भवेदसूतं मुक्तं शास्त्रा प्रकृतिः ॥ स्मृतिः ॥
According to him sureties are of five kinds,\textsuperscript{686} 
\textit{abhaya} (for keeping the peace), \textit{pratya} (for confidence), \textit{dana} (return of money or carrying out one’s obligations), \textit{upasthâna} (return of money lent on pledge) and \textit{darsana} (for appearance). He prescribed an absolute tutelage for women as regards the giving away of the husband’s wealth and allowed only maintenance to a young widow of improper conduct.\textsuperscript{687}

But Hārita was humane in his treatment of even erring wives. He does not allow a husband to cast adrift an adulterous wife and prescribes that she should be given food to keep body and soul together and bare clothes.\textsuperscript{688}

It appears from the above that Hārita the jurist must have flourished nearly at the same time as Brhaspati and Kātyāyana, i.e. between 400 and 700 A.D.

\textbf{58. Commentaries and Nibandhas (digests)}

The literature on Dharmashastra falls into three well-marked but somewhat over-lapping periods. The first period is that of the ancient dharmastras and of the Manusmrti. It is a period dating from at least the 6th century B.C. to the beginnings of the Christian era. Next comes the period when most of the versified smrtis were composed and it ranges from the first centuries of the Christian era to about 800 A.D. The third period is that of the commentators and the writers of digests. This covers over a thousand years from about the 7th century to 1800 A.D. The first part of this last period was the golden era of famous commentators. Commentaries on smrti works continued to be written almost to the end of this period, e.g. Nandapandita wrote the commentary called Vaijayanti on the Viṣṇudharmasūtra in the 17th century. But the general tendency from the 12th century onwards was

\textsuperscript{686} अमेव प्रत्येके दाने उपस्थानेक दर्शने । पंचस्तेव प्रकृरुण्या प्राणविधि प्रतिमूलथे ॥ स्मृतिच०.

\textsuperscript{687} दानार्थे वा धनार्थे वा धर्मार्थे वा विशेषत: । आदाने वा विप्रेन वा न खिद्र सवत्वस्वरूपिति ॥ स्मृतिच० ; विधवा चौबनस्था चेनारी भवति कर्कशा । आयुः क्षणार्थे हि दशम्बं जीवनं तदा ॥ मिताः on या. II, 135.

\textsuperscript{688} भार्याया व्यभिचारिणः परियायो न विचये । द्यातिपिण्ड कुचिवे च अधःशय्याच शाययेत् ॥ स्मृतिच०.

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to write works not professing to be commentaries on a particular smṛti, but works that were in the nature of digests containing a synthesis of all the dicta of smṛti writers on topics of dharma. Examples of this class of works are the Kalpataru, the Smṛticandrika, the Catuvargacintāmaṇi, the Ratnakaras of Caṇḍesvara. Even when in the earlier part of this period writers professed to compose only commentaries on particular works, they adopted the style of digests trying to introduce order out of a chaotic mass of Smṛti dicta and explaining away apparent contradictions. For example, Viśvarūpa's commentary (in the ācāra and prāyaścitta sections), the Mitakṣara and Aparārka's work, though professing to be commentaries on Yājñavalkya, are really in the nature of digests. In fact there is no hard and fast line of demarcation between a tikā and a nibandha (digest). Vijñānesvara is described by the Dvaitanimayya of Śaṅkarabhaṭṭa as the most eminent of all writers of nibandhas. Therefore, though it is usual to speak of the third period as one of commentators and nibandhakaras, there is no necessity in this work to observe any sharp line of distinction between the two. In the following pages a few prominent and typical commentators and nibandhakaras who have written on all or most of the branches of dharmaśāstra and whose works have attained classical rank will be dealt with in chronological order as far as that can be done with any accuracy.

59. Asahaya

Dr. Jolly in his edition of the Nāradasmṛti (B. I. series) has incorporated a portion of the bhāṣya of Asahaya as revised by Kalyāṇabhaṭṭa. Even this revised version comes up to only verse 21 of the fifth title abhyupetya-asuśrūṣā. The exact relation of Kalyāṇabhaṭṭa's labours to the original bhāṣya cannot be accurately gauged from the opening words ‘finding that the Nāradabhāṣya composed by Asahaya was spoilt (bhṛasta) by bad scribes, Kalyāṇa composes this after revising the one’. The colophon at the end of the first chapter of the Vyavahārasamātrka says that Kalyāṇabhaṭṭa

689 यद्यात्मिति नारदभाष्यं द्वितीयं अन्त्यम्। कत्यायनानि किष्ठं प्राणपरमितदुः
विश्रृष्टेऽपि न:। (first verse).
revised the bhāṣya of Asahāya at the encouragement of Keśava-bhaṭṭa. Kalyāṇabhaṭṭa seems to have taken great liberties with the text of the original bhāṣya. On p. 9 verse 15 ( rājā satpurusah sabhyah śāstram gaṇakaḷekhakau ), the comment on śāstra is 'Manu-Nārāda-Viśvarūpātmakam'. If Viśvarūpa named here be identical with the Viśvarūpa who commented on Yāj. (as is almost certain), this passage could not have occurred in Asahāya’s bhāṣya. Viśvarūpa, in commenting on Yāj. III. 263–64, mentions Asahāya by name and cites his explanation of a sūtra of Gautama (22. 13). The name Kalyāṇabhaṭṭa frequently occurs in the printed commentary itself (p. 81, 86, 89).691

In the I. O. ms. there is a salutation to Śiva and Gaṇeśa at the beginning. There is a ms. of the Nārādiyabhāṣya as printed by Dr. Jolly in the Govt. Mss. Library at the B. O. R. Institute, Poona, (No. 72 of 1874–75). It does not contain the first folio and curiously enough it ends just where the printed text stops. Dr. Jolly omits a few lengthy passages occurring in the ms. and generally indicates such omissions by dots. In a few cases Dr. Jolly omits only a word or two for no apparent reason, e.g. on p. 8 (folio 7b of No. 27 of 1874–75) he omits the word ‘paramasamāpddhyā’ after ‘vyavahāraḥ’ and before ‘caturṇām-api varṇānām’.

The Kalpataru (on Moksā pp. 48–49) quotes Gautama Dh. S. III. 10–24 from ‘Anicayau bhikṣuḥ’ to ‘Anārambhī’ and cites the explanations of Bhartriyajīa, Asahāya and Maskarin on some words occurring in them. Maskarin is a well-known commentator on Gautama (the com. is printed). It seems that Bhartriyajīa and Asahāya also composed commentaries; vide ABORI Vol. 18 p. 205 where Prof. Raghavan draws attention to Asahāya’s commentary on Śaṅkha–Likhita mentioned by Ānandagiri. On p. 544 the Vivādaratnākara quotes Manu IX. 165 (Aurasakṣetrajan) and Asahācārya’s explanation thereon.

690 इति असहर्वापरन्यायः केशर्भाट्टलोकाविहित-कल्याणपरिवर्तित-व्यवहारमाधु- 
कायां प्रथमोक्यः।

691 तथा जीयमेव सामान्यमापनव्यवहारप्रकरणं कल्याणमेत्त। p. 81; यथोर्च
निप्पिते स्वकारणव्यवहारकल्याणभेदः। p. 86; कल्याणकृत्ते जीयमेवः। p. 88.
The Hāralatā of Aniruddha who was the guru of king Ballalasena of Bengal, the author of Abhirutasāgara (about 1168 A. D.), tells us that Asahāya composed a bhāṣya on the Gautamadharmasūtra. Viśvarūpa also cites, as said above, Asahāya's explanation of a sūtra of Gautama.

It appears that Asahāya probably wrote a commentary on the Manasmṛti also. A passage of the Sarasvatīvilāsa says that partition of dharma was approved of by swaytikāras like Manu, Yājñavalkya, by their commentators, viz. Asahāya, Medhātithi, Vijnānēśvara and Aparākka and by writers of nibandhas, viz. the author of the Candrikā and others. Here the order in which the commentators are named requires that Asahāya like Medhātithi was known to be a commentator of Manu. This conclusion is to some extent corroborated by the fact that the Vivādaratnakāra quotes with reference to

692 हरलति ( B. I. series ) p. 33. 'गीतमः। वायुदेशान्तरितप्रभृतिअन्तोक्ती द्रोहः।' ( गी. अ. ब. 14. 44.) यह मृतोऽस्त्रायम्बतरो न भूतेति तत्तेशान्तरे तव मृतो देशान्तरित इति गीतमभाष्यः किंतुहयेयन व्यायातन।'; हरलति p. 97. 'गीतमः। पिण्डनिर्विक्रियः सर्वं पञ्चमे वा।' ( गी. अ. ब. 14. 12.) अयासांक्षायात्या। यदा पिण्डपितामहसहायेऽर्जुनृति तत्ता प्रतीतेः सदृष्ट्रेः विम्प्यः पिण्डशनम्। ... इदं तु व्यायानं न शोभनं प्रतिभाति।'

693 नर्मदेशार्थी मनुवायाःप्रकाशितस्मृतिकारणां तत्स्मृतिवस्त्रायात्तृतावस्मयेश्वराः तिथिविषेंद्राराजाः निविन्दृणां विद्वक्राक्षरार्जिनः च संस्कृतं एव। सरस्तविविलास para. 83 and p. 348 ( Mysore ed. ).

The sarasvatīvilāsa often refers to a writer called nibānmakāra. He is likely to be अम्बहय. Vide sarasvatīvilāsa p. 457. 'अनं ( मनुस्तूली ) बायांपायास्त्रायांकिरतिसंविंधानन्तरं दायविभागः कामकः। निवानकारे दु ब्राह्मणविवाहरो दृष्ट्रेः । उभयोऽम्बन्ति विरोधः। स विद्विविलास तथा विद्विविलास तथा विद्विविलास । अतत्त नर्मदे विद्विविलास तथा विद्विविलास तथा विद्विविलास । अतत्त नर्मदे विद्विविलास तथा विद्विविलास ।

694 The verse of मनु is आश्वास्मूलीरतावालम्बकः पुष्पाणि इति। The words of Manu are 'अनं दृष्ट्रेः सप्तमित्रेः सप्तमित्रेः ध्वस्तं गरुरं श्री इति। अर्यं तथा बिन्नमित्र तिमि न बिन्नमित्र।' वि. र. p. 583.
59. Asahāya


The foregoing establishes that Asahāya composed bāṣyas on the Gautamadharmaśāstra, on the Manusmṛti and on Nārada. When the Smṛticandrika 696 refers to a bāṣya of Nārada it is most probably referring to Asahāya. In the Mit. (on Yāj. II. 124) the opinion of Asahāya and Medhātithi on the right of an unmarried sister to receive one-fourth as provision for her marriage from her brothers is preferred to that of Bhāruci. 697 This seems to be rather a reference to Asahāya’s commentary on Manu (9. 118) which contains a rule similar to Yaj. (II. 124), while Nārada contains no such rule about a fourth share. It is a strange irony of fate that the very name of Asahāya who is profusely quoted by the Sarasvatīvilāsa in the first half of the sixteenth century was forgotten by later writers, so much so that the Bālambhaṭṭi understands the word Asahāya (in note 515 above) as an attribute of Medhātithi in the sense of ‘peerless’.

As Viśvarūpa and Medhātithi both name Asahāya, his lowest limit is about 750 A. D. How much earlier he flourished it is difficult to say. He can hardly be earlier than the 6th century. In the com. on Nārada (p. 48) there is a story from Pātāliputra about the repayment of a debt by sons, grandsons and great-grandsons. It has been argued (Calcutta Law Journal, vol. 17 p. 59) that, as Pātāliputra was a deserted city in the middle of the 7th century and as the reference shows that Pātāliputra was a living and flourishing city, Asahāya must have lived long before the 7th century. But as the very authenticity of the text of the bāṣya is doubtful owing to the drastic ‘revision’ of Kalyāṇabhaṭṭa, such a conclusion is extremely hazardous. In the ms. of the bāṣya

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695 बन्धासर्वद्वारातत्रां ह मेन कार्यिन्मातामपि मात्रः करुणास्वतितिकाले दापियः तथा। on the verse अदर्शकित्रा ततः।

696 स्मृतिकृत् (व्य. p. 36) on दर्शनविधि says ‘एवं तद्भवमाच्ये व्याख्यातम्।’ तथा न नारदः। ब्रह्मचार्यप्रमाणानि कार्यार्थाहुरनापि। अस्मात्प्रवृत्तिः नाथसाह के एव। विशेषतः यहकेर्वन्धनायथमानविलक्षणः। इति यहकेर्वन्धनायथमानविलक्षणः स एव। विशेषतः यहकेर्वन्धनायथमानविलक्षणाय नीरिग्रहनतिलकः।

697 अतोपायमातितिप्रमूणानि व्याख्यानमेव चतुर्वर्षं न भावेव। मितालकः।
other places such as Vaṭapadraka (probably modern Baroda), Avāvadu and Samvurdhaka are mentioned. There is nothing to show that the author was either a native of or had a first-hand knowledge of Pātaliputra. He might have been relying on traditions when he gave the story. Dr. Jolly not being aware of the express mention of Asahāya by Medhātithi argued that he flourished earlier than Medhātithi (Tagore Law Lectures p. 5; S. B. E. vol. 25 p. VII) on the ground that the Mit. and the Sarasvatīvilāsa always place Asahāya before Medhātithi whenever authorities on vyavahāra are enumerated. Dr. Jolly’s conclusion is right as shown above, but his reasoning is faulty. There is hardly anything of chronology in the order in which authors are named, since we find that the Sarasvatīvilāsa names Vijñānesvara even before Asahāya though the former flourished centuries after the latter.

Some of the views attributed to Asahāya may be quoted here. The definition of dāya (heritage) given by the Mit. was identical with Asahāya’s. Asahāya explained the dictum of Uśanas that fields were impartible by taking it to refer to the son of a brāhmaṇa from a kṣatriya wife, who does not participate in land gifted to a Brāhmaṇa. The Mit. on Yāj. II. 119 takes the same view. Asahāya held that as regards succession to the śulka of a woman even step-brothers should be given something, though the major portion would go to the full brothers. According to Asahāya, the wealth of a childless brāhmaṇa went to the teacher, then to the teacher’s son, then to the teacher’s widow, the pupil, pupil’s son, pupil’s widow (one after another) and then to the fellow-student.

698 स. वि. (para 195) ‘विज्ञानेश्वरसाहित्यमेचालित्वीनामियं व्याह्या’ (p. 371 of Mysore ed.).

699 असहायविज्ञानेश्वरमेचालित्वीनामियं व्याह्याः (स. वि. (para 195) ‘विज्ञानेश्वरसाहित्यमेचालित्वीनामियं व्याह्या’ (p. 371 of Mysore ed.).

700 स. वि. para 195 (or p. 371).

701 असहायक्रमाणामियं सेटसाहित्यमेचालित्वीनामियं (स. वि. (para 314 (or p. 384). Here there is a play on the word असहाय which means ‘unsupported, baseless’.)

702 स. वि. para 698.
The *Vivādaratnākara*\(^{703}\) (p. 578) quotes the Prakāśa as referring to the views of Asahāya and Medhātithi on *Manu* IX. 198 that the special rule of *Manu* applies to all the *strīdhana* belonging to a Kṣatriya woman who has a brāhmaṇī co-wife. The *Vivādaratnākara*\(^{704}\) quotes a verse of Narada about māṣa and a verse of the bhāṣyakāra thereon. It probably refers to Asahāya’s bhāṣya.

### 60. Bhartriyājña

This seems to have been a very ancient commentator. Medhātithi\(^{705}\) in his bhāṣya on *Manu* 8. 3 says ‘other explanations have been well brought out by Bhartriyājña and they should be understood from his work’. Trikāṇḍa-maṇḍana (who flourished before 1100 A. D.) in his Āpastambasūtra-dhvanitārtha-kārika\(^{706}\) (I. 41) refers to the views of Bhartriyājña that one who had committed to memory the text of the Veda had the privilege (the *adhiḥkāra*) of consecrating the sacred fires, though he may be innocent of the meaning of the Vedic texts. From Ananta’s bhāṣya it appears that Bhartriyājña composed a bhāṣya on the Kātyāyanaśrautasūtra which had been lost (*utsana*) in the former’s day. From Gādādhara’s comments on the Pāraskaragṛhasūtra it appears that Bhartriyājña commented on Pāraskara.\(^{707}\) The Grhastra-ratnākara of Caṇḍeśvara quotes Bhartriyājña’s explanation of

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703 विम्ब दत्तमिति श्रीनमात्रोपवद्भ्रात्मणिस्तहार्मेयायतिथितिरि (श्री इति?) प्रकाशकारः।

704 तथा चौर्या नारायणेऽमायों विष्टितमायास्तु सूत्रेणः काश्याणप्रत्ययः संस्कृतेत्। स स राजस्तो विश्वकितः। तथा च मायकारः। सौर्यायापरः संस्कृतेत्। वनस्य परमेन्द्रस्रोतस्रवेचरणं साध्यते। वि. र. p. 234।

705 च्यवेयानातराणि मोहोवैयनेऽवं समस्तातिनि इति तत् पवारत्रत्वानि सर्वथा प्रमाणमुक्तानि।

706 मोहोवैयननिष्क्रिविस्तारनितीवरि सन्। नानाविद्विद्वियाहयायेऽवस्त्रायिनिवस्त्रायिनि। विकाण्डमण्डन् (B. 1. series)

707 On *Pāraskara* I. 1.2 ‘ऐसे पद्य भूस्वरकारा इति महोदयमायेश्यां इति क्रियाप्राप्या’। On *Pāraskara* I. 2.1, the meaning of महोदय in the word दरवकाले is quoted; on the word फूट ‘क्रियासिद्धो वायुमणिश्च’ &c. (Pāraskara II. 5. 28) Gāḍāpāt says ‘इदं च सूत्रं धुतले हरिश्चरमाये विश्वविश्वज्ञातिद्विद्वियायायेऽवस्त्रायिनि।

708 विम्ब दत्तमिति श्रीनमात्रोपवद्भ्रात्मणिस्तहार्मेयायतिथितिरि (श्री इति?) प्रकाशकारः।
the word *sāṃvibhāga* occurring in Gautamadharmsūtra (10. 39 'svāmi riktha...sāṃvibhāga—parigrahādhi-gamesu').

The Nityācārapradīpa (B. I. series) after quoting Gautamadharmsūtra (11. 29 varnāśramāḥ svadharmaniṣṭhāḥ &c.) cites the comment of Bhattṛyaṇjña on the word *kac-cheṣeṇa* occurring in that sūtra. Therefore it appears probable that Bhattṛyaṇjña like Asahāya was an ancient commentator of the Gautamadharmsūtra. The Gṛḥstharatnākara, after quoting from Vasistha (17. 1) and Viśnū the well-known verse of the Aitareya-brāhmaṇa (ṛṣam-asmin sam-nayati) cites the explanation of Bhattṛyaṇjña as to the word 'jātasya' occurring therein.

The Kalpataru (on Brahmačāri⁹ p. 15) quotes the explanation of the words 'tataḥ śeṣeṇa' and also on p. 144 quotes the explanation of Manu V. 148 (uccetiṣṭena tu &c.) given by Viśvarūpa and Bhattṛyaṇjña. Kalpa⁵ (Śuddhikāṇḍa p. 101) quotes Gaut. XIV. 35–40 and Bhattṛyaṇjña's explanation of 'ante tvanyānām' as 'navamāsacānte'. Kalpataru (Gṛḥstha-kāṇḍa p. 5) cites the explanation of Vas. Dv. S. VIII. 1 (Gṛḥsthav...vindeta) by Bhattṛyaṇjña. Similarly, Kalpa⁶ (Gr. p. 259) quotes Gaut. X. 39 (Śvāmī rikthka-kraya⁸) and cites the explanation of 'sāṃvibhāga' as 'mitradāya' by Bhattṛyaṇjña. Kalpa⁶ (Niyatakāla p. 256) cites Yāj. I. 166 (śūdresu dāsa-gopāla⁹) and its explanation by Bhattṛyaṇjña as 'yasya gāh pālayati tasyaiva bhoojyānāh'. Kalpa⁶ on Niyata⁶ p. 203 quotes Gaut. Dv. S. V. 41 and the explanation of the word 'adhvīrvkāsura' by both Maskarin and Bhattṛyaṇjña as meaning 'sāyaṃkāla' (evening). Vide an interesting paper by Prof. Baladeva Upadhyaya in I. H. Q. vol. XII p. 494–503, where he advances some grounds for holding that Bhattṛyaṇjña commented on the Pāraskaragrhyā and preceded even Karka. The Vyavahāranirnaya of Varadarāja (on p. 135) cites the view of Dhāreśvara, Asahāya and Śrīkara about the effect of not asserting one's right against an interloper for a long time and of Asahāya on pp. 230, 455 also.

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708 संविभागेः भृत्यस्य इति भृत्यसः। गृह्यस्त्यापक करणम् फळी 78a of Govt. Mss. Lib. at the B. O. R. Institute, Poona, No. 44 of 1883–84.

709 अन्तः तद्भवः इति तस्यें निल्लाचारकरणम् क्षेत्रेणि भृत्यसः। निल्लाचारकरणप्रदीपः p. 12.

710 अन्तः जातास्यतः ऋणपाकारणायस्येति भृत्यसः। गृह्यस्त्यापक करणम् फळी 133a.
Since Bhartrayajña is quoted by Medhātithi who also mentions Asahāya but not Viśvarūpa, it follows that Bhartrayajña must have flourished before 800 A.D. and was probably a contemporary of or slightly later than Asahāya.

61. Viśvarūpa

The commentary of Viśvarūpa called Bālakridā on the Yājñavalkya-smṛti has been recently published in two parts by M. M. T. Ganapati Śastri in the Trivandrum Sanskrit Series. The Mit. states in the introductory verses that the dicta of Yāj. were expanded by the voluminous or ample (vikata) explanations of Viśvarūpa. In commenting on Yāj. I. 81 the Mit. tells us that Viśvarūpa looked upon the words of Yāj. I. 79 (tasmin yugmāsu saṁviśet) as a niyama. In Viśvarūpa's commentary on Yāj. I. 80 (evam gacchan &c.) we do find that the verse of Yāj. and similar passages of Manu (3. 45), Vasiṣṭha and Gantama (5. 1) are understood to contain a niyama and not a parīsambhavya.711 On Yāj. III. 24 the Mit. informs us that Viśvarūpa, Medhātithi and Dhāreśvara looked upon certain texts of Rṣyaśrīga on āśaunca as in conflict with well-known smṛtis and discarded them. Mr. S. Sitaram Śastri published (in 1900 at Madras) the text and translation of Viśvarūpa's comment on inheritance and Mr. Setlur also published the nyavahāra section. In the following pages the Trivandrum edition is relied on.

The printed comp. of Viśvarūpa on the nyavahāra section is extremely meagre and scarcely merits the epithet vikata applied to it by the Mit. But the commentary of Viśvarūpa on the ṛ迦ra and prṛṣa:ecilta sections is truly voluminous and compares favourably with the Mit. The style of Viśvarūpa is simple and forcible and resembles that of the great Śankarācārya. He quotes profusely from Vedic works, mentions the Carakas and Vājasaneyins (on Yāj I. 32), the Kāṭhaka (on Yāj. III. 237 and 243) and very often supports his position by quotations from the Rgveda (e.g. on Yāj. II. 121 and 206), the Brāhmaṇas (e.g. the Śatapatha on Yāj. I. 53 and III. 257) and from the Upanisads (e.g. on Yāj. II. 117, the well-known

711 मानवं तु । ‘वनुकलयभिभावम् स्थानं’ इति । भिन्नमयपरतथव व्याख्येयम् । एतलेनव । भासिन्न्व व्याख्यातं । ‘गौतमवं वनुकलयसिद्धार्थं ‘कलातु-पेयारं’ इति कैितहि । ... तस्मात्तत् इति भिन्नमभिभवे व्याख्येयम्।

n. d.—79
Chāndogya passage about the ordeal for theft and on Yāj. I. 50 Chāndogya II. 23. 10 about the three branches of dharma. He speaks of the pada-pātha and the kramapātha as due to human agency (on Yāj. III. 242). He frequently quotes the Grhya-sūtras of Pāraskara and less frequently those of Bhāradvāja and Āśvalāyana. He cites a host of smṛtikāras. Most of the quotations attributed to Svayambhū are found in the extant Manuśmrīti, but this is not the case with the quotations ascribed to Bhrigu (vide pp. 309, 310 above). Most of the quotations from Brhaspati (even on such topics as repayment of debts, sureties, the rights of sūdrāputra) are in prose, only a few being in verse (e.g. a verse about ordeals on Yāj. II. 117, a verse about the method of partition on Yāj. II. 153). On Yāj. I. 307 Viśvarūpa quotes a long prose passage from Brhaspati in which the qualities required in a Senāpati, Pratikāra, Hastyaudhyakṣa, Aśvādhyakṣa, Dāta, Mantrin and Upārīka are set out at length. It appears, therefore, that Viśvarūpa either knew a work of Brhaspati in prose on arthaśāstra in which occurred a few verses or he had before him a prose work of Brhaspati and a versified smṛti of Brhaspati, both of which he regarded as the compositions of the same author. He quotes a verse (on Yāj. I. 328) from Viśālākṣa, a well-known writer on politics quoted even by Kaṇṭīlya. He refers to the arthaśāstra of Uśanas along with that of Brhaspati. Kaṇṭīlya is nowhere quoted by name. The learned editor of Viśvarūpa thinks (Intro. p. V) that Viśvarūpa took Brhaspati and Viśālākṣa as ārga writers long anterior to Yāj. and therefore used their dicta to elucidate and support Yāj., while he omits Kaṇṭīlya because he thought Kaṇṭīlya to be posterior to Yāj. This argument contains several fallacies. In the first place it is wrong because Viśvarūpa quotes verses from Nārada and Kātyāyana to supplement Yāj. There is nothing to show that Viśvarūpa regarded Nārada and Kātyāyana also as anterior to Yāj. and we have

712 The स्मृतिकर्त्ताओऽ mentioned by name are: अर्जिरस्, अति, आपलम्ब, एशनस्, कालायन, काञ्ज्ञ, गार्थ्य, ब्रह्मगार्थ्य, गौतम, जातुकण्ण ( or-शि ), रक्ष, नाराय, पराशार, परासर, वितामह, पुरलंक, पैठपलसि, ब्रह्मसिद्धि, ब्रम्बोधयन, भार्त्रज, सम्य, मनु, ब्रह्मसु, गम, वाँकवल्ल, वृद्धाज्ञवल्ल, विष्णु, विण्ण, व्यास, शब्द, भावात्मा, श्रीनक, संवर्ते, सुमन्तु, स्म्यम्भ, ( i.e. मनु ), हारीत.
seen above that they are several centuries later than the smṛti of Yāj. Moreover Kauṭilya himself looked upon both Brhaspati and Viśalakṣa as high authorities and so Viśvarūpa might have quoted them rather than Kauṭilya. Even taking the latest date assigned to Kauṭilya (about 3rd century A.D.) he flourished several centuries before Viśvarūpa. It is impossible to believe that Viśvarūpa was in possession of the exact chronological relation of Yāj and Kauṭilya. Many scholars, besides, place Kauṭilya’s work centuries before Yāj. It appears, however, that Viśvarūpa had the work of Kauṭilya before him. On Yāj. I. 307 he speaks of ministers tested by the four allurements (upadṛṣṭa) of dharma, artha, kāma and bhaya. This is an echo of Kauṭilya (I. 10). On Yāj I. 343 Viś. refers to the view of some that a march should be made when neighbouring chiefs are overwhelmed in calamities. This is the view of Kauṭilya almost in the same words. On Yāj. I. 341 Viś. speaks of the manifold aspects of the work of a minister, some words of his comment being almost identical with Kauṭilya’s.

Some of the verses on pp. 25–27, for example, the first verse (govadham &c.) refers to Yāj. III. 234 (where ‘govadha’ is mentioned as the first among Upapātakas (51 in number). On p. 26 he has a kārikā ‘Śāṁtopi govadhostyarghyamarhayet prathamam gava’, which includes Mausmṛti III. 3 (last quarter); on same page the words ‘vedam-eva tvadṛṣṭārthe...pramāṇam paramam dharme Śrutir’ embodies a part of Manu III. 13. The Kārikā at the top of p. 27 quotes some words of Manu II. 10.

Viśvarūpa’s work is thoroughly saturated with the lore of the Pūrva-mīmāṁsā. He quotes Jaimini by name (on Yāj. I. 225 where Jaimini VI. 8. 13 is quoted). Curiously enough

713 तथा चाहै: — सामन्ययोजनसत्साब्यो यात्रिक तमिलमेव ग्यायन-इति। विन्दुपुष्पः। comp. ‘तुथ्यासामन्ययोजना यात्रिकमिच्छ वा इत्यादिभिऽष्यत्वः। कौटिल्य VII. 5; किं दुनसामन्ययोजनाय। उद्भवसतीतेनासावत्त्वावस्थितार्थं अन्तर्गतस्यसावत्त्वावस्थितार्थं अन्त:पुनर्चारविषयं किं च। विन्दुपुष्पः। The words कार्यकिः ... व्यासन occur in कौटिल्य (I. 11) and कौटिल्य has chapters on राज्यवर्ष्ण (i.e. कुमारसिन्नः), (i.e. अन्त:पुनर्चारः), दु:विद्विष्ण अथ द्वन्द्वाणिप्रति.
he applies the term *nyāya* to *mīmāṃsā*. He takes ‘*nyāya-mīmāṃsā*’ in *Yāj. I. 3* as one *vidyā*, while he notes that others explain *nyāya* as the system of logic propounded by *Aksaipaḍa*. He quotes the sūtras of Jaimini as those of *Yājūṅkha* who know *nyāya* (*e.g.* on *Yāj. I. 53* he quotes Jaimini I. 3. 16 and on *Yāj. I. 87* he quotes Jaimini VI. 8. 17). He applies the epithet *Nyāyāyika* to a *mīmāṃsaka* like *Śabara* and speaks of the *mīmāṃsakas* as *nyāyāvidūḥ*.

He mentions the *Śabarabhāṣya* by name (*on Yāj. III. 243*) and in several places quotes the very words of *Śabara* (*e.g.* on *Yāj. III. 181*). He quotes the *Ślokavārtika* of *Kumārila* (*I. 12* the verse ‘*sarvaśaiva hi &c*’) in his introductory remarks. In his comment on *Yāj. I. 7* he cites over fifty verses in the nature of *kārikās* dealing with the relation of *śrutī* and *smṛti* and kindred topics. These verses are his own composition, as in one of them he assures us that a certain point will be dealt with by him in detail in the section on *śrāddhā*. In interspersing his commentary with *kārikās* of his own and in their style and pithiness he greatly resembles *Kumārila*. Throughout his work he relies upon *mīmāṃsā* maxims and methods of discussion. For example, on *Yāj. I. 4–5* he discusses the rule of Jaimini II. 4. 8 ff* (about ‘*sarvaśākhapratyayam ekam karma*’) in its application to *smṛtis*; on *Yāj. I. 225* he relies upon the position that words like *yuddha* and *varṇa* are to be taken as employed in the Vedas in the same sense in which *śīlas* use them (*vide* Jaimini I. 3. 9); on *Yāj. II. 144* he speaks of wealth (*dravya*) being *puruṣārtha*, where he alludes to the well-known distinction between *kṛtvārtha* and *puruṣārtha*, the subject of Jaimini’s 4th chap. His commentary on *Yāj. III. 212, 237, 262* are fine examples of his superb skill in the interpretation and reconciliation of apparently conflicting texts.

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714 **Nyaśa-string Śāhindra: 'वर्तवा सवमस स्थार'**; **Nyaśa-string Śāhindra: स्वामित्वानुपायं न गृहोज्जविविधातः (this is Jaimini VI. 8. 17); न च व्यक्तिमागर्भ विविध्य विविध्य इति Nyaśa-string: (on Yāj. III. 250). The last is a well-known *mīmāṃsā* saying. "तथा च नैयायिकाः ‘नहि व्यक्ति-मात्रानिर्मित्वा’ इत्यादिः.” These words occur in *Saivārghya on Jaimini* III. 2. 3.

715 तथा चौकथं 'वृत्तन भवन भवि-शास्त्रिकाप्यज्ञाताकाम्यशक्तिव व्यक्तिमागर्भम्' इति. This is *Saivārghya* p. 4 (B. L. edition).

716 स्वरूप्य व्यक्तिमायां भविष्यमेण. विबन्ध्य part I. p. 16.
Though Viśvarūpa was a past master in Pūrvaṁīmāṁsā lore, his philosophical views seem to have been identical with those of the great Śaṅkara. According to him mokṣa results from correct knowledge alone and the whole sāṃśāra is due to avidyā. He quotes anonymously one of Gaudapāda’s kārikās (III. 5) on Yāj. III. 134.

He speaks on Yāj. III. 103 of Nārada who knew the Veda of music (gītivedavid), of purāṇa (on III. 175), and quotes verses (on Yāj. III. 85) from an abhidhānakośa (lexicon) and from a Nāmāratnamalā (on III. 266). He speaks of the śloka of Bhiksātana (on III. 66). He is in this probably referring to the Bhiksātana-kāvya, which is mentioned by the Sahityadarpaṇa. Among commentators he mentions Asaḥaya’s bhāṣya on Gautama by name (on Yāj. III. 263). On Yāj. III. 256 he explains Mleccha as pulindas and Tājikas (i.e. Arabs).

It has been shown above (§34 pp. 423–425) how Viśvarūpa’s text of Yāj. varied in some respects from that of the Mit.; how he frequently refers to the views of commentators of Yāj. earlier than himself (in the words ‘apare’, ‘anye’), how he proposes several explanations of the same words in several cases.

Dr. Jolly (Journal of Indian History, 1924, pp. 7–8) says that the citations of Viś. in the Smṛticandrika about his having refuted the views of Dāraśvāra cannot be traced in the printed Bālakrīḍā, as also the reference to Viś. in the Mit.

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717 In his com. on याज्ञवल्क्य III. 66 he says: ‘अपवाच्य हि पारितस्मे शामेकामन्यानि न तत् कर्मणि प्रयोजनमित्वमेव’; ‘तत्त्वाध्यायामेकत्वा-विमोचनप्रश्नाध्यायाय-विधानशास्त्रानन्तरमलाति श्रावायति’.

718 तथा चाहे- यथेकंतस्नांना रंजोपुराणिः सहं रुक्षं यथायानम् ॥ इति । नानाध्यायी-प्रभुपृथ्विपत्तानि च यथेकंतस्य रंजनम् ॥ उत्ताध्य चिन्यने तत्र जने व्योम निम्पत्तम् ॥ इति. In the Ānandādrama edition of गोडापाद the fourth prīta is सहजात्मा सुखार्थिः. I could not trace the kiribā ध्रूपदीया.

719 Vide I, O. cat. p. 1448 for the भिक्षास्तानन्त्य of शिवभक्तिदास alias उत्तरक्षामभिं who names वाल्मीकि, कलिदास and the कादम्बरी of भाग.
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on Yaj. I. 81 and II. 135. It has been shown above (note 529) that the printed Viś on Yaj. I. 80 does contain the view attributed to it by the Mit. As regards the Mit. on Yaj. II. 135 it has to be noted that the Mit. does not mention Viś. by name there, but only speaks of ‘bhagavān ācārya,’720 which words are interpreted by the Subodhīṇi and the Balambhaṭṭi as referring to Viśvarūpa. It is true that the printed Viś. does not contain in so many words the explanation attributed by the Mit. to ‘bhagavān ācārya.’ But it is worth considering that in the printed Viś. the two quotations from Maṇu and Śaṅkha do occur and are put in the mouth of an objector and are explained away in a way somewhat similar to that put forth in the Mit.721 As regards the passages of the Smṛticandrika, the matter requires careful examination. The Smṛticandrika, (II. p. 294 Gharpure’s ed.) says that according to the Saṅgrahakāra a widow was allowed to succeed to her sonless husband’s wealth if she submitted to niyoga, that the same was the view of Dhāreśvara and that Viśvarūpa refted the view of Dhāreśvara. In no place does the printed Viś. name Dhāreśvara. The words of the Smṛticandrika are not to be taken literally. It will be shown below that the author, Devanābhaṭṭa, flourished about 1200 A.D. while Dhāreśvara flourished between 1000-1050 A.D. Devanā had no correct idea of their relative chronological position. It has been shown above (p. 249) how though

720 The words of the Mit. are: यद्यनस्सं नवत्त इरहेरुक्षण रिखे शतर ऐवा (सन 9 185) इत्य नमुनुम्यय, तथा-व्यक्तित्व हाउस्वय अनुगामी इन्थे तद्भवे प्रवरते इरहेरुक्षण ज्ञेया वा पत्रलीत शास्त्रमण्डल अनुस्य धन न्यायांसभृत भारत तपस्या क्रुद्धेर्वसं, श्रुयमाने रावणकृत्य साधनवयात्मिक माणेर भारतीयुक्ते धन न्याय जन्म इत्यिपि स्थितम्। एवं स्वतं बहुधुवने अतिरि तथावते भरानायुक्ते धन गुहाने येशं च भारते यथा! तु पतीमण्डलोपोत-युक्ते ध्वनमानि नयां न्यूरुषे वा तथा कि पत्नेव गुहानि उत्थ अततपाणि विरोधे पूर्ववर्त्यस्वप्राणपधारे धने हृद्वियाः इत्यारंभाभिनि। नित्यम् भगवान्- भारायो न गुहानि। यथा। पितास इरहेरुक्षण...इत्य विकारसंयाेदे कपिस्ति तु अन्यायेशिकादिश्यस्यस्यसम्यक्षेत्र भयावहारंभाभिनि। उत्तराधिकारीचिन्हा धने हृद्वियाः इत्यारंभाभिनि। व्यावहार।.

721 ननु एतद्यन्ति। ‘पितास इरे... वा’ इति। मातायशस्यभाने। इत्यिन। कर्त्य भक्तवत् ‘स्वयंस्य... पत्रली।’ उकलिङ्गाणुदिलहितमचि सदर्श- भारायो यथूः। विनिवेश्य.
Asahāya is named by the Mit., the Sarasvatīvilāsa very often says that Asahāya does not like (or tolerate) the views of Vijnānesvara. Similarly, the same work (para 392) says that Dhāreśvara and Devasvāmin do not tolerate the view of Vijnānesvara, but Dhāreśvara is one of the predecessors of Vī. actually named by him. So all that the Smṛticandrīkā means is that Dhāreśvara and Vīśvarūpa differed in their views on the particular points mentioned by it. The word pātri is taken by Viś. to mean a widow who is pregnant at the time of her husband’s death and quotes the sūtras of Vasīṭha and Gautama in support of his view as jñāpakaś. So this view entirely differs from the view of Dhāreśvara that the widow of a sonless person succeeds if she submits to niyoga. The Smṛticandrīkā (II. p. 300) says that the Saṁgrahakāra placed the father’s mother immediately after the mother and before the father, that the Saṁgrahakāra relied on the same arguments that were employed by Dhāreśvara and that Vīśvarūpa and others refuted those arguments. The passage in the printed Viś. is somewhat corrupt in this place. Viś. does place the mother before the father on the ground of the word mātā occurring first when the word ‘pitarau’ or the compound ‘mātāpitarau’ is expanded. The comment does mention the verse of Manu (9. 217) about the grandmother, but it makes no clear sense, as it stands. For the reason given above Rai Bahadur M. M. Chakravarti (JASB for 1922, p. 345 and for 1915, p. 322) is not right when he places Vīśvarūpa later than Bhojadeva because of the remarks of the Smṛticandrīkā.

In the works of Jimūtavahana (viz. the Dāyabhāga and the Yyavāhāramāṭikā), in the Smṛticandrīkā, the Haralatā, and other later works like the Sarasvatīvilāsa, the views of Vīśvarūpa are frequently cited and discussed. Several such citations have already been examined by me (JBBRAS for 1926, pp. 200–204). From considerations of space I do not repeat here the discussion of those passages. In the Gṛhasṭharaṭnakāraka of Cauḍēśvara (No. 44 of 1883–4, in the Govt.

722 क्षणियारियु पुनाणां तु पितरि मातृभाव विषयं।
विषयं ।

723 विश्वस्य on गाः. I. 135 is तथा चाम्मात्।
विषयं ।
नये न प्रज्ञानकु तो ।
अर्थे म वक्तः पापमात्।
विषयं ।
कार्यनाये ।
दस्य वशिते

(Continued on the next page)
Mss. Lib at the B. O. R. Institute Poona, folio 133a) the explanation of Viśvarūpācārya on Yāj. I. 135 is cited, which does not exactly tally with the printed Viś. Hemādri\textsuperscript{24} refers to Viśvarūpa's explanation given in his section on partition which does not occur in the printed text. The result of the examination of these citations is that the printed text of Viś. is in the main genuine, but that in a few cases (particularly in the vyavahāra section) it is corrupt or deficient.

Though Viś. holds the same view as the Mit. that ownership does not for the first time arise on partition but that partition takes place of what is already (jointly) owned, yet on numerous points the two disagree. A few of them may be set out here.

(1) Viś. allows (on Yāj. II. 118) the father unrestricted freedom of distribution of property among his sons during his lifetime, while the Mit. expressly says that this power of unequal distribution is restricted to self-acquired property.

(2) Viś. (on Yāj. II. 119) allows a share of property to the widows of predeceased sons and grandsons of a man when a partition takes place during his lifetime. The Mit. restricts the word 'patuyah' to the father's own wives when he effects a partition during his lifetime.

(3) Viś. connects the words 'without detriment to the paternal estate' (in Yāj. II. 122) with the words 'whatever else is acquired by himself' and not with 'maitra' (gifts from a friend) and 'audvāhika' (gifts on marriage), while the Mit. connects the half verse 'whatever else is acquired by the man himself without detriment to the paternal estate' as a

\textit{(Continued from the previous page)}

\textit{गर्तेर तंत्वाविविधति वधाष्यम्}; while the \textit{यशोरतनाकर} says 'अर्थे मे बतः सर्व पापानानुपत्तिः क्षति सर्व मन्त्र पटनावयं परां वर्तवती'); \textit{गर्तेर यवनैवसमापि}; उपवनिमयम्। तावनावतिपामनागहल-वादित्वीती विक्षृष्णचायः।

724 अना वा अनन्तुशो वा काशं: शिष्य एव च। सचिन्द्रकड़ियोऽऽलः क्षत्रा कुर्यामिस्मुस्वर्धीके ततः। इवव वचने अनुसन्धानन्त्रODB आधुनिके भार्क्स विभागप्रकरणविहा वाचवताद् वेदम्। चेतुर्वर्गोऽऽलः (कालनिष्ठे p. 43).
qualifying clause to the next half verse and to another verse 'kramād abhyāgatam &c.' In the Mit. the two verses 'pitṛdravyāvirodhena &c.' and 'kramād &c.' occur consecutively, while in Viś. they are separated by three verses and Viś. takes the verse 'kramād &c. as referring to the re-opening of a partition for a son born after partition.

(4) Viś. allows viyogā only to śūdras in general and to kṣatriya kings in case of danger of extinction of line (vide com. on Yāj. I. 69 and II. 131), while Mit. forbids viyogā in general and holds the texts speaking of it as applicable to a girl who is only betrothed and not married.

(5) Viś. appears to allow one share out of ten to the son of a śūdra wife from a brāhmaṇa without restriction of any kind, while Mit. restricts the share to estates other than land acquired by gift.

(6) Viś. interprets the expression 'half share' (in Yāj. II. 138) with reference to the illegitimate son of a śūdra as meaning 'some portion, not necessarily exactly half.' while Mit. interprets it literally.

(7) Viś. allows a widow to succeed to her husband if she is pregnant at his death, while Mit. allows a widow to succeed without any restriction except that of chastity.

(8) Viś. restricts the word 'duhitaraḥ' in 'patnī duhitaraścaiva' (Yāj. II. 138) to pātrikā only and so does not allow all daughters to succeed, while Mit. does not introduce any such qualification.

(9) Viś. reads 'anyodaryasya saṁśvastī' for anyodaryastu &c. and 'sodaro' for 'saṁśvasto' in Yāj. II. 143 and his interpretation of the verse is entirely different from that of the Mit.

(10) Viś. reads 'ādhivedanikāma caiva' for 'ādhivedanikādyāma ca' of Mit. and holds that bandhavācom, iva and anvādhegyacca strīdhana of a childless woman goes on her death to her full brother; while Mit. connects these three with the preceding verse and takes the half verse 'atitāyāma &c.' as laying down a general rule of succession to strīdhana of all kinds and interprets 'bandhavā' as meaning 'husband and the rest'.

(11) Viś. takes the verse 'adhivinna-striyai &c. (on Yāj. II. 152) as applicable to a wife superseded without any ground of supercession allowed by the texts; while Mit. does not introduce any such qualification.
As Viśvarūpa quotes Kumārila’s Ślokavārtika and is mentioned by the Mit. as an authoritative commentator it follows that he flourished between 750 A. D. and 1000 A. D. A greater approximation as to the date of Viśvarūpa can be made, if the identity of Viśvarūpa with Sureśvara be held established. Sūreśvara, as he himself tells us in the Naiṣkarmyasiddhi, the Taittiriyopanisadbhāṣyavārtika and other works, was a pupil of the great Śaṅkarācārya whose generally accepted period is 788–820 A. D. Mādhavācārya in several works of his quotes as Viśvarūpa’s passages from the well-known works of Sūreśvara. For example, the Parāśara–Mādhaviya (vol. I, part I, p. 57) quotes a kārikā of Sūreśvara as that of Viśvarūpaacārya. The Vīvaraṇaprameyasaṃgraha (Vizianagaram series p. 92) also Mādhava quotes a verse from the Brhadāraṇyakopanisadbhāṣyavārtika as Viśvarūpa’s. In the Pururāṣṭraprabodha of Brahmānanda-bhāratī (ms. in Bhaṇ Daji collection, Bombay) composed in 1476 (probably of the Saka era) the author speaks of the Naiṣkarmyasiddhi as a work of Viśvarūpa. In the Saṁkṣepa–Śaṅkara–jaya, Viśvarūpa is said to be the author of the two vārtikas on Śaṅkara’s bāṣya. According to tradition embodied in the various lives of Śaṅkara, the latter had four pupils, Sūreśvara, Padmapāda, Tōtaka and Hastāmalaka. Several works mention Viśvarūpa as one of the four pupils and omit the name Sūreśvara. For example, in the Dvādaśā–vākyavivaraṇa of Gopāla (Aufeicht’s Oxford Cat. No. 557, p. 227 b) the four pupils of Śaṅkara are named as Viśvarūpa, Padmanābha, Tōtaka and Hastāmalaka. In the Mānasollāsa–vṛttānta–vilāsa of Rāmatīrtha we are expressly

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725 इद्द् च वाक्यं नित्यविवयलेन वातिकं विश्वसाचार्यं उदास्हराह्यं आधे 'फलवं इवादि ज्ञानसृष्टेऽते संवृति नित्यविवयलेन वातिकं' ||

The verse occurs in the बुहदार्यकोपिनिष्ठम्यावातिक (1.1.97).

726 इत्ययिन नैक्ष्मिकसिद्धी सहाराणार्याविनम्: ||

The verse is on p. 640 of the बुहदार्यकोपिनिष्ठम्यावातिक.

727 इत्ययिन नैक्ष्मिकसिद्धी महात्माणार्याविनम्: ||

(folio 6).

728 इत्ययिन विद्विधवाधिका धर्माविनम्: ||

(13.68)
told that Sureśvara is another name of Viśvarūpa, a pupil of Śaṅkara (vide Mitra’s Notices vol. V, No. 1763, p. 82). In the Saptasūtra-saṁnyāsapadhdhatī (Mitra’s Notices, vol. VI, p. 296) the four pupils are said to be Svarūpācārya, Padmācārya, Toṭaka and Prthvīdhara. The Guruvrāmśakāvyā (Vanivilas ed.) identifies Sureśvara and Viśvarūpa (II. 59) and makes him a pupil of Kūmārila and Śaṅkara. It may therefore be held as fairly established that Viśvarūpa and Sureśvara are identical. Some corroboration is afforded by the fact that Viśvarūpa quotes Gauḍapāda the ‘paramaguru’ of Śaṅkara and holds the same philosophical views as those of Śaṅkara. Just as Viśvarūpa quotes Kūmārila’s Ślokavārtika, Sureśvara also in his Taṭṭtiriyopanisadhāsya-vaṁśika quotes a kārikā of Kūmārila and styles the latter Mimāṁsakam-manya.729 This shows that Sureśvara treated Kūmārila with scant respect, which seems unlikely if he was at any time Kūmārila’s pupil. Viśvarūpa, in his introduction,730 performs an obeisance to the Sun, the great serpent (Śeṣa), Tilakaśvāmin and Vīnāyaka. The Bhāmati of Vācaspati-miśra has a similar salutation. Vācaspati-miśra wrote his Nyāyasuci-nilbandha in 841-42 A.D. i.e. he was almost a contemporary of Śaṅkara and his pupils. The learned editor of Viś. tells us that in a commentary on Viś. called Vacanamāla Sureśvara is bracketed with Mauni and Yogīśvara (Yājñavalkya) as an expounder of Śāstra (i.e. dharma-śāstra).731 Therefore that commentator looked upon Viś. and

729 मोक्षायिनि न प्रवृत्तन तन काम्यनिषिद्योऽः। निघोशितविपक्षमुक्तस्य भवेदित्योऽः। इति मोक्षायिनि स्विनमात्रस्य: कृत्येषु मोक्षायिनि।। १०।।

730 प्रणवक्षर्म महानायं तिष्ठत्वात तथा। विनायकेऽऽ बहुमिथं स्मृतेनसहस्योऽऽतेः।

731 अवस्था मनुष्यरूप्रभवत्विनिषिद्युत्तरणा। शाय्याणि व्याक्तपि कर्त्तव्यं।

Vide Tri. Cat. of Madras Govt. ms. for 1919-22, pp. 4458-4460 for ववनमाला.
Sureśvara as identical. From all these several considerations it follows that Viśvarūpa flourished about 800–825 A. D. But this problem presents further difficulties. The mutual relations of Sureśvara, Bhavabhūti, Umbeka and Maṇḍana are a great puzzle. I have dealt with this question in JBBRAS for 1928, pp. 289–293. The conclusions arrived at there are that Maṇḍana's literary activity lies between 690–710, that of Umbeka between 700–730 and Sureśvara's between 810–840 A. D. and that Umbeka and Bhavabhūti are identical, but that Maṇḍana and Sureśvara are separated by about 100 years.

In the H. of Dh. Vol. V pp. 1188–1198 the present author has discussed at some length the relative chronological position of Kumārila, Prabhākara, Śālikanātha, Maṇḍanamīśra, Umbeka, Bhavabhūti, Viśvarūpa and Sureśvara and the conclusions relevant to Viśvarūpa are that Maṇḍanamīśra is not identical with Viśvarūpa, that Viśvarūpa and Sureśvara are identical and that Sureśvara is the name of Viśvarūpa after the latter became a sunyaśīśa. The grounds in favour of the identity of Viśvarūpa and Sureśvara are overwhelming as evidenced by the writings of great scholars like Madhavācārya.

An interesting matter about Viśvarūpa may be mentioned here. On Yaj. I. 162 (which is one of the verses that state the persons whose food should not be partaken of), 'grāmayājin' is one (who is ubhojyaśāna) and Viś. remarks that among the Malavas a grāmayājaka is known as 'Vaiśvadevika'. It is possible that Viśvarūpa was an inhabitant of Malava (roughly present Malwa) or that he had stayed there for some years.

Dr. Jolly has brought together in the Journal of Indian History (vol. III. pp. 1–27) some valuable information about Viśvarūpa.

In several later works a digest called Viśvarūpa-nibandha is frequently cited. That appears to be the composition of another Viśvarūpa altogether. For example, the sanātavati-śrāddhānīryāya of Sivabhatta (which is later than 1650 A. D.) tells us that Viśvarūpacārya composed a viśvarūpa
61. Viśvarūpa

( commentary ) on the Śrāddhakalika. The Kṛtyacintāmaṇi of Śivarāma ( No. 221 of 1879-80 in the Govt. Mss. Lib. at the B. O. R. Institute, Poona 4 ) quotes several verses from Viśvarūpanibandha on sapinda relationship in marriage, which are not found in the Bālakrīḍā, but which agree remarkably with the words of the Mit. on Yāj. I. 53. The Varsakriyakamṇḍa ( pp. 378, 380 ) mentions Viśvarūpa-nibandha and quotes two verses cited therein. The Tīthi-nirṇaya-sarvasamuccayā ( later than 1450 A. D. ) quotes certain kārikās of Viśvarūpa on the 18 varieties of Ekādaśi. The Kālanirṇayasiddhantaryākhyā ( composed in 1633 A. D. ) quotes certain verses of Viśvarūpa on the question of the disposal of food prepared for a marriage when a period of impurity on death supervenes. The Nirṇayasindho also quotes verses of Viśvarūpa. From these data it follows that Viśvarūpa composed a commentary on Śrāddhakalikā and also wrote a digest on matters of ācāra and other topics of dharma in prose and verse. Raghunandana in his Udvahatattva ( ed. by Jivananda, p. i6 ) names a Viśvarūpa-samuccayā. It is likely that it is the same as Viśvarūpa-nibandha.

62. Bhāruci

The Mit. on Yāj. ( I. 81 ) says that Bhāruci like Viśvarūpa held the view that the rule ‘yātā bhārīyam gaccheta’ was a nityama and not a parāsanadhya. On Yāj. II 124 the Mit. says that the explanation of ‘the fourth share’ to be given to unmarried sisters offered by Asahāya and Medihatithi was the

732 अतः एवं भार्तीयांक्ष-सारिकारी सदिकें च अभावाय तथाःदिकम्।
अक्षेन तु कत्वेव यथा भावा रजस्तत्ति॥ इति। अक्षेन कत्वेव न
त्यागादिकृतं यथा वाकविवरणात्ति भाष्यद्वीपसारायणयायात्मकम्। Ms. in
the Bhadkamkar Collection, folio 7b.

733 विश्वाहारिनियमेः। एवं कालसंरक्षण विन्यायश्च संसामात्।
तार्केभव सवाहिते प्राध्यामायानुवंशः॥ तत्तानी भिन्ने यस्यात्स्तत्त्वाभवं च।
तमात्र गणो ( गणेः ) धामान्तर्य। बायति कन्यकामू॥ इति कल्याणताभिषेकं folio 150.
The Mit. says ‘तत्तानांभेदिन्या तमात्र: तत्तानामेवल्लमात्राय गणेश्यायत्सतायम्
इति समेत दोन्तीनाम।’

734 एवं स्मार्तिनिर्देशः। बिश्वहेच्छािी अदादश भेदा उक्ताः। Ms. in
Bhadkamkar collection, folio 19a.

735 Ms. in Bhadkamkar collection, folio 137b on verse 82.
proper one and not that of Bhāruci. The Parāsaramādhaviya and the Sarasvativilasa (para 133) inform us that Bhāruci was of opinion that unmarried sisters were only entitled to a provision for their marriage and were not entitled to a fourth share.

The Śmṛticandrikā (on Vyavahāra p. 268) holds that the Viṣṇudharmasūtra (chap. 18) and Yāj. II. 124 (bhaginयāṣc...dattvāṃśam tu turiyakam) not to be taken literally but all that is meant is that provision has to be made for the marriage expenses of the unmarried sisters of the sons taking the paternal wealth. The Par. M. (III p. 510) notes that this was the view of Bhāruci (as against Medhātithi and Vijnāneśvarā and also of the Śmṛticandrikā).

Vide Dr. T. R. Chintamani’s paper on ‘Bhāruci’ (in the Pro. of All India Or. Conf. at Benares in 1943-44, vol. II, pp. 352-360, where he first collects 50 passages of Bhāruci found in the Sarasvativilasa, then puts together passages where Medhātithi refers to the views of Upādhyāya and then refers to a fragment of Manusmrīti commentary (on chapters VI to XII) where some colophons read Ṛjuvimalā and others Bhāruci.

Bhāruci, being mentioned by the Mit., is certainly older than 1050 A. D. Rāmānujaścarya, in his Vedārthasaṅgaha (reprint from the Pandit, ed. of 1924, p. 154), mentions six ācāryas that preceded him as expounders of the Viṣistādvaita system, viz. Bodhāyana, Taṅka, D Bramīda, Guhadeva, Kapardin and Bhāruci. Similarly, the Yatindramatadipikā of Śrīnivasadāsa (Anandāśrama ed.) enumerates (p. 2) a host of teachers as the predecessors of Rāmānujaścarya in propounding the Viṣistādvaita system. Vyāsa is the reputed author of the Vedāntasūtras, Bodhāyana is said to have composed a vyākhyā on the Vedānta-sūtras called Kṛtakaṭi according to the

736 भाषितस्य चतुर्थावलोकनं विवाहस्यहस्तानां विवाहिती अस्य तांबेक्षस्यहस्तक्षणानां नामीति मन्यते । पर. म. व. III, 2, p. 510.

737 In the edition of the Vedārthasaṅgaha with English translation by S. S. Raghavaiah published by Rāmakṛṣṇāśrama (Mysore, 1956) p. 102 paragraph 130 we read:

समवद्विवायय-दह-नामिन्य-न्युदेश्व-कविद-भाषित-प्रस्तुतिभिमानात्क्षिप्तस्य-पिन्यत्वात् &c-
Prapañca-hṛdaya (p. 39, Trivandrum ed.). Tāńka and Brahmānandin are identical. Dṛmaṇḍa is credited with the authorship of a bhāṣya on the Vedānta-sūtras (which is quoted by Rāmānuja in his bhāṣya on II. 2. 3). Nāṭhamuni is said to have been the grand-father of Yamunamuni, who was born about 916 A. D. Rāmānuja refers to him with great reverence as his teacher's teacher (parama-guru), vide Vedārtha-samgraha, (p. 149) and is said to have been young when Yamuna died (vide J. R. A S. for 1915, p. 147 and I. A. for 1909, p. 129). It is therefore obvious that the teachers are arranged by the Yatindramatadipika in chronological order. Hence Bhrucī, being placed earlier than even Dṛmaṇḍa and Nāṭhamuni, was comparatively an ancient author and could not have flourished later than the first half of the 9th century. Bhrucī, the jurist, also flourished before 1050. It is difficult to believe that there were two famous writers of the same name nearly about the same time. Hence it may provisionally be held that Bhrucī the writer on dharmaśāstra and Bhrucī the Viśiṣṭādvaśita philosopher are identical. If this identity be accepted, then Bhrucī the writer on dharmaśāstra becomes comparatively an early writer, being at least as old as Viśva-rūpa. His views agree on several points with those of Viśva-rūpa, which is a circumstance that lends some corroboration to the date proposed for him.

One interesting point about Bhrucī deserves mention here. From numerous notices contained in the Sarvasvativilāsa it appears that Bhrucī either commented upon the Viṣṇu-dharmaśūtra or wrote some work in which he took great pains to incorporate explanations of several sūtras of Viṣṇu. For example, para 637 tells us that Bhrucī explained the word 'bija' occurring in a sūtra of Viṣṇu as 'piṇḍa'. In para 674 we are told that Bhrucī explained the word 'niskāraṇa' in a sūtra of Viṣṇu and that he held that a daughter's son has not to perform the śrāddha of his maternal grandfather if the latter has a son. Sudarśanācārya in his comment upon Āpastambagrhya (8. 21. 2) ascribes the same

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738 यथाह्र महापिरितद्द्विशुष्ठचाष्णायत्वा वाचस्यायनसरे ब्रजाश्चः पिण्डवाचाति । संस. वि.
para 637 (pp. 422-23 of Mysore ed.). The sūtra of Viṣṇu is 'ब्रज-प्रच्छादनुविषयायमंशं गृहीतात्' संस. वि. para 636.
view to Bhruci and quotes the very words of Bhruci.\textsuperscript{739} Vide J B B R A S for 1925 pp. 210-211 for further examples. There is nothing unnatural in Bhruci, the Viśistādīvaita philosopher, having composed a commentary on the Viśnu-dharmaśāstra. The extant Viśnu-dharmaśāstra contains doctrines peculiar to the Viśistādīvaita system such as the worship of Narayana or Vasudeva, the four Vyūhas of Vasudeva &c. If Bhruci was a Viśistādīvaitin he would naturally turn to the sūtras of Viśnu as having the greatest claim on his attention. Many of the sūtras of Viśnu quoted in the Sarasvatīvilāsa with the explanations of Bhruci are not found in the printed text of Viśnu, on which Nandapandita commented in the first half of the 17th century. It appears that the Sarasvatīvilāsa had before it a larger version of Viśnu current in the South (vide note 118 p. 127 above).

On several points there is divergence between the views of Bhruci and those of the Mit. Bhruci differed from the Mit. as to the definition of dīya and vibhāya, he allowed niyoga to childless widows, while the Mit. condemned it in the case of all widows; Bhruci, like Viśvarūpa, did not mention suprabhāvika and suprabhāvika dīya; Bhruci, like Viśvarūpa, held that a coparcener who concealed some joint property was not guilty of theft, while the Mit. held that he was. Vide J B B R A S for 1925 pp. 211-13 for more examples and details.

Prof. T. R. Chintamani submitted an important paper at the Benares Session of the All India O. Conf. (in 1943-4) which is published in the proceedings, Vol. II pp. 352-360, wherein he informed scholars that at Trivandrum exists a ms. containing a fragment of Bhruci’s commentary on Manus called (Manuśāstra-vivaranā) on Adhyāya VI (almost from the beginning), on adhyāyas VII-XI and on a portion of

\textsuperscript{739} अधि भावनाः: निकारणिनिर्वर्ण वेदां विषुशा समानरक्तवृणीम पुनारार्थानि विचारात्वं श्रीदाम्य न वर्त्त्वश्रीकारणिग्रहित। स, विं, वृं, परा 874 (p. 427). The sūtra of Viṣnus is श्रीराज्य मातामाहत्याः निकारणिम. The words of मुद्रांनामान्यतं हैरसमविष्द्याद्यां बास्नमपि अनुवो भावाद्य पुज्ञानुपास्यात्रत्वाद्रयां तथ्य गण्डकिनयम् इत्यादिदा अन्वेषनः
adhyāya XII. Dr. J. D. M. Derrett\(^{740}\) recently contributed a paper to the Journal of the American Oriental Society (Vol. 84 for 1964 pp. 392-395) on ‘Bhāruci on royal regulative power in India’, based on Bhāruci’s explanation of Manu VII. 13; and another paper in Z. D. M. G. Vol 115 pp. 134-152 (where on pp. 141-151 he arranges in three parallel columns parts of Bhāruci’s commentary and Medhatithi’s Bhāṣya on Manu VII. 50, 54, 147, 153, 154, with parallel passages from Kautilya’s Arthaśāstra and on p. 144 of his paper compares only Bhāruci and Medhatithi on Manu VII. 52. Dr. Derrett holds (pp. 139-40 of his paper) that Bhāruci is nearer A. D. 700 than the period 860–850 which was assigned to Bhāruci in the R. of Dh. Vol. I. 1930) p. 265. Dr. Derrett holds (p. 138 of the paper) that the passages which Medhatithi takes without acknowledgement from Kautilya are not obtained from the Arthaśāstra direct, but from Bhārucin, who is quoting from Kautilya with occasional adjustments, that Medhatithi did not know that he was reproducing the Arthaśāstra, that the Ms. used by Medhatithi was defective that in some places he could not read it.

What Manu VII. 13\(^{741}\) means is: there are several desirable matters (istesi), but the king might decide (or resolve) to strictly enforce one of them. In that case that matter becomes a rule of Dharma. The same applies to other matters that are undesirable (aniṣetu) but the king may resolve to put down with a strong hand one undesirable matter out of many. That would then become the rule of the realm and it has to be obeyed by all. Bhāruci’s exegesis comes to this that the king is not the source of the rules of Dharma, but it is Sāstra that defines the rules binding on the different varṇas (classes) and

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740 Dr. Derrett employs the word Bhāruci in his paper in the J. A. O. S. cited above, while he employs the word ‘Bhārucin’ in his paper appearing in Z. D. M. G. Probably the Trivandrum Ms. employs that form of the name.

741 मनु VII. 13 is: तस्मादम् यस्यिष्ठ्यु स व्यवस्थकराशिच:। अनिष्ठै चायन्निष्ठ्यु तं यमः न विनालवेत:। भाष्यं यो वार्तां भाष्यमस्मत्तवथाय:। धम्मविष्णुवर्षवस्त्रां शास्त्रव्यवस्त्रां विनीतो वर्तत:।

व्यवस्थेनवार्षिक: च शास्त्रेन भविष्यत:। तथा च वहुःस्वस्त्रस्य:। तथास्तिर्गुणास्त्राः। यतः प्रकरणां राजस्तृतिपरमेश्वरव्यवस्त्राः। तह्याव्याये वेदै विन्न्याय शास्त्रः।
āśramas (stages of man’s life). If the king were held to be
the source of Dharma and adharma there would be great con-
fusion; one king may make certain rules, while his successor
might abrogate them and promulgate other and different rules.
He further says that the king often times repeats what the
Śāstra states (bahuḥtvās-taduktiḥ) and that opposing the
dicta of Śāstra would be wrong and moreover one should hold
that this text only extols the king’s office as the context
shows.

In the edition of Mandlik on Manu VIII. 150, Medhātithi
explains that that verse, according to some great ones was
explained (iti mahattarair-vyākhyātam) and immediately
afterwards sets out the differing view of Yajvan and on Manu
VIII. 151, Medhātithi mentions the explanation of Rju.
Dr. Derrett (in footnote 20 on p. 141 of his paper in Z. D.
M. G.) puts forward the suggestion that Yajvan ought to be
taken as standing for Rju and that Bhāruci is Rju. In the
present state of our knowledge I cannot agree to this sugges-
tion. From Medhātithi’s bhasya on Manu II. 6742 (which is
a very long one, occupying more than seven printed pages) it
appears that there were many persons designated by Medhā-
tithi as ‘Smṛtivivaranaḥkārāḥ’ as the quotation cited below
will show. On Manu II. 25 he refers to the exegesis of
Vivaranaḥkāras that Dharma has five aspects (pañcaprakāro
dharma iti Vivaranaḥkārāḥ prapañcayanti). It is clear from
the parallel passages cited by Dr. Derrett on pp. 141–151 that
there is remarkable agreement between the explanation of
Bhāruci and of Medhātithi and that probably it is Medhātithi
that borrows. But one’s judgment may be suspended till the

742 इत्यामितमात्रा सा शास्त्रा वर्णाभायेत सार्थो वर्णमात्र आसन ॥ ... अय अयय
प्रवत्तय एव नात: शाश्वत: कितु विविधीप्राणीति चर्मां: कः चिन्त्यविचारायामवऽकारिप- कृपायित: कस्याः प्रवत्तय किचिदमति कृपायित: हृदयस्य विधिवाणिसंहारसह मुखायुक्त: च च: । अय तमाय
वैयक्तिकमात्रभवान एनेन वर्णमात्र। अयायमतिपुख्तस स्वयंविचारारबणम्येनः पुस्तायतो केतविभिन्न
उतास्सप्राशिरामविष तस्मानायामविष तस्मानायामविष तस्मानायामविष तस्मानायामविष तस्मानायामविष तस्मानायामविष तस्मानायामविष तस्मानायामविष तस्मानायामविष तस्मानायामविष तस्मानायामविष तस्मानायामविष तस्मानायामविष तस्मानायामविष तस्मानायामविष तस्मानायामविष तस्मानायामविष तस्मानायामविष तस्मानायामविष तस्मानायामविष तस्मानायामविष तस्मानायामविष तस्मानायामविष तस्मानायामविष तस्मानायामविष तस्मानायामविष तस्मानायामविष तस्मानायामविष तस्मानायामविष तस्मानायामविष तस्मानायामविष तस्मानायामविष तस्मानायामविष तас्मानायामविष
योहिनिभिव्वके। मेधा: On Manu II. 6 p. 97 (Mandlik’s ed.).
A little above on the same page, he says ‘विवरणकारार्तु युक्ति-
लेखात्र दर्शयति’.
whole of Bhāruci's available text is printed and carefully studied. Vide remarks under Sarasvativilāsa of Prataparudra-deva for various passages of Bhāruci referred to and Manu, particularly VII. 13.

63. Śrīkara

The Mit. on Yāj. II. 135 alludes to the view of Śrīkara and others that the widow succeeded as heir to her deceased husband's estate if it was small. The Śrītisāra of Harinātha attributes the same view to Śrīkara and disapproves of it. On Yāj. II. 169 the Mit. cites the view of Śrīkara about that topic and disapproves of it. Viśvarūpa also gives two explanations of that verse of Yāj., the first of which agrees with that of the Mit. and the second is akin to Śrīkara's.

The works of Jīmūtavāhana (viz. the Dāyabhāga and the Vyavahāramātrikā), the Śrīticandrika and the Sarasvativilāsa contain very interesting notices of Śrīkara's views. Many of them were brought together by me in JBBRAS for 1925, pp. 213–215. Śrīkara like Viśvarūpa held the view that 'duhitaraṇī' in Yāj. refers to the putrāṇā, he allowed the parents of a childless person to succeed together at the same time. The Dāyabhāga very severely criticizes the views of Śrīkara on the succession to re-united members, on vidyādhana and on Yāj. II. 24 (about enjoyment for 20 years).

Most of the views attributed to Śrīkara were also entertained by Viśvarūpa or are more anti-pated than Viśvarūpa's.

743 एवं सत्त्वजित्याय स्त्रियारमिति प्रियव विदनयम्।

744 न च नायवांकर (प्रत्ययं) पतीनु हृदिर्द हति बुधुभन्य भायनामवजा इति वचनमिति श्रीपरमुर्वितम्।र-विनापेक्षा व. ओ. क. 301, फ. 128।

745 अयाविविद्वेशाणां यश: कं जानं य नियंत्रणं हृद्वृक्त्वया रामचरितम्।द्रवितिवीर्य नम्भन नाम नाप्तिक्य सम्पन्नाः।तात् सर्ववासं छोडः भवतीति श्रीकराधायां व्यासनां नित्यमुपयाय।मिनिश्चरा; या. बिद. 307 (Mysore ed.) quotes these very words 'अयाविविद ... सम्यक्षिदिन्ति श्रीकराधायां अहुः।विज्ञान्वरस्तु एव।'।

746 Vide Vyavahāratattva of Raghunādana (p. 223, Jivanandam's edition of 1895) where he quotes Śrīkara as the first among a host of writers that held that possession and enjoyment for twenty years (in the case of sthāvara) and ten years (in the case of movable property) in accordance with Yāj. II. 24 creates ownership:

(Continued on the next page)
Śrīkara was probably a writer from Mithilā and seems to have propounded the view of spiritual benefit as the criterion for judging superior rights of succession. The Smṛtisāra of Harinātha ascribes such a view to a Śrīkara-nibandha.

Whether Śrīkara wrote a commentary on a smṛti or a general digest (nibandha) it is difficult to say. The Smṛticandrikā says that Sambha, Śrīkara and Devasvāmin compiled digests of smṛitis and added their own explanations of them. The Smṛtyarthasāra of Śrīdara asserts in the introductory verses that Śrīkanṭha and Śrīkara-cārya filled up the gaps in the smṛitis that were scattered about (by introducing order out of chaos). Śrīkara’s explanations of Yājñavalkya are frequently cited by the Mit., the Dāyabhāga and others. But the Mit. does not connect Śrīkara’s name with Yājñavalkya as a commentator, though Viśva-rūpa is expressly so connected. It appears therefore more likely that Śrīkara

(Continued from the previous page)

64. Medhātithi

wrote a digest of smṛtis in which he paid particular attention to the explanation of the words of Yaḻnavalkya. The Rāja-
nitiratnakara\textsuperscript{750} of Caṇḍesvara quotes the views of Śrikara on Rajaṇitī, one of which is that the poor and helpless are entitled to a share of the royal wealth.

Hemādri\textsuperscript{751} quotes the view of Śrikara on Viṣṇu and disapproves of the faults found therein by the author of the Paṇḍita-paritōsa.

As Śrikara is quoted by the Mit., he is certainly earlier than 1050 A. D. As his views agree largely with Viṣvarūpa’s he may provisionally be regarded as nearly of the same period as Viṣvarūpa’s. He cannot be earlier than Asahāya who is named both by Viṣvarūpa and Medhātithi, though both of them are silent about Śrikara. Hence Śrikara must be placed somewhere between 800 and 1050 A. D. and probably flourished in the 9th century.

This Śrikara must be distinguished from another Śrikara, the father of Śrīnātha.

64. Medhātithi

Medhātithi is the author of an extensive and erudite commentary (bhāṣya) on the Manusmṛti. It is the oldest extant commentary on that smṛti. The bhāṣya of Medhātithi was first published about forty years ago by Rao Saheb V. N. Mandlik in Bombay and recently Mr. J. R. Gharpure of Bombay brought out an edition of Medhātithi which closely follows Mandlik’s edition. A critical edition of the bhāṣya based upon all the available Mss. is a great desideratum. A new edition in two volumes based on several mss. edited by M. M. Dr. Gananath Jha was published in the G. O. I. Series in 1932 and 1939. In this edition also ten verses in the 3rd adhyāya are wanting and in adhyāya nine there

\textsuperscript{750} ‘राजनीती सीनानाथादिसाहस्त्रप्रश्नामामविष्टियम् वहुनामचवादात्मविनासाविषेदित \\। नूतनिरिति गीताप्रकाशमीथरभिकरादयः।’ याज्ञवल्क्य p. 81 (ed. by Jayasval).

\textsuperscript{751} अन भीकरः प्राठ। यदा गताधे अभावाद्वृत्त भवति तदा मित्रुनातिरतेवे- \\। अति च पद्ध्तिपरितोपप्रति दृष्टमभिहितम् \। अनुपस- \। \। \। \। \। \। \। \। ते भीकरण गताधे साथस। वर्षस् III, 2, pp. 990–903.
are substantial lacunas in the commentary on verses 1, 4-6 as in Mandlik’s edition. An English translation of the bhāṣya by M. M. Dr. Ganganath Jha is in progress and several parts have been published so far. In the following, Mr. Gharpure’s edition has been used. The bhāṣya as printed is corrupt in many places, particularly in the 8th, 9th and 12th adhyāyas. In Mr. Gharpure’s edition there is no bhāṣya on verses 182-202 of the 9th chapter.

Bühler in his learned and exhaustive Introduction to the Manusmṛti (S. B. E. vol. 25) brings together a good deal of information about Medhatithi (pp. cxviii-cxxvi). In J B B R A S for 1925, pp. 217-221, I have offered criticisms on some of Bühler’s views and have given some additional information.

In several Mss. of the bhāṣya at the end of several adhyāyas occurs a verse which says that a king named Madana, son of Sahāraṇa, brought copies of Medhatithi’s commentary from another country and effected a restoration (jīrṇodhāra). This does not refer to the restoration of the text of Medhatithi, but to the completion of the library of the king, who was Madanapāla, son of Śādhāraṇa and flourished, as we shall see later on, in the latter half of the 14th century.

Dr. Jolly (Tagore Law Lectures p. 6) holds Medhatithi to be a southerner on account of the fact that his father’s name was Vīrasvāmin and on account of the attention paid to his bhāṣya by southern writers. It cannot be said that names ending in ‘svāmin’ were a monopoly of the south. The Rajatarangini gives literary celebrities whose names ended in ‘svāmin’ (e.g. V. 34 mentions a Śivasvāmi). Kṣīrasvāmin was a Kāshmirian. The south has always been famed for preserving Mss. of valuable works from the north. Mss. of the Kāvyālāmkāra of Bhāmaha, a Kāshmirian, are very rare and have been found only in the south. Bühler (p. cxx iii)

752 माय्या कायि मुरुपुरिनितावर्तमान व्यास्या दि कैथािविषये: सा खृत्रि विवेचनाय न कविवर्तमान। श्रीण्यवी देश: साहित्यवर्त्तिते देशान्तरोदाहिता जीवायादित्वकरणं इत्यन्त्युलं कैथािविषये: सहारण्युतिा देशान्तरोदाहिता।
seems to be right in holding that Medhātithi was a Kashmirian (or at least an inhabitant of Northern India). In explaining such words as ‘śvarāṣṭre’ and ‘janaṇapadaḥ’ (Manu VII. 32 and VIII. 42) Medhātithi introduces Kashmir. He gives (on Manu VIII. 400) the monopoly of the sale of elephants as a privilege of the kings of Kashmir where saffron abounds. He says that the rainbow is called ‘viṇāṇa-चाया’ in Kashmir (on Manu IV. 59). He very frequently refers to northerners i.e. on Manu III. 234 he says ‘kutapa’ is the word for what is well-known as ‘kambala’ among northern people and on III. 298 he says ‘northern people’ wrap their heads with sātakas (garments). He says on Manu II. 24 that in the Himālayas in Kashmir it is not possible to perform the daily sandhyā in the open nor is it possible to bathe every day in a river in ‘Hemanta’ and ‘Śisīra’. On Manu II. 18 he says ‘in other countries, some say, people marry one’s maternal uncle’s daughter; but that is opposed to the words of Gautama’ (4.3) and proceeds ‘even in that country taking food in the same plate with (or in the company of) one whose thread ceremony is not performed is not at all regarded as dharma (but as improper conduct). This is clearly a reference to Baudhāyana Dh. S. (I. 1. 19) according to which ‘mātulasutā-parinayana’ and taking food in the same plate with one whose upanayana is not performed are two of the five usages peculiar to the south. It is fair to add that later writers like Kamalakarabhaṭṭa (Nirṇayasindhu, 3rd paricchedha on sāpiṇḍya) regard Medhātithi as a southerner.

Medhātithi quotes from or names numerous smṛti writers, such as Gautama, Baudhāyana, Ājāstamba, Vasiṣṭha Viṣṇu, Śaṅkha, Manu, Yāj., Nārada, Parāśara, Bhṛṣpati, Kātyāyana and others. He refers to Bhṛṣpati as a writer on ‘vārta’ (Manu VII. 43 and IX. 326) and to Bhṛṣpati and Uṣanas as writers on politics and government (Manu VIII. 285, VII. 2 and 155). On Manu VII. 43 he refers to Cānaka as a writer on ‘daṇḍaniti’. In numerous places he seems to have

753 यदि भाण्डरि राजाभाषामित्वा यथा हि सिन: कास्मिरे इत्येहे प्रवः प्राचिनानि प्रतिव्याख्या दाशिष्णालेख्यि मणिमुनकादीनि &c. Should we not read यथा हि सिनः कास्मिरे इत्येहे प्रवः प्राचिनानि? The meaning then would be elephants are the monopoly of kings everywhere, saffron in Kashmir &c.
drawn upon Kauṭilya's work. For example, on Manu VII. 155 in interpreting ‘pañcaavarga’ as ‘kāpaṭika, udāśhitā, gṛha-patika, vaiśehika and tāpasavyaṃjana’ he explains them almost in the words of Kauṭilya (I. 2). On VII. 148 he quotes the five āṅgas of mantra in the very words of Kauṭilya. Vide also his remarks on Manu VII. 54 (testing of ministers by uḍālīkaś). He names Asahāya (on 8. 156) and certain writers as Smṛtivivaranakārāḥ (on II. 25). Buhler is not quite accurate (p. cxx, n. 1) when he states that 'Medhatithi' gives only once the name of an early commentator. On VIII. 3 he refers to the interpretations of Bhartṛyajñīa. He refers to the interpretations of Yajvan (on VIII. 151 and 156). Yajvan is only the last part of a name (as in Devarāja-yajvan). He quotes the interpretation of Manu by Upaḍhyāya (on II. 109, IV. 162, V. 43, IX. 141 and 147). Buhler holds that Medhatithi refers to his own teacher. It is more likely that Upaḍhyāya, like Yajvan, is the name or part of the name of a previous commentator of Manu. On VIII. 152 the explanations of Ṛṣu are twice cited. On IX. 253 Medhatithi cites the view of one Viṣṇusvāmin. From the tenor of the quotation it appears that Viṣṇusvāmin was a writer on Māṁśa and not a commentator of Manu as Buhler thought (p. cxx, n. 1). Some Mss. read the word preceding Viṣṇusvāmi as 'kovara', others as 'kāvara'. It is probably 'kāvara' (residing on the Kāveri river).

He quotes (on Manu I. 19) a verse from the Sāṅkhyakārikā (prakṛtaiḥ maḥān &c.). On Manu I. 5 Medhatithi remarks that the evolution set out (in Manu I. 5 ff) is in some parts based on the Purāṇas and in some other parts based on the Sāṅkhya system and that it does not matter much as regards 'dharma' and 'adharma' whether it (i.e. evolution) is well understood or not. He further states that 'Maḥān' occurring in Manu I. 15 is the Sāṅkhya 'Maḥat-tattva' and that in Manu I. 16 'ahaṅkāra' and the five 'tanmātrās' of the Sāṅkhya system are mentioned. On Manu

754 इगात्मकार्यातिः अर्धंमार्मभोजयः बुधयत्वस्यवेदत्वाद्विनिमतात: विनिमतात्रत्रीरः नेत्रायिगिरि: समाधिधिरितिः कौटियः स्मार्यामुखस्त्रयः ... विनिमतिस्त्रय पार्यायेऽस्मि: ’।

755 अतिर यावति काविकस्तुलभि: सा सविकृष्ण इति कौविद्यविश्वामि: ’।
I. 17 he quotes a part of Sāṅkhya-kārikā 22 (pañcabhyāh pañca bhūtāni) and on I. 19 quotes the first half of the same kārikā. He further remarks that the Paurāṇic procedure of evolution is mentioned by Manu in I. 21 ff. He speaks of Vindhyavāsa756 as a Sāṅkhya and says that he does not admit a subtle interim body (antarābhavadeha). This is probably taken from Kumārika’s words.757 He repeatedly refers to the purāṇas, tells us (on III. 232) that they were composed by Vyāsa and contained accounts of creation. He quotes (on XII. 118) a verse from the Vākyapadipī.758

He tells us (on II. 6) that the Pāñcarātras, Nirgranthas (Jains) and Pāśupatas were outside the pale of Vedic orthodoxy.759

Medhātithi had drunk deep at the fountain of the Pūrva-mimāṃsā. His bhāṣya is full of the terms vidhī and artha-vāda. On Manu III. 45 (ṛtu-kālābhīgāmi syat) Medhātithi discusses whether this is a niyama or purva-āṅkhyā just as the Mit. on Yāj. I. 79 and 81 discusses the same question and Medhātithi quotes the well-known verse ‘vidhīr-ayantama-prāptau niyamaḥ paṁsikī sati’ &c. Medhātithi (at the end of his commentary on Manu I. 11) remarks that these are artha-vādaḥ and are to be explained somehow in a metaphorical sense, and not literally (Arthavāda... yathā kathāṅcicdguṇavādena niyante). For Arthavāda and its three varieties, vide H. of Dh. Vol. V. part 2 p. 1240-1. On Manu II. 1 he remarks ‘in the first adhyāya five or six verses are meant to set out the purpose of this śāstra, the rest are artha-vādas and it does not matter much if they are not well understood; instruction is directly given here (in II. 1 and the following verses on ‘What Dharma is’. Even in Chap. II he remarks that II. 83, 87, 233 are mere artha-vādas, Vide, for example, remarks on Manu III. 17, 19, 37, 50, 56, V. 53-54, VIII. 21, 22, 98 &c. He quotes Jaimini’s Śūtras frequently and applies them to the interpretation of smṛti texts at every step. Vide J B B R A S for 1925 p. 219 for

756 सांख्य दि कैविचारनारामभिस्तति विन्यासार्थवत्तयः। मेधातिथि on मनु 1. 55.
757 अन्तरामवेदेः स्त्रीलिङ्गी विन्यासालिः। ग्रन्थवाचिनिः p. 704.
758 उन्हें व वात्स्यायनीये, व तद्भवनि द्वयादि। Dr. Kielhorn told Dr. Bühler that the verse is not found in the अर्थवाचरीय of हरि (S. B. E. vol. 25, CXXIII. n. 1).
759 एवं सर्वे एवं वात्स्या ऋजुवाचराचित्रिनिर्देशं नार्थवाचरार्थपेतयः।
examples. He cites passages from Śabarā's bhāṣya (e.g. on III. 1). He mentions Kumārila by name (on I. 3) and as Bhaṭṭapāda (on Manu II. 18).

Medhātithi mentions several nyāyas for explaining the Manusmṛti. On II. 29 he extends the Mimāṃsānyāya (sarva-śākhāpratīyayam–ekam karma’ P. M. S. II. 4. 8–33 which applies to Vedic passages) to Smṛtis also and states that where the smṛtis differ, there is either an option or all provisions of the Smṛtis on a certain point are to be added up; vide H. of Dh. Vol. V. p. 1350 for this nyāya. On Manu II. 101 he mentions the nyāya ‘Gūnalope ca mukhyasya’ for an explanation of which, vide H. of Dh. Vol. V. p. 1343 (where it is shown that it is based on P. M. S. X. 2. 63). On Manu II. 102 he quotes the verse ‘arke cet madhu vindeta kimartham parvatam vrajet’ (quoted by Śabarā on I. 2. 4). Vide H. Dh. Vol. V. p. 1340 for references. On Manu X. 127 Medhātithi relies on ‘Yāvad–vaṣanam ‘vaṇanikam’, for which vide H. Dh. V. p. 1348. Another nyāya that M. mentions is ‘nimittāvṛttān naimittikāvṛttēḥ’ on Manu X. 220, which is explained in H. of Dh. Vol. V. p. 1345.

Some common nyāyas mentioned by M. are ‘Brāhmaṇa-parivrājakānyāya (on Manu I. 22), Kakāṭāliya–nyāya (on Manu I. 12), Viśvajit–nyāya (on Manu II. 2).

Bühler at first took the remark on Manu XII. 19 about ‘Śārīraka’ as60 referring to Śaṅkara’s bhāṣya on the Vedāntasūtra, but later on changed his opinion (SBE vol. 25, p. cxxii) and held that it probably implies a reference to the Śārīraka sūtras. Bühler’s considered opinion does not seem to be right. The words ‘yattheha rājā...apaitī’ are a summary of Śaṅkara’s bhāṣya on Vedāntasūtra II. 1. 34 and II. 3. 42. and I. 2. 11–12. On Manu II. 83 he refers to the Upaniṣad–bhāṣya on Chāndogya II. 23. 4 and says that that passage

60 नु ज भ्योभित्तिच्यां प्रति निवलन्तुत्वे एवबहुष्य हीते । तथा शारीरके दशित्येक्षेख राजा संवाचुत्वं दशाति न च तद्‌स्वत्वप्रतिति अतो महत्स्वत्मात्मा पशवत इति व्यविदित्ये ।

61 उपनिषदभृत्यं चेतनयत्या व्यास्यां तत्तिबलुपयोगात् प्रतिशितकं । मेघाचिति । The upanisad passage is ‘तयत्या शाशु चव्यां पत्ती परां शेषां संतृप्तां एवमोहिक्षेषेऽत्वं वाचम संतृप्तं’ । मेघाचिति explains ‘तोतां शेषां (Continued on the next page)
has been differently explained in the bhāṣya. Śaṅkara does explain that passage of the Chandogya differently. But this is not all. In various other places Medhātithi seems to have in view the Śārīrakabhaṭṭya of Śaṅkara. For example, he makes an obeisance to Parabrahma like an advaitin ‘vedānta-vedya-tattvāya...parasmai Brahmane namaḥ’. On I. 80 he has before him Śaṅkara’s bhāṣya on the sūtra ‘lokavat tu lilākaivalyam’ (Vedāntasūtra II. 1. 33). He, however, seems to have favoured the position that the attainment of mokṣa is due not to mere correct knowledge but to the combination (samaucayā) of knowledge and karma (vide remarks on Manu VI. 32, 74-75 and XII. 87-90). This was probably due, as Kullūka remarks (on I. 3), to his being a profound student of Mīmāṃsā.

From Medhātithi’s bhāṣya it is perfectly clear that the text of Manu on which he commented was practically the same that we have now. He refers to ancient (cīrāntana) expositors of Manu (on V. 127) and to former (pūrva) expositors (IV. 176, II. 134, X. 21). He discusses various readings in several places (vide III. 119, IV, 99, 185, 229,

(Continued from the previous page)

762 जीवितायि कौशुकेनाथि लोके राजादीनां प्रवृत्तिदेशयत इति ब्रह्मविदः। भेदात्; 'यथा लोके कसीं विदारण्यस्य राजों ... लीलायि; प्रवृत्तियो भवति' चाइर्मायि।

763 On I. 50 he says 'परिभ्रामाबविष्टः मोक्षलक्षणः केवलानन्दस्या ज्ञातुः ज्ञातकस्मिन्मुच्यते विघ्नः।'; on मनु VI. 74-75 'इदेः तु ज्ञातकस्मिनः सङ्क्यत्वानीति इति अनकाऽऽ ज्ञातकम्।'; on XII. 87 अतः ब्रह्मिनिः-परेणायि वेदायि-मांसादीन्यमुत्क्रमायि।

764 मेघातिः परस्मीः साधारः वेदेः कार्यभेदः तत्वपरेषां केतीति कार्य-तत्त्वार्थविदितम् व्याहते।
VIII. 53). On VIII, 182–183 he notes\(^{765}\) that the order of the verses was traditionally different. Kullûka also notices that those two verses and the next two were read in one order by Medhātithi and Bhojadeva and in another by Govindarāja. On 9. 93 he notes that according to some that verse is not Manu’s.\(^{766}\) On Manu II. 160 he gives three interpretations of the word ‘Vedāntopagatam’. In numerous places he refers (in the words ‘anye’, ‘kecit’ ‘pavrā’) to the explanations of the Manusmṛtyu that differ from his own; vide for example, on I. 28, 84, II. 5 (bhāvaścātra vyākhyāvikalpāḥ, asāratvātu na pradarśitāḥ), II. 28, 84: III. 109; VIII. 1, 2, 20, 30, 43, 359, 375, 410; IX. 18, 64, 76; X. 21, 188. He quotes numerous verses with the words ‘uktam ca’ or ‘taduktam’ without naming the sources, some of which are taken from the Upaniṣads (as ‘na ha vai saṣāśīrasya satah’ on II. I which is Chāṇ. Up. VIII. 12. 1 or ‘dve brahmaṇī veditavye’ on VI. 84, which occurs in Maitrayanī Up. VI. 22) or on II. 83 he quotes Chāṇ. Up. II. 23. 3 ‘tad-yathā saṅkunī sarvāni patrāni saṅprāṇāni evam-oikāreṇa sarvā vāk saṅprāṇā’ and on the same verse he quotes Yogasūtra I. 27–28. He quotes many verses from the Mahābhārata, mentions the Nirukta (on I. 22, II. 10, V. 5), quotes Pāṇini’s Sūtras on many verses and the Mahābhāṣyakāra (on Manu II. 12 and 123.). On several verses his bhāṣya extends to three, four or even five printed pages as on II. 165, 189, III. I (five pages), 238, V. 2, VIII. 104, 148, X. 5.

One remarkable fact about Medhātithi may be mentioned here. Viśnunāṣāvara flourished about two hundred years after Medhātithi and names 80 Smṛtis and Smṛtikāras. Yajñavalkya (I. 4–5) names twenty authors that propounded Dharma. Viśvarūpa (commentator of Yaj., ) who flourished a little earlier than (or might he at the most a contemporary of Medhātithi) names 30 Dharmasāstra authors. But Medhātithi, who wrote an extensive bhāṣya on Manu, speaks in general of Kālaṃṣaṭukāras (on III. 5), of Gṛhyasmṛtis (on II. 29) and Gṛhyakāras (on III. 45), names (besides

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765 The verses are: यी निषेधं प्राचयमान: &c. and साध्यमच एवं &c. भूपालिपिः\(^{766}\) says on the first ब्याथकमोऽश्च: शास्त्रमवेत । प्रथमस्याद्वितीयं पदितव्रम । तत: स यथम दिति । एवं पाठं युक्तः ।

766 वैष्णवस्वरुपस्योऽश्चः.
64. Medhātithi

Manu) only a few writers of Dharmasūtras and Smṛtis e.g. Aṅgiras (on V. 55), Āp. Dh. S. (a few times), Uśanas (two verses on VII. 154), Kātyāyana (only once on VII. 1), Gautama (a. of Dharmasūtra, most frequently quoted), Nārada (quoted several times) Baudhāyana (two verses on Manu IV. 36), Brhaspati (as writer on Vārtā on Manu VII, 43 and IX. 326), Yājñavalkya (quoted more than a dozen times), Vasiṣṭha (quoted frequently), Viśnu (a. of Dh. S. only once on Manu III. 238), Vyāsa (on Manu I. 55, X. 127), Śaṅkha (3 times in prose on Manu III. 234, V. 62 and 111) and once on V. 60 a verse ‘yadyekajātā bahavaḥ’ &c. which is ascribed to Śaṅkha-Likhita in Śraddhakalpataru p. 263), Saṁvarta (two verses on Manu XI. 114-5), Harita (three times in prose on Manu V. 60, 111 and 119). Medhātithi does not quote any (Smṛtikāra with the prefix ‘brhat’ or ‘vrddha,’ while the Mit. mentions over a dozen smṛtikāras with those prefixes (vide below on Mit.). This leads one to presume that most of the works with those prefixes were either not composed before Medhātithi or (more probably) were recent works in Medhātithi’s day or that, even though some of them were composed sometime before Medhātithi, they had not penetrated to distant Kashmir in Medhātithi’s day.

Medhātithi’s bhāṣya is full of very interesting information. But for want of space it cannot be analysed in detail. The Mit. (on Yāj. II. 124) refers to the view of Asahāya and Medhātithi (on Manu 9. 118) about the fourth share to be given to an unmarried sister at a partition between brothers and follows it in preference to Bhāruci’s. On Yāj. III. 24 the Mit. tells us that certain texts of Rṣyaśṛṅga about varying periods of impurity for brāhmaṇas and others were not accepted as authoritative by Dhāreśvara, Viśvarūpa and Medhātithi. According to him⁷⁶⁷ saṁyāsa does not mean the giving up of all the obligatory duties laid down by śāstra, but the giving up of ahaṁkāra. He⁷⁶⁸ allowed a brāhmaṇa to

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⁷⁶⁷ अध्ययनेऽहैति कर्मेत्या शास्त्राय: निर्घुतिमानांवस्थायिनो नैव केवल देवविविधविभ: सति। नावं शाश्वाय: अहृत्यवस्तवर्जयाय एव संत्यासी वास्यते नाश्य- शास्त्रायाम। मेभाऽ ो मनु VI. 32.

⁷⁶⁸ सत्रां न सतित: किं तद्धि कूलनुस्मरेः। क्षमियादिरस्त्राध्याणस्य दत्तको युजऽते। मेभाऽ ो मनु 9. 168.
adopt even a ksatriya boy. He explains away the well-known verse ‘naśte mṛte...patiranyo vidhiyate’ by taking the word ‘pati’ in its etymological sense and says\(^{166}\) that the verse suggests that in order to maintain herself in such calamities the woman may take service with another person as her protector.

Medhātithi quotes several verses from his own work called Smṛtviveka on Mann II. 6 (in all 24 verses) and on X. 5 he says that he has dealt with the topic of mixed castes in Smṛtviveka. That work, therefore, was either entirely in verse or contained numerous verses. The Parāśara-Mādhaviya (vol. I, part 2, pp. 183-186) has a long quotation in verse on the duties of yatīs from a work called Smṛtviveka and the same work several times quotes verses attributed to Medhātithi (vol. I, part I, p. 276 and part 2, p. 172). Hence the Smṛtviveka cited by the Parāśara-Mādhaviya most probably is Medhātithi’s work. Lollatā,\(^{770}\) an early writer quotes several verses of Medhātithi in his work on śrāddha’. In the Tithinirṇaya-sarvasamuccaya (Bhaṭikamkar collection) several verses of Medhātithi on obstacles to marriage such as death are quoted.\(^{771}\) In the Yatidharmasaṅgraha of Viśveśvara-sarasvati (Ānandāśrama ed. p. 27) two well-known verses about ‘āṣṭāṅgamaithuna’ (viz. smaraṇam kārtanaṁ kēliḥ

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769 तत्र पाठनात्मिकमाध्यमेन वैरनकर्मादिनावृत्त्यथम् । सदृशः on मनु. 5. 156।

770 पुश्कर्मवेग साध्यमातुरीण्ड्यणा: विवाध्य द्वृुः; । तत्त्वमि ऋविन्धरायाहिति मेधातिथिःसम्रायात्। (folio 4b of the ms. of आद्यप्रकरण by लोढावर्ग in the आनन्दाध्यम library at Poona)। जातीयाञ्जनसाथोपासिद्धिक्षे लघु नेत्रालिकि:। पादस्तायने भाद्रे लम्बनस्थापन कत्री।। मु्यक्ति विवाह वै आशीः

771 वसुरार्यं चविते सुनिधिते वरस्य नेवङ्ग्यम् कथाकायं:। गुणयोऽदि स्मार्तनुभाय विवा(विषः!)रात्रेऽकृति। क्यः प्रस्कर्त्ता जातमकः (folio 45b); वाग्दानान्तरं यथ कुदम्: क्षणविन्नति:। तत्रा संकल्पसाठ्यं विवाहः। झुम्झुमं भवेत्। (folio 46 a); जालं च ब्रम्बवं च विवाहं व्यवस्था:। मार्गारं रक्षसवं रस्य व्राकस्य च (२३) शोभमप्। (folio 47a); पृथ्वीमत्वयोऽ: कांयों विवाहवेतनसारे। एकस्मिन्दश्ये चैव। (folio 51a).

The first two verses occur in मदापर’s commentary on the पारस्करण and the last three are cited in the कथितारमणि of शिवराम, Ms. No. 221 of 1879–80, folios 54 b, 55 a, 56 b, in the Govt. Mess. Lib. at the B. O. R. Institute, Poona 4.
etc.) are ascribed to Medhātithi and another verse\(^{772}\) is cited (on the same page) about the six duties of yatis. These quotations show that Medhatithi wrote an extensive work in verse on several topics of dharma. It is to be fervently hoped that this work of Medhātithi would be brought to light some day or other. Coming as it does from such an erudite and ancient writer, it would throw a flood of light on the development of dharmaśāstra.

As Medhātithi names Asahāya and Kumārila and most probably quotes the views of Śaṅkaraśārya, he is later than 820 A. D. As the Mit. looked upon him as an authoritative writer, he must be earlier than 1050 A. D. Most probably he flourished between 825 and 900 A. D. Kullūka\(^{773}\) on Manu III. 127 says that Medhātithi is much earlier than Govindarāja (1050–1100 A. D.). Lollāta is mentioned as a predecessor in the Śrītyartha-sāra of Śrīdhara, which was composed between 1150–1200 A. D. So Lollāta is much earlier than 1150 A. D. He looked upon Medhātithi as a writer whose work was as authoritative as a smṛti. A work called Prakāśa\(^{774}\) which is quoted in the Kalpataru appears to have mentioned Medhātithi. Hemādri quotes at great length Medhātithi’s comments in several places.\(^{775}\) Hence the above date is amply corroborated. This conclusion is further strengthened by the fact that, though he names Asahāya, he does not mention Viśvarūpa, Bhāruci or Śrīkara. If by Miśra,\(^{776}\) in his comment on Manu XII. 118 he refers to Vācaspāti-miśra, the author of the Bhāmatī and other works, then he will have to be placed after 850 A. D.

\(^{772}\) भिक्षाटनं जपो भ्यानं स्मानं शौचं सुरावलंस्म। कर्तव्यानि शेषेतानि यत्ननुपर्यवतः। यतिधम्ममथतः।

\(^{773}\) भृगुतिषिमयुतमिर्गीविन्द्राष्ट्राराजादि त्रिद्वितैरनववेत्तवाह।

\(^{774}\) Vide note 222.

\(^{775}\) Vide चतुर्गर्भ. III. 1. 1062–63 where भृगुतिषिस्मूलका’s comment on मनु III. 285 is cited.

\(^{776}\) अमाण्तस्त्रापि एकत्रमतिपादनपरपविव आहिण: अत्यक्ष मिश्रे: कृत एवः क्रेशः।