CHAPTER XI: CRIMINAL TITLES IN THE NĀRĀDĀŚĀRṬI
(1) HEINOUS OFFENCES, INCLUDING THEFT
(2) ABUSE AND ASSAULT
(3) GAMES

CHAPTER XII: CONCLUSION
II - Criminal titles of Law in Naradasmrти

I. Heinous offences

The concepts of civil law and criminal law are paradoxically different, so in modern law both branches of law are treated separately. Rules of investigation, legal proceedings nature of verdict, nature of punishments is far different than the civil suits in the criminal cases. The meaning of word 'crime' given by the standard dictionaries is, 'an illegal action for which a person can be punished', and 'an act punishable by law usually of grave offences', 'wicked or forbidden act'. For the 'crime' the synonym in Sanskrit is the word 'sāhasa'. Monier-Williams gives meanings of the word 'sāhasa' as follows: 'over-hasty, precipitate, rash, inconsiderate, foolhardy, violence, force, rapine, rape, robbery, felony, aggression, cruelty, adultery, hatred.' So regarding these Sanskrit and English meanings of the words 'crime' and 'sāhasa' it can be said that criminal action or crime or 'sāhasa' is the action which is harmful to body and life. These actions immediately affect society or a section of it and human welfare.
So actions like assault, abuse, robbery, killing, felony, violence, rape, theft etc., come under the term crime. Narada's criminal titles include games and betting on animals also.

It is necessary to examine the definitions of 'Sāhasa' given by the ancient law-makers. According to Manu, an offence which is committed in the presence of the owner and with violence is robbery, if it is committed in the absence, it is theft. Yajñavalkya's definition is short and not all pervasive. He says, 'when common property is forcibly carried away, that is called a 'sāhasa'. Narada's definition for each criminal title is separate. For heinous offences his definition is as follows: 'Whatever act is performed by force (sāhasa) by persons inflamed with the pride of strength, is called Sāhasa (a heinous offence): Sāhasa (force) means strength in this world. Narada includes man slaughter, robbery, an indecent attack on another man's wife and two species of insult in the heinous offences.'

Compared to the definition given by Narada it can be easily seen that Manu and Yajñavalkya's definitions appear very much insufficient. Manu includes only robbery and theft.
and Yajñavalkya refers to robbery i.e. what is forcibly carried away in the heinous offences. Nārada's concept of heinous offences is much wider than Manu and Yajñavalkya. Nārada includes other offences like man killing, assault, insult along-with robbery and theft. The first part of Nārada's definition actually gives us a psychological reason behind any sāhasa committed. He well defines the word 'sāhasa'. Here, it is necessary to point out Nārada's important contribution to the development of criminal law. There is general opinion among the scholars of Ancient Indian Law that there is not much of the discussion or even the term is also not known regarding 'murder' or Nārada does not hold any discussion about murder. On the contrary, the very definition of heinous offences given by Nārada, where 'murder's is included as 'one type of heinous offence among four'. The word 'Manuṣya-māraṇam' definitely speaks for itself. Not only that, he further states that taking human life through poisons, weapons and other means of destruction is called 'sāhasa' of the highest degree. So one cannot say that Nārada does not discuss murder or that the concept of 'murder' was unknown to Nārada.
Heinous offences

Heinous offences described by Narada are of four kinds, i.e., (1) murder; (2) robbery; (3) indecent attack on another man's wife; (4) insults of two kinds. This is the second part of the definition of heinous offences. In the first part of the definition Narada gives subtle psychological reason for committing heinous offences, i.e. an act performed by force, by persons inflamed with the pride of strength, is called 'sahas'.

It is very much true that anyone who thinks twice on what he is doing, then he would never commit the offences which never go with humanity. Actually it is truly stated that man is an animal, but man is not only an animal. Some social circumstance, some mental imbalance, some grave fault in nature, a keen sense of pride and vanity etc., lead man to commit a criminal offence.

Heinous offences are again of three types according to Narada, i.e., (1) first degree offences, (2) middlemost degree offences and (3) highest degree offences. This way heinous offences of all sorts are divided into three categories for the understanding of the seriousness of the offence and deciding the right punishment for the culprit.
First degree heinous offences are not of very grave nature. They include following offences: (1) destroying, i.e., totally annihilating the fruits, roots, water, agricultural utensils etc., (2) reviling - i.e., abusing, using bad language, (3) disfiguring i.e., as much injury as to leave the form intact, i.e., superficial harm.

Heinous offences of the first degree carry rather light punishment. A fine of one hundred panas is ordained usually.

A heinous offence of middlemost degree include the offences like, tearing clothes, harming the cattle, spoiling food or drink or breaking or mutilating household utensils. This sort of offences is certainly a grievous loss for an individual householder. It definitely means harm to his property. So the fine ordained for the offences of middlemost degree is also much higher than in the first degree offences, i.e, the fine of five hundred panas is the minimum.

The 'sāhasa' (the offence) of the highest degree is murdering a human being with poison or weapons or by any other means and assault on another wife and other such like offences where human life becomes endangered. Punishment for taking
human life is execution. If it is attempted murder, then corporeal punishment is ordained, i.e., amputation of the limb by which the crime is committed, or confiscation of property and banishment from the town or branding etc. Here, J.Jolly finds the term 'vadha' rather ambiguous, he says that the term 'vadha' in these two paragraphs (i.e. Nr.XIV 8,9) is ambiguous. This term can be explained as denoting corporeal punishment and not execution. But Narada, no doubt, means 'execution' by the term 'vadha'. Since he uses the word 'vadhah' in the first line and in the second line of the same verse he says 'tadaṅgaccheda' which means 'amputation of his limbs i.e., corporeal punishment. When Narada, in very clear terms suggests corporeal punishments, why should he have any hesitation to say what he means by the term 'vadha'? Thus, Narada is very clear about the difference between capital punishment and corporeal punishment.

Bṛāhmaṇas are exempted from capital punishments. May be the word 'vadha' in para 9 made J. Jolly think that it is corporeal punishment not ordained for Bṛāhmaṇas. But it is definitely not corporeal punishment. Narada says that 'a Bṛāhmaṇa always should go uninjured. So the word 'vadha' denotes 'execution' and Narada does not repeat the term 'tadaṅgaccheda'
in case of Brāhmaṇas which denotes corporeal punishment. Moreover, Nārada is speaking about the highest degree offences, which include murder, so the reference seems to say that if a Brāhmaṇa does the killing (murder), he must not be executed for that. Punishments suggested for Brāhmaṇa is banishment after shaving his head, branding him on the forehead with a mark of the crime for which he has been convicted and parading him on an ass. Manu has a similar rule, and it supports Nārada's view. Many says that shaving of the head is ordained for a Brāhmaṇa instead of capital punishment. Let a Brāhmaṇa never be slain, though he might have committed all possible crimes. He should be banished un hurt. Even Yājñavalkya's view is similar to Manu's. He says that Brāhmaṇa should be branded for the offence he has committed and should be banished from the kingdom.

The peculiarity about Nārada's rule regarding the offenders is, the offenders of the first degree 'sāhasa' and second degree sāhasa are allowed to mix with the society, after they have undergone due punishments and paid the fines. They are treated like any other normal citizen. Dr. Betai has rightly pointed out Nārada's view, i.e. Nārada is sympathetic towards
the accused more than even Yājñāvalkya, in so far as there is
no venom even in his treatment of the case of theft, adultery
and so on, the harshness has gone very much down now. The
concept of the punishment is, therefore, now changing and
even the emphasis of Manu on the rule of 'eye for eye and tooth
for tooth', has lessened in Nārada. This is a very important
achievement and a sure step towards perfection of the techni-
cality of court law of his days.30

The offenders, who have committed the offences of highest
degree, are not allowed to mix with the society, though they
might have paid the due fine and undergone the prescribed
punishment.31 This point needs a little explanation, viz., (a)
if it is murder then the offender (other than Brāhmaṇa) is
executed, i.e. capital punishment; (b) if the murder is attem-
pted and victim is not dead but seriously injured then corporeal
punishment is ordained; (c) if the victim of assault is not
much injured then lighter punishment i.e. confiscation of
property and banishment; (d) after banishing there is no ques-
tion of mixing with the society or even after punishment of
death there is no question of mixing with society, whereas if
the offender is corporeally punished and fined, it seems still he was not allowed to mix with the society. It is not possible if the offender is living in the same society. That leaves two alternatives, i.e., to prevent the offender from mixing with his own society, he must be banished or the other alternative is, the offender should be kept in the prison lifelong to avoid his mixing with the society. Nārada does not explain this in detail. There is no such clear rule either in Manusmṛtī or in Yajñavalkya smṛtī.

Theft

'Theft' is a part of the chapter of heinous offences. Nārada starts the discussion on theft after completing the discussion on heinous offences. Out of twenty seven verses, Nārada has devoted sixteen verses for the discussion on theft. There is another chapter on theft as 'pariśīṣṭa' (i.e. appendix) which contains sixty verses. This chapter, according J. Jolly is found in a Nepalese Ms. of the minor version of Nārada, discovered by Mr. Bendall among the Nepalese Mss. of the British Museum.  32 However, in the extant Nārada a list of titles of law is given in the introductory chapter, 33 and it does not
mention any special chapter on theft or mention any part as 'parisista'. Asahāya's commentary thereon does not speak of any such separate chapter on theft, but authenticity of this additional chapter on theft can be proved on the following grounds: (1) J. Jolly states that fifteenth century Nepalese Ms. has furnished an entire new chapter on theft which is termed as 'appendix', (2) similarly, Nepalese paper Ms. of minor version of Nārada also includes this chapter on theft', (3) again, authenticity of this version is provided by numerous references in the mediaeval and modern digests of law. The longer discussion on theft in appendix not only helps to understand Nārada's views, but it enhances the value of this chapter. Therefore, it is necessary to study the appendix on theft along with the main discussion on theft.

Theft is discussed under the title of heinous offences. Nārada calls it a division of sāhasa, but he clearly mentions that it is a special kind of sāhasa, which differs from other kinds of sāhasa. In the other kinds of sāhasa forcible act is involved, whereas theft is done by fraud. Manu defines theft as an offence committed (stealing property) in the absence of the owner. Yājñavalkya does not give any definition of theft.
Theft is said to be of three kinds, depending upon the value of the stolen article. If the stolen article is of less value it is inferior or first degree theft. If the article is of middling value, it is middlemost degree theft and if the stolen chattel is of higher cost then the theft is of highest degree. Theft is termed as sahasa. Nārada states that stealing articles of small, middling or superior value is called three kinds of sahasa. Theft of earthen ware, a seat, a couch, bone, wood, leather, grass, legume, grain and prepared food, is termed the theft of small value articles or first degree theft. Yājñavalkya also has declared three kinds of theft according to the value of stolen chattel.

Theft of clothes other than silk, cattle other than cows and metals other than gold are termed as articles of middling value. Rice and barley are also considered the grains of middle value.

Theft of gold, precious stones, silk, women, men, cows, elephants, horses and what belongs to God or Brāhmaṇa or king are articles regarded to be of superior value.
Though Manu does not give the three categories of the theft, he describes different kinds of punishments for the theft of different articles. Yajñavalkya mentions the three categories but he does not give any description of the articles of small, middle, and highest value.

Apart from the above mentioned three kinds of theft, Nārada states that taking articles belonging to the one who is sleeping, one who is intoxicated, one who is mentally disordered, without permission or without their knowledge is also theft.

After giving the description of theft Nārada speaks about thieves; i.e. whoever possesses the stolen articles, may be presumed as a thief. Various types of thieves are described, but there are two main kinds of thieves, i.e., open thieves and concealed thieves. Open thieves are as follows: (1) one who forges measures and weights; (2) receivers of bribes; (3) robbers; (4) gamblers; (5) public prostitutes; (6) those who walk in disguise; (7) those who live by teaching the performance of auspicious ceremonies, i.e. men who live by reciting auspicious hymns. Manu adds fortune-tellers also to this list.
Thieves acting in secret are those who roam in the wood, who make a profession of stealing. They attack and rob the people who are not aware of them. They are as follows: (1) those who infest a country; (2) villages; (3) or burgle a house; (4) disturb a sacrificial act, and other such persons are considered as 'concealed thieves'. These categories of the thieves are, it seems quoted from Manu.

After the offence of theft is committed, it becomes necessary to find out or trace the culprit, in case of suspicion one has to ascertain, who the real offender is, and then follows the punishment.

Investigation

The investigation of theft which is not very easy even today, would not have been easier in those days, when the means of crime detection were far less than today's. Still the science of crime-detection was there. The possession of the stolen goods can be inferred by sudden lavish spending or sudden luxurious life style, or if a person is seen in bad company (like gamblers and the like) then also his offence can be inferred.
Nārada has very systematically developed the concepts of detection of crime. Regarding the detection, Nārada speaks about foot-marks of the thief. The track of foot-marks goes to any place may it be village, pasture or deserted spot. The inhabitants of the particular place where the track ends, should be able to prove their innocence, by showing further track or surrendering the thief, in case they have hidden him, otherwise they will have to make good of the loss or he, on whose ground a robbery has been committed, must trace the thieves, to the best of his power. Yājñavalkya observes that if the thief is not traced then, the blame goes to the chief of the village. It is his responsibility to catch the thief and if he fails to do so, he should make good of the stolen property to the owner. This can be adjudged to be a very important way to catch thieves, and it can reduce cases of theft to the minimum. Responsibility rests on the defender.

If the foot-marks are obscured by the broken ground or being frequented by many people, in such a situation, the nearest village or the people living in the pasture-land are
held responsible. They will have to make good of the loss. Yajñavalkya observes that if the foot-marks of the thief are lost within boundary limit and the thief is not traced, then the village is responsible to compensate the loss, but if the foot-marks enter another village then that village is responsible for the loss.

Sometimes two persons simultaneously have trodden the same path, and the track may lead to one innocent, then the integrity of both men should be examined; i.e. their previous records, their company they mix with etc., should be investigated. Other means also should be used to extract the truth from them. This precaution is necessary or else an innocent person may be punished. If the animals i.e. cow etc., are stolen, then experienced persons should trace it from the place it was taken.

Tracing the tracks of the thieves should be consigned to the cāndālas, executioners, and such other persons who are in the habit of wandering at night. Even people who live outside the village, should be assigned the task of tracking down the thieves. Manu has suggested even cleverer method i.e. reformed thieves should be used to track down the thieves and know their
activities.\textsuperscript{64} Manu wants the king to place patrols near possible places of the thieves.\textsuperscript{65} Here, Manu wants the king to undertake the task of protection from the thieves, whereas Narada wants the people from villages where urban patrol force is scanty, to learn self-protection, tracking down the thieves and making the villages responsible for one person's loss, which would help people to learn the value of unity. This is regarding the tracking down of thieves. Now investigation after the suspected thief is found. The person seized may not always be the real thief. Sometimes some person is suspected but stolen goods are not found with him, if such person is arrested and is innocent, he will give evidence out of fear, in accordance with the case.\textsuperscript{66} Such persons arrested on suspicion should be interrogated asking questions to them antithetically regarding to place, time, region, their caste, name, residing place and occupation if they are work-men.\textsuperscript{67} This is a very subtle rule. If while questioning, their voice falters, colour of the face changes and features look suspicious, if he makes impossible statements regarding time and place\textsuperscript{68} then doubt regarding their veracity is confirmed.
This description is similar to the signs by which a false witness may be found out as given previously. 69

Those persons also should be properly interrogated who spend for bad purposes (on prostitutes, gambling etc.) who are previously convicted of larceny, or who keep bad company or when documentary evidence speak against them. Examining all such circumstances of the persons suspected and arrested under suspicion, a thief can be known and not only by the possession of stolen goods. 70

Nārada is sternly against such criminals, who make life in the society uncomfortable. Even he rebukes those who help them.

The people who do not help those shouting for help when thieves are carrying stolen goods, they are considered the accomplices of the thieves. People who help the thieves by giving food, fire, water and shelter or show the way or make their defence, or who buy their goods are held equally punishable. 71 Even the neighbours and governers, who look after the administration of that particular section are looked equal to thieves if they stay neutral during the attack of the robbers. 72 These are views similar to those of Manu 73 All these above mentioned people are seen as accomplices of the thieves.
If even after investigation, doubt about the suspected one still persists then that person should be caused to take an oath to clear him from the suspicion. 74

Kidnapping has been included in 'theft' by Narada. Kidnapping a man carries the highest degree of fine. Kidnapping woman costs the confiscation of entire property and kidnapping a maiden is the offence for which corporeal punishment is ordained. Manu ordains corporeal punishment for kidnapping men and women belonging to noble families. 76 Narada does not make any difference between noble and poor. This is important.

It is necessary to learn about fines and punishments before correlating actual offences and punishments. Punishments are of two kinds, fines and corporeal punishments.

Fines

Fines begin from a 'kākani' 77 and the highest fine could be one's entire property. The table for the coins is as follows (which will help to understand the amount of fines):

<table>
<thead>
<tr>
<th>Coin</th>
<th>Equivalent</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 kākani</td>
<td>1 māsa or pala 78</td>
</tr>
<tr>
<td>20 māsas</td>
<td>1 kārsāpana</td>
</tr>
</tbody>
</table>
1 Kārsāpana = 1 andika

4 kārsāpana = 1 dhanaka

12 dhanakas = 1 suvarṇa (Dinara)

Fines beginning with Kākani which means lesser fines start from Kākani and amount to maximum of one māsa. Fines starting from a māsa amount maximum to one kārsāpana. Fines beginning with one kārsāpana amount to maximum of four kārsāpanas, which begin with two kārsāpanas end with maximum eight kārsāpanas. Fines which begin with three kārsāpanas amount to twelve kārsāpanas at the most. Narada states that Kārsāpana is a silver coin used in southern country and it is equivalent to twenty panas, whereas Manu has declared that a Kārsa of copper is a kārsāpana or pan. This is the precise outline of the coins and currency in the contemporary period. The gradation of fines starts from a very less amount of an Kākini, which shows glimpse of a considerate administration. The lowest fine declared is not less than twenty four panas. Middlemost fine is not less than two hundred panas and not more than four hundred panas. Highest degree fine is not less than five hundred panas and not more than one thousand panas. This gradation is described for the offences like robbery.
Punishments

Corporeal punishments are of ten kinds, but it is not stated what these ten corporeal punishments are. Only Nārada states that corporeal punishments begin with confinement and end with death punishment.

Rules for guidance of Judges

Rules or guidelines for the king or judges are given by Nārada as follows:

(1) The king or judge should inflict heavy punishment for heavy offences and lighter punishments for lighter offences and not vice versa.

(2) The person who has committed the offence for the first time should be punished lightly, whereas a habitual thief should be punished with proper punishment.

(3) Punishment should be inflicted after carefully considering the nature of the offence, place, time, and the ability of the offender and motive behind the offence. This rule is probably quoted from Manu. Manu also suggests to examine above mentioned facts before ordaining punishment.
(4) For any selfish purpose (like friendship, wealth) judge or the king should not allow a wicked criminal to go free. This rule seems to be quoted from Manu. To err is human. Even kings and judges are not exception to this rule. Nārada seems to be very much aware of this fact. Subjugated by infatuation, affection or greedyness, king or judge may allow criminal go free. Thus Manu and Nārada made it rule that they should rise above these human weaknesses to dispense proper justice.

(5) Pardoning an offender is an equal offence as to punish an innocent person. This rule is similar to Manu’s.

(6) Brāhmaṇa should not be given death punishment for whatever his crime may be. Brāhmaṇa can be banished. This rule is quoted from Manu. Brāhmaṇa’s entire wealth can be confiscated before banishing him according to Nārada.

(7) Brāhmaṇa can be branded for the four offences, i.e., violating the bed of guru, drinking spirituous liquor, for theft, and for hurting another Brāhmaṇa. Nārada has followed Manu in forming these two rules regarding Brāhmaṇa’s four offences.
(8) If a Brāhmaṇa is murderer of another Brāhmaṇa then he shall be branded with the brand of headless man on his forehead, and nobody is allowed to speak with him.\(^{101}\) This punishment is also ordained for the highest degree sāhasa.\(^{102}\)

(9) Nārada has quoted or followed Manu's rules about the ten places of punishment of the body for the punishments ordained for three varnas other than Brāhmaṇa. This is either corporeal punishment or for branding those ten parts of body: privy parts, belly, the tongue, two hands, two feet, eyes, nose, two ears and the body.\(^{104}\) Precisely these are mainly the instructions for the judges and king as stated above.

Punishments and fines for the theft and robbery are similar to the fines and punishments prescribed for sāhasa, i.e., first degree, middlemost degree and highest degree sāhasa. Just the same way, punishments and fines are prescribed for small theft, middlemost theft and the highest degree theft.\(^{105}\) In the appendix part there is some contradiction regarding fines. It is stated that fines start from a Kāṇī (small coin) and the highest fine could be one's entire property according to the offence\(^{106}\) and in the same chapter it is
stated that the lowest amercement is not less than twenty four panas. One possibility is that the pattern of the fines starting from a kākini is a general pattern and might cover many other offences than theft. The fixed pattern of twenty four panas minimum may be prescribed particularly for theft.

Fine prescribed for the theft of the articles of small value is five times the value of the stolen article. Following articles are considered of small value, wood, cane, grass, earthenware, bamboo, articles made of bamboo, rattan, bone, leather, vegetables, green roots, flowers, cow-milk, molasses, salt, oil, cooked food, spirituous liquor, flesh and other articles of small value.

Fine for the articles of middling value does not seem to be mentioned separately. Fine for middlemost sāhasa is not less than five hundred panas and just middlemost fine mentioned in the appendix is 'not less than two hundred panas and not more than four hundred panas.' Articles of middling value are mentioned by Narada but the exact fine is not given. Articles of middling value are, clothes made of material other than silk, cattle other than cows, metal other than gold and other articles of middling value. Narada gives the list of
middle valued articles but does not specify the fines. Many
does not specify the articles of middling value nor does he
specify the fines.

Theft of the articles of superior value, like gold,
precious stones, silk, women, men, cows, elephants, horses,
what belongs to a Brāhmaṇa or the king is considered equal to
the highest degree offence. Here, property of the king and a
Brāhmaṇa is regarded as sacred and its theft as a highest
degree theft. Another rules, is any article sold by weight
or measure or number, the fine for the theft of such articles
which are very valuable shall be eight times more than the
articles value.

Co-relation of punishments and
fines and offences

Fines for the small value articles is five times more
than the value articles. is.

For the theft of ten Kumbhas of grain there is corporeal
or death punishment.

If the amount of grain is less than ten kumbhas then
fine is eleven times more than the amount of grain.
For stealing one hundred palas of gold, silver or other precious metal, finest clothes, precious stones, the punishment is corporeal or death. Manu suggests the fine as eleven times more, but he very clearly states that if gold and the like is stolen more than fifty palas, then the hands of the offender should be cut off.

One who forcibly takes away domestic animals of large size, the fine shall be of highest degree i.e. from five hundred panas to one thousand panas. If middle size cattle is stolen then the fine is middle most, i.e. not less than two hundred panas and not more than four hundred panas.

If the offence is committed for the first time the like pick-pocketing then the little finger and thumb of the pick-pocket should be cut off.

If such offence is committed for the second time, then the amercement is first degree fine, i.e. twenty four panas.

If a Sudra commits the offence of theft, the fine ordained is eight times more than the value of stolen article. If Vaisya commits theft, his fine is sixteen times more and if a
Ksatriya steals, his fine is thirty two times more. If a Brahmana steals, then he is ordained the fine of sixty four times more than the value of the stolen article. This ascending degree of fines is prescribed according to the varnas. It starts from the lowest of the varnas with minimum of the fine and for Brahmana it is maximum. The reason given is, knowledge makes the difference. Persons who know what they are doing and know that which is wrong and still they commit it are greater offenders. This seems to be from Manu.

If one steals a cow belonging to a Brahmana, or one who pierces nostrils of a barren cow, or one who steals a female slave, the punishment is corporeal. His half feet shall be cut. This rule and the next rule regarding corporeal punishments is formed on the lines of Manu, which is clearly stated i.e. with whatever limb a thief acts, that very limb shall be taken from him, and this is a law enacted by Manu.

After the investigation, when a thief is caught and his guilt is established, the thief is taken in the presence of the king. He is expected to proclaim his guilt and pray the king to punish him. By doing so the thief is supposed to
be clear from guilt. King shall touch him and dismiss him if he is innocent.\textsuperscript{131} The later part of this rule does not seem very clear. After confessing, it is not possible that the thief shall go without punishment and if the king dismisses him as innocent, that is definitely after proper investigation and not because of his own will, because, it is stated that if punished or released, the thief is free from the offence, but if the king allows the guilty one to go free, then the king allows the guilty one to go free, then the king himself becomes guilty.\textsuperscript{132} Moreover, the men, who get punished by the king for the offence committed by them become free from the sin.\textsuperscript{133} Similar rules are stated by Manu also.\textsuperscript{134}

Most of the rules in the appendix part are similar to Manu's laws and similar rules are not found in Yājñāvalkya.

Pines and corporeal punishments, both types are prescribed.

Theft is not the same as heinous offences, but it is given the same status as the heinous offences. The reason to do so is very obvious. The king or the state who care about the welfare and safety of the people, should try to preserve
the safety of the life and property of the people. This is equally important, because lack of the safety may cause panic among them. A state of chaos would be created. So Nārāda made it obligatory on the part of the king to punish the troublemakers severely. He even restricts the king with his final verdict that if the thieves are not found and the property not regained, then the king should make good of these losses. Such broad outlook does not seem to be expressed by other law-makers. This rule not only safeguards the interests of the people, but it safeguards the interests of the king also. The king gains the confidence of the people by making good of their losses. Everytime the king may not wish to do so, he must be more active in finding out real thieves and restoring the goods and property to its rightful owners. This way, the elimination of unsocial elements definitely, helps him in maintaining peace in the state and brings fame for the king.

Duty of a common man is that if the stolen property comes to him, may be through purchase, or it is lost by the thief and some other person finds it, then it is his duty to restore it. If he has used the goods and nothing remains with him,
then he should make good its value. Probably such a person is viewed as an accomplice of the thief. So the fine of equal amount is ordained for him.

II - Abuse and assault

This is the second criminal title in Naradasmrti. Unlike Manu and Yajnavalkya, these two chapters are discussed as one by Narada. Manu gives 'assault' and 'defamation' as separate titles. Yajnavalkya also discusses 'abuse' and 'assault' as separate chapters. Narada as Manu and Yajnavalkya has treated 'abuse' or 'defamation' first.

Narada gives separate definitions for 'abuse' and 'assault'. The definition for 'abuse' is, 'abusive speeches, couched in offensive and violent terms, regarding the native country, caste, family and so forth, are termed abuse.' Mita-ksarā explains the term 'abuse', i.e. when a man says, "the Gaudas (Bengalis) are quarrel-some", he abuses another man's native country. When a man says, "Brahmanas are very avaricious, he abuses another man's caste. When he says, "Visvamitra are a ferocious race", he abuses another man's family. The clause 'and so forth' is added, in order to include
abuse speeches levelled against learned men, artisans or the like, persons, whose learning or art has been abused. 'Violent terms' i.e. the terms which ought never to be used. 2

Abuse is described as of three kinds, viz. (1) Niṣṭhura, (2) aślīla (3) tīvra. 3 The 'niṣṭhura' abuse is combined with reproaches. The abuse couched in insulting language is 'aślīla' (vulgar). The 'tīvra' is alleging one with an offence which may cause the expulsion from caste. 4 Usually such abuses take place while two parties are quarrelling. 5 Sometimes a short-tempered person gets angry and starts abusing over small matters. All these abuses are considered offences.

Sometimes a person, who was previously punished for some offence committed by him may be in the society like any other person after undergoing his punishment. If somebody calls him names after his past offence, that person, for calling names becomes liable for punishment. 6 A subtle thought of a social reformer is expressed here. When a person has already suffered the punishment for his offence, then nobody really has the right to reproach him and mentally torture him reminding him of his offence. Dr. Betai's thought regarding punishments is ancient
Hindu theory would make it more clear. He states that, 'Jurists have opined that the ancient Hindu theory of punishments, in Manu, in particular, is either guided by deterrent theory or reformative theory.' Considering Dr. Betai's opinion, Narada's view (in 'Nr. XV, XVI 19') gives suggestions of a reformative theory. There are many similar instances found even in today's society. Once a person is found guilty for some offence and has had punishment for that, even after completing his punishment, he cannot become his normal self. People, society including his own relatives do not look upon him with respect as in the past. They carry his impression as an offender in their minds. Mutually they try to avoid him and his family. This social expulsion becomes more of a torture, than the punishment ordained by the court. Narada, obviously does not want this to happen to any individual. Through this rule, he is helping rehabilitation of the offenders. At the same time it seems he propagates that a criminal is not always criminal. He is a human being, though by fate he may become an offender once. Every chance should be given to him to resettle in life like any other citizen.
Calling a thief 'a thief' or an 'out-caste' is equally offensive. That again doing without any apparent reason is even more offending.

Punishments for all three types of abuse are discussed in detail by Nārada. Apart from the common (general) punishments, the caste-wise punishments also are discussed. Actually greater importance seems to be given to the order of men (heirarchy) while ordaining punishments. Nārada's punishments are mainly fines.

If one offends a person who is lame or one eyed, calling him contemptuously by his deformity, the king shall fine that person at least one kārṣāpana. This rule is exactly like Manu's. Yājñavalkya's, rule is also similar but his fine is different. Yājñavalkya ordains a fine of thirteen and half panas to him who, by true, untrue or ironical statements, ridiculing a person as wanting in limbs, or an organ of sense, or suffering from disease.

The punishments are prescribed according to the order of men. If a Brāhmaṇa is offending a person of his own caste, by abuse, he shall be fined twelve panas. If a Brāhmaṇa utter
incinuations against the honour of a man's wife, mother, sister or other female relatives, then his fine shall be double i.e., twenty four panas. If a Brāhmaṇa abuses Kṣatriya, then his fine would be 50 panas, and if he offends Vaiśya, the fine is 25 panas, and if Brāhmaṇa offends Śūdra, Brāhmaṇa shall pay the fine of twelve panas. The fines ordained for Brāhmaṇa are the same as prescribed by Manu. Yajñavalkya ordains half the fine for abusing men of inferior order i.e., twelve and half pana. He does not specify different fines according to caste.

If a Kṣatriya offends a Brāhmaṇa his fine shall be one hundred panas. It is not said that if a Kṣatriya offends a person of his own caste or a Vaiśya or a Śūdra, then how much fine is ordained for him. The pattern of the fines ordained for the Brāhmaṇa definitely suggests that there are different fines for the other three varṇas.

If Vaiśya offends a Brāhmaṇa, his fine shall be one hundred and fifty panas. If a Śūdra offends Brāhmaṇa then he shall suffer corporeal punishment.
The punishment for śūdra, if he offends higher caste men is different from that with the other three varṇas. Nārada ordains the punishment of whipping on the spot (immediately) for the low-born persons like Śāvapāka, Meda, Cāndāla, one who gains his livelihood by killing (butcher) animals, elephant-drivers, outcastes (vrātya), slave or one who treats his guru with disregard, anyone of these who offend their superior, or twice born. Fine is not prescribed for these people in any situation. A very harsh statement is put forth by Nārada. He says, "sages, do not regard bodily injury done to a man of this category. His offence is equal to theft." Moreover, when a superior person, who is insulted by the inferior one, the superior one can punish the inferior person. The king would not interfere in this. The punishment for the low-born is bodily punishment only. They are not fined, nor their property is confiscated. Nārada holds the low-born people as 'refuse of the society' and their property also 'impure', so not worthy enough to be confiscated. They are considered only worthy of whipping. Nārada's views are very harsh. A whole section of society is neglected and not treated properly. Another rule
prescribes even heavier punishment, i.e. if a Śūdra insults a Brāhmaṇa with gross invectives, then his tongue shall be cut off because he is low-born. This rule is exactly identical with Manu. The next rule is equally harsh, which also is exactly identical with Manu i.e. if Śūdra refers to their name or caste in insulting way, the punishment is one red hot iron rod which is ten aṅgulas long shall be thrust in his mouth.

The rules, which are Nārada's own, no doubt, are harsh on the low-born people, but the rules which he has quoted from Manu are almost inhuman.

Yājñavalkya unlike Manu and Nārada does not ordain any bodily punishment. Only degree of the fine varies. He states that in case of the abuse of one of a superior class, the fine is twofold and threefold respectively and of one of a lower class, it is to be reduced in a ratio of a half.

There is another rule of Manu which Nārada has quoted, i.e., if a low-born tries to teach a Brāhmaṇa his duty arrogantly, then the king shall order hot oil to be poured into
his mouth and ears. Even if a low-born man tries to sit on the seat, where a Brāhmaṇa is sitting, it is considered an offence and a harsh punishment like branding him on the hips is inflicted and he is banished, the king can even order his hips to be gashed. If a low-born person through insolence, spits on his superior the king shall order to cut his lips.

Nārada has quoted these two rules (XV, XVI, 26, 27) from Manu. They are the punishment for offence against Brāhmaṇas. Nārada’s own rules prescribe maximum of whipping as punishment. Nārada also does not respect the Śūdras much as an integral part of his society, but in comparison with Manu he is much sober. Manu suggests very harsh punishments as described above as if out of vengence. Nārada follows Manu exactly while prescribing the punishments according to class and caste. It seems like a rule that a Śūdra, a slave or a low-born person cannot offend a high born person. For other three varnas the punishment amount only to fines, but the severest of the punishments are prescribed for Śūdras and low-born.

Assault

The definition of assault by Nārada is, “hurting the limbs of another person with a hand, foot, weapon or other-
wise, or defiling him with ashes or other impure substances is termed 'assault'.

Assaults are also described as of three kinds, i.e. light assault, middling sort and heavy assault. A light assault is raising a hand or weapon with the purpose of striking a blow. Middlemost assault is striking suddenly and when the assault results in a wound then the assault is of heavy type.

Both the parties are quarrelling and attacking each other, the punishment is equal for both of them, whereas in abuse the person who starts the quarrel is fined heavily. Bodily injury is inevitable in attack, so both the parties are bodily hurt, so they get equal punishment.

Punishments for assault are also prescribed according to the hierarchy in the Society. If a person hurts or assaults a person of his own caste, it may be a Brāhmaṇa to another Brāhmaṇa, a Kṣatriya to another Kṣatriya, a Vaiśya to Vaiśya, still the fine for the offenders is the same. After hurting if blood comes from the wound, then the fine is one hundred panas, if flesh is cut then the fine is six niskas, if bone is broken, then the offender is banished. These punishments and fines are ordained for the higher three Varnas. Nārada has discussed punishments for the Śūdras separately. They are as follows: if Śūdra or a low-born person offends or attacks
Brāhmaṇa with his hand, then his hands would be cut. With whatever limb, a Śūdra offends against a Brāhmaṇa, that limb of Śūdra shall be cut off. This is said to be an atonement of his crime. If a low-born person pulls the hair of a superior, his hands shall be cut off, by the king’s order. If any man except Brāhmaṇa will censure the king devoted to his duties, he shall have his tongue cut off or his entire property confiscated. Here only Brāhmaṇa is exempted from corporeal punishment. So confiscation of property seems to apply to the Brāhaṇas. Confiscation of property is not applicable to Śūdras and corporeal punishment is not applicable to Brāhmaṇas.

A king, may be wickéd and evil, but if anyone assails him, then the assailant shall be tied to a stake and be burnt. Killing a king is considered even heavier than killing one hundred Brāhmaṇas.

If the king himself is guilty of abuse or assault, he is free from censure and corporeal punishment, the king is supposed to be the sustainer of this world.

Father is not held responsible for the offences committed by the son. Same way if a dog horse. i.e., pet animal.
damage somebody's property, then the owner is not held responsible for that. In case if the owner sets the animal to do damage on purpose, then he becomes liable to punishment.

One glaring lacuna in this criminal chapter is, abuses and assaults against women are not discussed. What if anyone abuses a woman in public or assaults her? Does an assailant of woman go free? Does it suggest that position of women was so low that the contemporary society and lawmakers did not consider it worth?

Herein Brāhmanas, and kings are exempted from corporeal punishments (king is exempted even from censure) where as śūdras are subject to corporeal punishment for the slightest of the offence.

III. GAMES

Gambling with dice, or with small slices of leather and suchlike games, gambling with ivory staves, betting on birds and animals is generally called games or gambling.¹

This title is the last of the criminal titles. Separate rules are put forth by Nārada about 'Dyūta' - gambling. Manu defines it as,' when inanimate things are used for staking
money on them that is called 'Dyūta' i.e. gambling. When animate beings are used for the same purpose, it is known as betting.

Nārada's rules about gambling and game houses are brief and simple. Only eight verses are given for this title of Law. Gambling and betting on animals might be in vogue in contemporary society, but not so common as to encompass the society as a whole. Probably Daṇḍanīti—severe punishments, hold of religion and concepts of merit and sin on the society definitely discouraged majority from many other offences and gambling. Social norms, rules of conduct commonly accepted, certain restrictions laid down by ethics and morality do tend to act as preventives in case of these lapses. Very often when gambling etc., are legalised revenue does accrue to the state treasury, though all kings and states would not legalise gambling just for this purpose.

Legalised Gambling seems to be a sort of way to collect certain amount of revenue, since to gamble or to open and run gambling house, kings permission was necessary. As Nārada States., "If a man gambles with dice, without authorization from the king, he shall not get his stake, and shall have to pay fine". It is obvious, if one gambler needs permission,
then the one who wants to run a gambling house and earn profit from it, would also need king's permission. If he does so without king's permission, he definitely would attract prosecution. Yājñavalkya is more clear regarding this point. He says: "he being well protected, shall pay a portion to the king. He shall recover the amount of the wager, and pay the winner." The gambling house owner, is protected by the king and he pays some fee or revenue to the king. It can be inferred that this was legal business permitted within the precincts of law. When a certain habit like gambling becomes a commonly accepted prevalent practice, it is natural too for the state to legalise it, place certain positive restrictions on it and to earn revenue also from it. In modern India, abolition of prohibition of liquor drinking and resorting to licensed sale etc. in all states except Tamil Nadu and Gujarat is a parallel example in the matter.

The gambling house owner can take profit up to ten percent. The rate of revenue collected by the king is not given. Only suggestion one gets is, 'if a gambler does not take king's permission and gambles, but pays certain amount of his gain to the king then there is no wrong. Yājñavalkya also refers to the certain amount to be paid by the winning gambles, but does
not specify the amount to be paid.

There is possibility that the owner of the gambling house pays to the king from his profit. He shall pay the stake, which have been won or, 'he pays to the winning party'. On interpretation the 'ten percent profit' is 'that portion which has to be paid to the king. It may also be held to be included in this rule. According to Brhaspati 'the master of the gambling house collects the stakes and pays his due to the winning party and to the king. Yajñavalkya expresses 'that which has been won by the assembly of gamblers, in a gaming house having a keeper (owner of the gaming house), where the fixed portion has been received by the king, he shall compel the winning gamblers the portion of the amount won by them to be paid (to the keeper, or to the king). It is not very clear whether gamesters - should pay directly to the king or they pay it to gamekeeper and gamekeeper pays a fixed amount periodically to the king. It does not seem possible for the king to appoint one officer to each gamehouse, but it is easier to collect the revenue periodically from gamehouses.

The rule about gambling is 'when the dice is being thrown, fall twice repeated then the adversary wins and gambler defeats,
There seems to be a certain code of conduct for the gamblers. A gambler has to take king's permission for gambling. He is not supposed to go to another gambling house without clearing debt at the first house. Gambling house owner's decision is binding for all the gamblers. One should pay promptly what one owes to the master of gambling house. If a gambler does not take king's permission for gambling, he should pay a share to the king and play in public. Then he is not punished.

Punishment for cheating and dishonesty in gambling is not the concern of the state or the king. It seems to be a perfectly internal matter of gamblers. If one plays with the false dice, he shall be driven out of the house by the owner of the house. A garland of false dice shall be hung around his neck, and this is the punishment ordained for cheating in gambling. Yājñavalkya has not gone in to so much of detail. He declares that the judges of the disputes in gambling, as also the witnesses shall be the gamblers only. The king shall brand them and banish them. So Yājñavalkya seems to feel this offence as one of the state and legal concern, while Nārada very clearly declares that other gamblers shall act as judges and as witnesses.
one can see Nārada's dilemma very clearly. Since Manu has declared gambling as 'vice that causes destruction of the kingdom'; 20 Manu staunchly recommends that a king should always suppress the gambling and betting activities. It is as good as theft. Manu does not even seem to be willing to discuss it, much less approve it. Yājñavalkya has accepted the vices in the society and very clearly discusses about king's income through it and king's role in punishing gamblers who are cheats. Probably Nārada does not want to exclude manu's view completely. He therefore excluded the king and court from interfering in such activities, probably he is impressed by Yājñavalkya and so he tried to strike a compromise.

The arrangement of gambling in the state seems to be a very convenient one. Nārada has already declared gambling as dishonest act. 21 Law and courts are made to protect honest deeds and people and discourage the dishonesty and any such evil and harmful activity that prevails in the society. Still one cannot overlook the fact whether you allow or discourage things like drinking liquor, gambling, prostitution, these are the inevitable evils of the society. There is always a certain part of the society engaged in such acts. So they seemed to be allowed to
stay within the precincts of law and make some profit through revenue or certain fee or tax, for the state. Just as quarrel amongst the thieves is not taken to the court, in the same way disputes among the gamblers are left to be solved by themselves. The state is only concerned to get the taxes and that is all. However, all smrtilkaras rightly accept that theft is a serious offence and lay down severe punishments for the offence. It is also infringement of the right of individuals to own property.
Notes (Heinous Offences)

5. Yaj. II, 230
6. सहसा किये कर्म परत्वं दिलदरितः।
   तत्तत्वमिति पूर्वकातः सहसा बलमिहोयते ॥
   - Nr. XIV, 1
7. मनुयमारण सैयरः परदाराभिमलम् ॥
   पालिवर्थं दृशयति ज्ञेयं साहसं षडयुक्तसहसरसहः ॥
   - Nr. XIV, 2. This text is not included in the Nepalese Ms.
8. Nr. XIV, 1
9. Nr. XIV, 2
10. यापादो विश्वासायः परदाराभिमलम् ॥
    पृथ्विपराधि य-च-य-हृदमुत्तमसहसरसहः ॥
    - Nr. XIV, 6
11. Nr. XIV, 2
12. Nr. XIV, 1
13. तत्पुनस्तिविद्वर्थेन पृथ्विम ज्ञत्यमः तथा ॥
    उत्तरम् चैति शास्त्रेच्छु तस्योपकातः लक्षणं पृथ्विम ॥
    - Nr. XIV, 3
14. पन्यमुद्यकादित्वाः क्षेत्रोपकरणया च ॥
    भृक्ष्णविण्यमिति: पृथ्विम साहस रम्यतः ॥
    - Nr. XIV, 4
15. Nr. XIV, 4

16. Nr. XIV, 4; J.J.'s note P. 202-203

17. तर्पण दण्ड: क्रियापैकी प्राधान्य शहार्य: ।
     मध्यमस्त्र तु शहार्यविवृद्धि: प्रच्छुबार्य: ॥
     - Nr. XIV, 7

18. वात: प्रयव-वाक्यान्तर गृहोपकरणस्थ: च ।
     स्तैत्रेषु पृकारण मध्यम साहि स्मृतम् ॥
     - Nr. XIV, 5

19. Nr. XIV, 7


21. उत्तम साहि दण्ड: सहस्रनाव हेथोत ।
     दथ: सर्वतःतरण पुराष्ट्रवार्तनाक्षे ।
     तदुपनेति इत्युपालो दण्ड उत्तमसाहि ॥
     - Nr. XIV, 8

22. Nr. XIV, 8

23. आशिष्केः तेव्रां दण्डाविविधेः स्मृत: ।
     वथाहुः वाप्रभवस्य न वध वाप्रभविः हैति ॥
     - Nr. XIV, 9

24. Nr. thef. 36; Nr. XV, XVI, 20

25. Nr. XIV, 289 9

26. Manu. VIII, 389

27. Manu. VIII, 380

28. Yaj. II, 270

29. स्थायातः सत्यववहारी तौ घृतदण्डो तु पूर्वयो: ।
     घृतदण्डोः सत्यववहारयो हेय उत्तम साहि ॥
     - Nr. XIV, 11

31. Nr. XIV, 11

32. J.J.'s Introduction, to Nr. P XIX


34. J.J.'s Intro. to Nr., P. XIX

35. तत्सैः स्वयं सैः तत्सैः दूरःप्रति ।

आधिः साहसमाकृत्य स्तेथसामाध्यन्ति ।

- Nr. XIV, 12

36. स्ताल्लाहि । यथ्ययन्तरूपसः कर्म बत्त्वत् ।

निःस्वायं भीत्रस्ते स्युत्वाँपव्ययस्ते च यत् ।

- Manu, VIII, 332

37. तद्देश स्वत्वपरं प्रोक्तः दूर्ध्वापेते मन्निषीमि: ।

कुमारंध्वोत्तमानं तु दूर्ध्वाणामपकर्षणां ।

- Nr. XIV, 13

38. Nr. XIV, 13

39. हीनमद्योत्तमानं तु दूर्ध्वाणामपकर्षणां ।

त्रीणेष्व दाहसम्याहुस्तत्र केष्टसोऽयक्तम् ।

- Nr. XV, XVI, 6

40. मूढामात्तकस्यात्मार्थार्थार्थाश्वान्नादि यथेऽ ।

षवी धार्मिकं खृतां च कुमारंध्वमदाहृतम् ।

- Nr. XIV, 14

41. Yaj. II, 275

42. यथः कृपेयस्य तो गोविः पश्चास्त्व च ।

हिरण्यवर्षि तोऽव च मधैि हृदिक्षया अपि ।

- Nr. XIV, 15
43. दिनःपतन्त्रकौशीप्रेमनिपुष्पंगिरालिजः
देवशाहमण्डकः च विशेष दुर्मधुतमम्
- Nr. XIV, 16
44. Manu. VIII, 320-331.
45. व्ै, II, 275
46. उपाधिवैविध्यं सदैव: कल्पयितवाकर्षणम्
तुष्टपुमतमद्यप्रभ: लेयमार्थमनीजिन:।
- Nr. XIV, 17
47. महोद्यानास्त्यं होदमधुमोगतः।
शब्दः त्वसंवेजीकल्यादन्यापविद्यतस्तथा।
- Nr. XIV, 18
48. दिनिकोङ्खतकरा कैया पद्माप्रहारिण:।
पुणाश्चापुणाश्च तानु विन्यादात्त्वान्नुपः।
- Nr. Appendix, 1
49. पुणाश्चापुणाश्च तु कूटमान्त्वलितः।
उल्लोचक: साहसिकः कितव: पप्यसोजितः।
- Nr. Appendix, 2
50. प्रतिलथकरावैच मुखादेशंतत्वः।
इत्येवमादयः कैया: पुणासोक्तकरा।
- Nr. Appendix, 3
51. Manu. IX, 258
52. अपकाशारथ विशेषं बाहिरवन्तराधितः।
मुखः पुस्तकारथ नरत मुख्यायुख्य चैव ते।
- Nr. Appendix, 4
53. देवश्रामण्डावरकच यथा नां ग्रामिकोङ्खः।
इत्येवमादयः कैया: अपकाशारथ तत्करा।
- Nr. Appendix, 5
54. Manu. IX, 256-258
55. Nr. XIV, 18
56. ग्रामे प्रेम विविभूते वा यज्ञ सैनितेष्टत्वपदम् ।
    बोद्धर्थ तद्भवतेन न चेतोसर्गत तत्नथैव ॥
    - Nr. XIV, 23
57. गोवरे यथं मुखयत तेन चौरा: पूज्यत: ।
    मृण्या दार्योऽय्यधा भोजेन पदय यदि न निर्यतम् ॥
    - Nr. Appendix, 16
58. Yaj. II, 271
59. पदे गृहमें करे वा विक्षमत्वाजन्तान्तिके ।
    यत्त्वानस्तनलो ग्रामे वुजो वा तत्र पात्येतु ॥
    - Nr. XIV, 24
60. Yaj. II, 272
61. संस्कृतवन दयायन तेन प्रायोऽशुचिज्ञ: ।
    पूर्वपवादेतिन्तो वा सैस्तिन्तो वा दुरात्मभि: ॥
    - Nr. XIV, 25
62. गोवादित्र ग्रामेः ग्रामसंवनेति ।
    पदस्या-नपेण कुक्त्रमूलालतादिदो जना: ॥
    - Nr. XIV, 22
63. ग्रामेके भक्त गृहुर्चक्षः वान्धन: ।
    रामित्यमरितो ये च बावे: कुज्ञिधिरवरा: ॥
    - Nr. XIV, 26
64. Manu. IX, 267
65. Manu. IX, 266
66. अहोट्यान्यस्योऽधीरानु गृहीतानु यदि श्वेतयाः ।
    भयोपद्यासिन्तित्वा सर्वसत्त्वा यथा कृष्णः ॥
    - Nr. Appendix., 8
67. वेदाणि कार्य प्राप्त आत्मा नाम वा सैण्टालिनः ।
कृत्यं कर्मकर्मे वा स्वः प्राप्त्यादिते विनिग्रहे ।।
- न्र. आप्क. 9.

68. वर्गान्तरमेव भविष्योत्सवं त्वचिनिविदनाः ।
अदेशानुसारूपेऽवादात्त्वाप्यविवेकोध्यात ।।
- न्र. आप्क. 10.


70. असदत्यायात दूर्दृष्टियोऽदपसूक्ष्मानः ।
हैवेत्ययक्तवनत्वया न हेष्डेत्वा केवलम् ।।
- न्र. आप्क. 11.

71. चौराणि भक्तं नै स्यस्मि अर्थं उद्वदय्यतः ।
अवास्तं कर्मदिवं तत्स्वेतमदायात ।।
केतास्तथैव भक्तं नै प्रतिवेदित्वा तव तेऽः
तमसंहङ्करेऽन्ति तु ये च प्रक्षादयन्ति तानु ।।
- न्र. आप्क. 13-16
भक्ताण्वस्वरूपातः तेनानि ये प्रसर्वतामूः
शक्ति यथा ऊपर्या त्ततं तदार्थमाणि नः ।।
- न्र. XIV, 19.

72. राज्येऽवर्ष राजयेऽवद्यादि: साधनाकार्य योदिता: ।
अध्यायाति तु महायथा यथा चौराण्वस्वरूपाः
- न्र. आप्क. 15.
उत्तरायण ज्ञातं च दिष्टमयाये धनेन तथा
शुद्ध्याये ये नाभिकायन्ति तेष्कित तदार्थमाणि: ।।
- न्र. XIV, 20

73. भामु. IX, 271-272, 275

74. यद्य द्वारा दोषाणि: तत्स्वेतमाणि: तु तत्स्वात: ।
- न्र. आप्क. 19.
75. पुरुषः हरतः पुर्णस्य क्रम: उत्तरत्माय:।
तर्कम हरतः कन्या: हरतो वथः।।
- Nrs. App. 28; Nrs. XIV. 16

76. Mānava. VIII, 323

77. कार्किष्णादििलवालेन्द्र: सवस्वान्तसाति के।
शारीर: मेलौरणां दर्शाविन्द्वान्तसाति के।।
- Nrs. App. 54

78. माता विश्वानामसुत: काष्ठपणम म्यः।
कार्किनी म्यः चुहार्म्यः मात्तम्यः पल्लेत्तः।।
- Nrs. App. 58

79. कार्किष्णो दितिको क्र्यः ताह्यतात्तस्य धानकः।
तददाद्या तूवर्णसुत: दीनाराहयः स्यः।।
- Nrs. App. 60

80. Nrs. App. 60

81. कार्किष्णादित्तु यो दर्शः स तु मात्रावर: स्रोतः।
मात्रावर्द्ध मोहयुः प्रोक्तः: कार्किष्णादित्तु सः।।
- Nrs. App. 55

82. कार्किष्णावर्द्ध पर्षुः कार्किष्णावर्द्धः।
हृद्वरेरक्षकपरमचवायुवरो दार्शोत्तरः।।
- Nrs. App. 56

83. कार्किष्णो दर्शकिष्णां द्विशिर रौवषः प्रणती।
प्रणाविन्दः पुर्णस्यां विशिष्टतां पणा: स तु।।
- Nrs. App. 57

84. Mānava. VIII, 136

85. चुगुष्मिश्वरः पूर्वः परः बन्धवतिशत्वः।
चुगुष्मिश्वरो यथो मध्यो: दिवितान्तः।।
- Nrs. App. 30
86. तस्मात् तूतमो श्रेयः परः योक्तावरः ।
विविधः ताहोक्तेव दण्डः प्रोक्तः त्वयमक्ष्यः ॥
- Nrs. App. 31

87. शारीरस्थार्थःदण्डःशुद्धिःस्मृतः ।
शारीरः दण्डः प्रोक्तस्थार्थःदण्डःदण्डक्यः ॥
- Nrs. App. 53

88. Nrs. App. 54

89. गरीयति गरीयवसमार्गीविषम् वा पुनः ।
ततो निषादशृणूः न यथा प्रणेमेव तथा ॥
- Nrs. App. 35

90. प्रणेमेव गरीयोऽन्धनाम्यशुक्लस्वास्तवार्थः ।
दितीयः चैव ततोऽदण्डः पूर्वस्तु सांहसः ॥
- Nrs. App. 32

91. अपराधः परिषद्वय देशकाली च तत्तत्वः ।
सारानुबंधालोकः दण्डिनेितान्तु प्रकल्प्यात् ॥
- Nrs. App. 38

92. Manu. VIII, 126

93. न मित्रकारणानुवान्तः विपुलादः धनागमान् ।
उत्तराद्यः साहित्यालोकस्तात्त्यमनुरख्वीतः ॥
- Nrs. App. 39

94. Manu. VIII, 347

95. यावाचालश्चयेव तावान् कथयं मोक्षेण ।
प्रत्याहारः न तपत्यस्तु व्यवहार्यात् ॥
- Nrs. App. 40

96. Manu. IX, 249

22.
These rules are identical with Manu.
109. Nr. XIV, 7
110. Nr. XIV, 15
111. Nr. XIV, 16
112. तुलागरीमेयानां गणिनानां च सर्या: ।
    सम्ययुतकुट्टमौल्यानां मूल्यादृष्टीनां दम: ।
    - Nr. App. 25
113. Nr. App. 24
114. धारण: ।
    कुमात्रो हर्षोज: ।
    न्युरी केकादरस्यं दाम्योपकारनां: ।
    - Nr. App. 26
115. Nr. App. 26
116. सूर्यनिवादिनामुत्तमानां च वास्तवः ।
    रत्नानां ैव महायाने शताद्रयिक्ष धर: ।
    - Nr. App. 27
117. Manu. VIII, 321, 322
118. महापुरुषः नयानो दम्यः: उत्तमलाहत: ।
    मध्यमो मध्यम परं पूर्व: तुर्वसर्वं हर्ष: ।
    - Nr. App. 29
119. सहस्रं तृतीयो तैयम: पर: पारं वाष्टवः: ।
    निविधश्च तारोत्तेषव दम्य: प्रोक्तं: स्वयम्भूमा ।
    - Nr. App. 31
120. महा Nr. App. 29, 30
121. पुरस्म् गृह-विवेचनामुक्तषुद्धयोवस्य: ।
    द्वितीय: चैव तत्त्वेऽद्य दम्यः: पूर्वस्तु ताहत: ।
    - Nr. App. 32
122. चुवक्षकार: पूर्व: परस्त्व्यवति: भवत् ।
    चुः: नामार्थाय मध्यमो दिश:तावर: ।
    - Nr. App. 30
123. आंदोलणं तु युक्तस्य तौयो भवति किलिच्छान् ।
दिशस्तापणं कैयानय द्वारंन्त्रक्षतिः स्तु ।
- Nr. App. 51, Bühler interpretes the term 'Kilbisam' (guilt) as fine, See Bühler's note on Manu, VIII, 337.

129. श्रान्तरणं चूँक खोटस्य स्वायक्षीशोभीत ।
विधाचित्वं च विज्ञापणं विद्रह्यमन्त्यां भैत ।
- Nr. App. 52

125. Nr. App. 52

126. Manu, VIII, 338

127. गोष्ठी वाणिज्यमां श्लोकराय वै भैत ।
दातां तु हरतो नित्यमाइदातिनयमु ।
- Nr. App. 33

128. Manu, VIII, 325

129. येन येन यथाधेवन तौनो नूत विचेष्टते ।
तत्तद्वार्यं तेतत्त्वं बन्यानो नुस्तातनमु ।
- Manu, App. 34

130. राजाः स्तने गन्तयो मुतामेन धार्यता ।
आच्छादनं तत्त्स्मंत्रकारस्मीनं शान्तं मायम ।
- Nr. App. 46

131. अनेनात्मकते तेन स्वकृत्यभिस्मादनात् ।
राजाः ततः स्पृस्ते मप्यं यथाविलयेश ।
- Nr. App. 47

132. आत्मान्तरः विमोहावरः स्तनो मन्यलिं फिक्ष्यावतः ।
आत्मान्तरः तद्राजः स्तनश्च मन्याविनोति किलिच्छान ।
- Nr. App. 49

133. राजाम्पुत्राः स्वायं वृत्ती गोपपाठ गात्वा: ।
निर्माणः स्वयंयावलित सन्तः सुस्वतिनः यथा ।
- Nr. App. 48
134. Manu, VIII, 314, 318, 316.

135. Nr. 27; Nr. App. 1 8.
Notes (Abuse and Assault)

1. वैधकांकलालदीनामासेनप्रजासूक्तिम्
   प्रत्यक्षाय वाक्यावस्थयं तदाङ्कुः
   - Nr. XV, XVI, 1

2. 'Mitaksara' quoted by J.J., p. 207

3. नित्यावर्तीननिद्धरित्वा विचित्रित सम्बन्धम्
   गौरवानुक्ततत्त्वं वाणिज्यपत्रं कृमिरतुमः
   - Nr. XV, XVI, 2

4. साक्ष्यं निम्तूर्ते ईयम् प्रतीत न्यूनतत्त्वम्
   पार्तिकोष्प्रेषित्री भृमाप्यनिनीतिः
   - Nr. XV, XVI, 3

5. पारस्यद्राक्षात्मयोऽपिरुपतयाऽप्वृणः
   स्वधा च अवतारस्य म्हतः विनयं: ध्यातिसम्बलयोः
   - Nr. XV, XVI, 4

6. न किंतु प्रकाश्यायदेश्चास्त्रां कृष्टापवनम्
   न राजा भृगुद्रपसां दण्डावक्त्वात्यतिकुमात्रं
   - Nr. XV, XVI, 18

7. Betai, R. S. 'State of Criminal Law in Ancient India',
   Sarada Pith Pradipa, Dwaraka, 1968.

8. पतिताः पातित्युपक्वता चौरा चौरौति वा युनः
   वचनात्तुप्लवत्स्वयं स्थानिकम् विदेशिण्यं वेजव
   - Nr. XV, XVI, 21

9. कार्यार्था अहःसमवेत्य वापि तथा विद्याम्
   तत्वेनापि बुद्धिमयम्यं राजा कार्यार्थवर्तम्
   - Nr. XV, XVI, 18

10. Manu, VIII, 274

11. Yaj. II, 204
12. समवेरैविज्ञातिनाः दादामेत्वा व्यापितमे ।
वास्तवे वर्णनेऽगुणां तदेवं दिगुणं मेतु ॥
   - न्र. XV, XVI, 17
13. परस्परसुवाह्यो दण्डयो धातिवल्लभास्वतेः ।
कैहेथे र्याद्वीपोऽयात् चूँ दादामेत्वा दमः ॥
   - ब्र. XV, XVI, 16
14. मानु, VIII, 268
15. यजु, II, 206
16. यहुः ब्राह्मणाभ्रात्य धातिवल्ल्हास्वतेः ।
कैहेथे त्याद्वीपोऽयात् चूँ यहुः धातिवल्ल्हास्वतेः ॥
   - न्र. XV, XVI, 15
17. न्र. XV, XVI, 15
18. न्र. XV, XVI, 15
19. सम्प्रदायकेदवर्णयाज्ञवल्ल्हास्वतिः।
हर्षितार्क्ययाज्ञवल्ल्हास्वतिः।
   - न्र. XV, XVI, 11.
20. मला द्वैतं मनुष्यं धर्मेऽवाच्यं गलात्मकम् ।
अपि तान्मात्स्यस्त रक्षा नार्य्यस्य दण्डस्य ॥
   - न्र. XV, XVI, 14
21. सम्प्रदायित्वमे सबो धातं स्वानुगतिः ।
न च तद्दण्डवाल्ये स्वेतमार्गीकृतिः।
   - ब्र. XV, XVI, 12
22. येमेव दयाविवशोऽहः: कैक्ष-कन्ये ।
त एव विनध्य बुधः न तद्विन्ध्यमाहः नृपः ॥
   - न्र. XV, XVI, 13
23. न्र. XV, XVI, 13
24. Nr. XV, XVI, 14
25. Nr. XV, XVI, 14
26. शक्तिविरुद्ध वाचा दालण्या हितिन् ।
   निर्धार्य: प्राप्नुयाचेंद्र स्वत्वायंकरो रहे। ॥
   - Nr. XV, XVI, 22
27. Manu, VIII, 270
28. Manu, VIII, 271
29. तामातनिषिद्धतैः तैप्रायमिधाद्यं कृतः ।
   किरीतियोऽपि: रक्षकुर्जव्यतन्ते दशाक्षाल: ॥
   - Nr. XV, XVI, 23
30. Yaj. II, 207
31. Manu, VIII, 272
32. धर्मं पद्धत दैव्यं दैव्यमातृशय कृतः ।
   तपस्मातृदैव्यं वकृतं प्राप्तिः च पार्थिः ॥
   - Nr. XV, XVI, 24
33. सहस्रनिमिन्नस्वतंकुटस्तायाकुटवधानः ।
   कट्यान् कृतस्य विवाहस्य: स्पष्टी वास्तवाचालय।
   - Nr. XV, XVI, 26
34. अवरूढ़ीयाः दपादस्वप्रमोक्तों भैद्यन्यु: ।
   अदृश्यत: विधिनमवशेषतो सुदमु ॥
   - Nr. XV, XVI, 27
35. परमात्मैवमहाइतो हर्षपदायुगाविविधः ।
   भस्मादात्मैवमहेऽपैद्यथिः दवस्यमुच्यते ॥
   - Nr. XV, XVI, 4
36. तस्यां यदृं श्रूंतिवृद्धं मूद्दत्योत्तमम् कृमात् ।
   अवगौरणिः स्वप्ततथाशि: ॥
   - Nr. XV, XVI, 5
37. पूर्वाकारणस्यस्तु नियत स्वात्त्व दोषभावः
पराधः सोऽष्टत्तकारी पूवेः तु पिनयो गुहः
- \( \text{Nr. XV, XVI, 9} \)

38. द्रवौपारापन्वयोःस्तुत्तनुष्ठुतानां यः पुनः
सत्योपदेशमानोति पूवेः वा यद्य वोत्तरः
- \( \text{Nr. XV, XVI, 10} \)

39. लक्ष्मिदेवः श्राठाथे लोकितस्य च दर्शः
माषेन्त्यते तु ज्ञानविज्ञानवायुस्त्वत्वः स्थिरेक्षः
- \( \text{Nr. XV, XVI, 29} \)

40. येनाक्षेत्रंनावरवणिः श्रामण्यापरारूपः
तद्वः तथ्याग्नावरवणिः शुद्धिभवाच्यतः
- \( \text{Nr. XV, XVI, 25} \)

41. लोकेनस्मिन्नवावक्ष्यावस्यवः च पुरुषतिती
श्रामण्यायैव राजा च तौ हीदे बिधुहो जगान
- \( \text{Nr. XV, XVI, 20} \)

42. उपकृष्य तु राजानं कर्मिणि स्ये व्यवस्थित्तथः
जिन्हा राजहेतुं भैवे शुद्धे सर्वस्वर्णो वा
- \( \text{Nr. XV, XVI, 30} \)

43. राजनिः पूवेःवत्तु गृहागत्यापि दूमिति
शुल्ले तमन्नो विपेढ्यसमहत्याशाहित्यवः
- \( \text{Nr. XV, XVI, 31} \)

44. \( \text{Nr. XV, XVI, 31} \)

45. \( \text{Nr. XV, XVI, 20} \)

46. पुत्रापरार्यः न पिता न नास्ते न शृणु दण्डभावः
न मकः च तत्त्वामात तेनेव प्रहितो न चेतु
- \( \text{Nr. XV, XVI, 32} \)
Notes (Games)

1. अक्षुण्ण-नवाले घेड़वन विद्वान कारितम्:
   पुष्पीका वयोभिष्च पदल धूतमालिकयः
   - Nr. XVII, 1

2. Manu, IX, 233

3. अनिदिष्टस्तु यो राजा धूत कुर्वीत मानवः
   न स ते प्राणस्यार्थाहि विनय धैय सो हैति
   - Nr. XVII, 7

4. Nr. XVII, 7

5. Yaj. II, 200

6. सक्षिप्त: कारयेद धूत देशी ध्वाच्य तत्कृतम्
   द्वादश शत वृद्धिदत्तथ स्पाद धूतकारितः
   - Nr. XVII, 2

7. अज्ञाट विविध दलत्वा भाग्य यथोदितम्
   पुराणस्य देवस्य कुपरेऽदोषो न चिकिते
   - Nr. XVII, 8

8. Yaj. II, 201

9. J.J.'s note on Nr. XVII, 2

10. Brhaspati XXVI, 8

11. Yaj. II, 201

12. द्विरस्यस्ता: पतन्तप्प्याः जनाय यथक्षेतिनः
   ज्ञात्य तत्प्रायस्यांहु: क्षतिप्रय पराजयः
   - Nr. XVII, 3

13. Nr. XVII, 7

14. अझुध: विविध नायान्त्यात्याद धूतमन्दलम्
   पुत्रहस्यान्त्य तस्मिन दापयेत्तत्तत्तरगितः
   - Nr. XVII, 5.
15. Nr. XVII, 5
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17. कूटाक्षेरिनः पापान्निस्तेरूवुत्तमम्मलात् ।
कण्ठेश्वरामारसंयते हेम्बु विनयः स्वूलः ॥
- Nr. ZVIII, 6
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19. किलक्षेत्रव तिष्ठेरुनः किलवः: संस्कर्प पृथि ।
ि एव तस्म इष्टाभुतं हि स्निल्लं नाक्षः ॥
- Nr. XVII, 4.
20. Manu, IX, 221