The discussion about all modes of proof and the rules about proofs and evidence is developed very systematically in Nārada compared to Manu and Yājñavalkya. Nārada has developed the evidence with definite purpose and in a way that will guide the reader and lawmen without confusion. His development is as follows:

1. Definition of proof/evidence.
2. Description of three modes of proof - i.e., documents, possession and witnesses and strength and weaknesses of three modes as well as validity and invalidity of the same.
3. A long discussion concerning human testimony - i.e., witnesses - which consists of competent and incompetent witnesses, cases where they are not necessary, giving oath to witnesses.
4. Course of action in default of witnesses and documents.
5. Proofs by ordeal when and how the ordeals should be performed, etc.
Definition of Proof/Evidence

Proof or 'pramāṇa' is the word used by Nārada. Meaning of word 'pramāṇa' given by Monier Williams\(^1\) is a long list, but meanings concerned to this topic can be cited as "standard, authority, correct notion, true knowledge, knowing the modes of proof" etc. This term 'pramāṇa' is translated as 'means of proof' in both philosophy and law. As Asahāya in commentary on Nārada says\(^2\), "denoting anything which may be known or discerned accurately. Thus what is counted or reckoned, may be known by figures, what is capable of measurement may be known by it's measure. Similarly where a law-suit is pending, the truth may be known by having recourse to one of the ordinary modes of proof - viz., documents, witnesses, possession and ordeals\(^3\)".

The meaning and explanation given by Asahāya might have been commonly understood by the lawmen then. So Nārada, without defining the term 'pramāṇa' directly touches to its implementation in the law. He starts with "those invested with legal authority must pay strict attention to the various modes of proof. That even which is provable fails to be proved, if the prescribed modes of proof are not attended to\(^4\).

There seems no such definition of Pramāṇa in the Manusmṛti. The word 'evidence' is used at some places\(^5\),
i.e., "evidence in-accordance with what has actually been heard or seen, is admissible". But the definition as such is not found in Manusmrti.

Though Yājñavalkya does not define the 'pramāna' or evidence, his description is close to a definition. He says "that the plaintiff should immediately have written down the evidence by means of which the matter in dispute is to be established and what that evidence is" i.e., "Evidence has been laid down to consist of a writing, possession and witnesses. In the absence of any of these the ordeal is said to be another mean of evidence". Mitakṣarā has explained it little further, i.e., "Pramāṇa is that by means of which a thing is measured or discriminated, that moreover is twofold, viz., human and divine. Of these human evidence is threefold - writing, possession and witnesses".

Nārada might have started the description of Pramāṇa following the exact meaning of the term propagated by his predecessors. Though Nārada has not defined it in clear terms, he has made the nature of each type of evidence very clear, and in logical and legal terms.

Modes of Evidence and Their Nature

Nārada has given the four types of evidence, viz., (1) Documents, (2) Possession, (3) Witnesses, and (4) Ordeals.
He has discussed all these separately and in detail. He has explained the importance of all modes of proof without disregarding their faults, drawbacks and weaknesses. Nārada has very clearly said that "Documents, witnesses and possession are the traditional three means of proof\(^8\)." Asahāya has explained it where a law suit is pending, the truth may be known by having recourse to one of the ordinary modes of proof viz., documents, witnesses, possession and ordeals\(^9\).

These three modes and ordeals should be very carefully applied by the judges and authorities to find out the truth about the pending suit. The word 'Pramāṇa'\(^{10}\), i.e., various modes of proofs used by Nārada, is very suggestive. Not one single mode of proof or any particular mode of proof is stressed upon by Nārada. It seems that he suggests all available means of proof and the means that are traditionally approved should be checked carefully before deciding a law suit.

**First of Three Modes of Proof - Documents**

Nārada has placed the proof of document as first among the proofs. Nārada calls it an 'excellent eye'. He praises the writing as - "if the creator had not created writing as an excellent eye", as it were, the affairs of this whole world would not take their proper course\(^{11}\). This
can be called an excellent development in law books. Further, Nārada upholds the writing as proof saying "writing solves all doubts which may have arisen in regard to place, time, profit, matter, quantity or stipulated period". In this one verse Nārada says so much about the contemporary practice of including the details like time, place, profit, matter, quantity, and stipulated period in any deed or document regarding any transaction or deal. It is quite clear that if any document which bears the aforesaid information and data of time, matter, profit, place, persons, period, quantity, etc., then the said document has to be accepted as valid evidence in the court of law.

The documents are known to be of two types, one written by the person himself (written by 'Arthi' i.e., plaintiff) which does not need any attestation or witness. Another sort of document which is written by some other person or scribe on the request of the party which needs witness and attestation.

This above said document does not acquire its validity in the eyes of law automatically. As Nārada stresses that "if a doubt should subsist as to whether a certain document be authentic or fabricated, its authenticity has to be established by examining the handwriting of the party, the tenour of the document, particular marks, circumstantial evidence and probabilities of the case." Though Nārada
says if the doubt should subsist i.e., only in the cases where the document in question is doubted to be dubious, then only it should be examined and its authenticity be established. But in a court of law where daily many cases are tried and many documents of various nature and details are presented, how can it be decided that some documents are dubious and some are clear, so the only solution to this difficult situation is to examine each document about its authenticity. Further, Nārada says 'Swahastakriyācinha'—examining the handwriting of the party. Even today it is a common practice in banks, courts, and various other government institutions where the handwriting, signature is examined and if the signature or writing is decided to be written by somebody else than the right person, the crime is called forgery. The same must have been the practice in Nārada's time also. The science of detecting crime seems so developed in the period of Nārada, that in some places it almost matches today's science of detection of crime. This is one of the places where one feels the systematic mechanism of law where the moral law of Manu is left much behind and the minute fingers of law began to develop to detect even the handwriting of persons. Today there are experts of handwriting with the crime section where they can make out similar handwriting written by different persons and differentiate between them. It is difficult to say what means Nārada's contemporaries had to take to for this detection
but it seems that they certainly had their ways to do that. Asahāya has explained the "Handwriting" as 'another specimen of the handwriting of the party'. 'The tenour of document' is the names of the subscribing witnesses, peculiar marks, denote the marks of the scribe and his handwriting'. Circumstantial evidence like these two facts go together or they do not go together, the 'probabilities of the case' how he has got hold of this document? or 'is he nervous?' or 'is his manner of speaking composed and quiet?'. By such expedients as these, shall doubts regarding the genuiness of a document be removed.

The document which is signed by a stranger and meant for different purpose, i.e., if a document has passed by purchase or acceptance from the original owner, who signed it into the possession of a stranger who claims the loan recorded on it, in that case the judge must examine the document. If the genuiness of the document is suspected, then the Āgama (title) Sambandha (connexion and Hetu must be enquired into an confirm it's genuineness. As mentioned in Asahāya's commentary, Kālyāṇabhaṭṭa has composed three verses to explain the three words i.e., Āgama, Sambandha and Hetu. Sambandha is connexion according to Kālyāṇabhaṭṭa, it may be founded on descent, caste, marriage, friendship and social intercourse i.e., the stranger's (who presented the document) social background should be examined. Āgama
is a title may be founded on inheritance, purchase, mortgaging, seizure, friendship and acquisition. These are the ways to get the title or possession of property. Hetu is translated as reasonable inference, may be founded on reasoning and an efficient cause, according to Asahāya.

(1) Invalid Documents

The invalid documents are: executed by the person who is intoxicated, who is charged with the crime, by a woman, by a child or the documents which have been caused by force or by intimidation or by deception. The document is no more valid when its witnesses, creditor, debtor and scribe are dead. Such documents may be suspected of forgery. According to Asahāya "even after the actual death of all persons, however, a document retains its validity, where a pledge is in existence, and in the possession of the creditor."

A document which is not known to the descendants of the debtor or about which they are not informed by their forefathers, and when such document of the debt is presented to them, it is not considered valid, even if the witnesses may be living.

The document is no more valid if the possession of property is not there. A pledge which is only mentioned in the document but actual enjoyment is not there, then the
pledge does not have legal validity. A document can be annulled by other document i.e., if debtor says that he has paid the debt, he should be able to produce the receipt given by creditor against the bond he has given to creditor, or if the creditor pleads that his bond is stolen or burnt then he should produce the certificate from the debtor that he still owes the money otherwise the suit may go against the plaintiff and an attested document retains its validity during the life time of the defendant only.

This is very modern approach of Narada. He is very particular about evidence by documents, with full understanding of its lacunae. Narada insists one's own handwriting or sign on the document and law is developed to detect the handwriting of the persons and if forgery is found out, the document becomes invalid. Narada expects that the judge should examine the content of the document and establish its connexion with case and persons. Narada goes in to more details and explains the circumstances, when the document though true is rendered invalid. He gives three instances of circumstantial invalidity, i.e., document of pledge is valid if the pledge exists, document unknown to descendent, and document (title) without possession, in these cases document becomes invalid. Narada has given thought not only to the physical condition of the document, but its contents, handwriting, the state of person who has written, and the laws regarding circumstances when document
is vendered invalid. Moreover he adds that document can be annulled by another document, viz., a receipt of payment against the bond. Narada thinks from all aspects before deciding the validity of the documents. Such subtle thought is not found in his predecessors.

(2) **Valid Documents**

(1) The document which is not adverse to the custom of the country, i.e., if the documents are in accordance with the rules regarding pledges, sureties etc., and its language is free from obscurity, then the document is considered valid. This is only one technical aspect.

(2) If the document is burnt or lost or in other country, then the witnesses who have seen it can testify it, then the case can be decided.

(3) When a clear title is produced then the possession acquires validity but possession without title does not make evidence.

Narada makes the documents and their circumstances and technicalities clear. This one topic is very special to Narada in comparison to Manu. Manu has mainly discussed about witnesses and in some places about possession, but he has given only hints to the documents an important mode of proof, which has been discussed in the part "Earlier State of Law".
Yājñāvalkya is much closer to Nārada. There are many similarities in Nārada and Yājñāvalkya. Yājñāvalkya has devoted ten valuable verses to the discussion of documents. He has touched the very core of the subject which seems to be followed and expanded by Nārada. Yājñāvalkya has defined the documents to be of two sorts, i.e., Śāsana and Jānapada (executed between citizens). Śāsana is a royal grant which is valid all the time and does not need attestation. Yājñāvalkya has considered Śāsana as mode of proof, while Nārada declares royal document as attested document in all affairs. Nārada does not mention anything about the Śāsana, but in the verse attributed to Nārada and quoted by J.J. states that royal document as an ever attested document in all affairs i.e., "a document signed by the king with his own hand or sealed with his own seal, is declared to be a royal document and is considered as equal to an attested document in all affairs".

Yājñāvalkya has mentioned two other points which are of practical importance and the same are left out by Nārada. When the debt is repaid in full or instalments, then the debtor should write on the back of the bond and/or creditor should give some sort of receipt to the debtor. This is a full proof way guarding against the cheating and in the next verse, he further says that after the repayment of the debt, the document which is binding to the debtor should
be destroyed or torn. No misuse therefore of the document may be done, or the debtor should ask the creditor to issue another document as evidence of debtor’s aquittance from the debt i.e., a receipt to that effect.

Excluding these three points Nārada has literally followed Yājñāvalkya about the documental proof. Yājñāvalkya’s treatment is brief but Nārada has treated it in detail.

Nārada considers a document valid only when it is not adverse to the usage and custom of the country. It is valid when the language is clear. This is only technical aspect discussed by Nārada about valid documents.

Nārada states that if the document is burnt in another country and the witnesses who have seen it, testify so, then the case can be decided. Main drawback in this statement is, document is not physically available and one has to depend on witnesses. So witnesses are important here and not the document. Witnesses can give false evidence and their memory of the details of the document can fail. So this mode of testifying a document is very much doubtful.

Document of title with possession acquires validity. This discussion is very special of Nārada. He has given thought to almost all the aspects of valid and invalid documents and when both the points of valid and invalid documents are compared one can see how strict Nārada is about the accuracy of this mode of evidence.
Possession - As Mode of Proof in Nāyadasmrti

Out of three modes of proof Nārada deems possession to be the most decisive proof. As Nārada states, "of three modes of proof here enumerated in order, each previous one is superior to one named after it, but possession is the most decisive of all." According to Nārada 'possession' seems to be underlying reality of the civil law.

As Asahaṇya has interpreted Nārada's statement, 'possession of immovables without a title does not create proprietary right, therefore, the possessor of landed property becomes its lawful owner, if his right or title is established by witnesses but not otherwise. Thus far possession is more important than witnesses. In the same way documents with a title are superior to witnesses and possession with a title is superior to witnesses, documents and ordeals. Thus this can be decisive. Sometimes a proper document is there and proper witnesses are there, still it has really no value if the possession of property is not there, and of course it has to be accompanied by title. So it has its weaknesses also. There should be other proof of ownership to prove the claim. This rule is specifically true in the case of immovable property. The rule of possession is even stronger in the cases of the people who witness their property or chattel being enjoyed by others for a long period. Nārada has allowed the lapse
of 10 years. If another person enjoys the property (i.e., land, house, etc.), for more than 10 years in front of the eyes of its rightful owner, the property belongs to the one who possess it. The possessor becomes the rightful owner after the lapse of a period stipulated by law even if the property might have been gifted to him or forcibly seized by him or the property abandoned by its previous owner it belongs to him who has possession of it. This property includes cattle and slaves also. Same is the case with pledges. They are also lost to the owner after the lapse of the period prefixed. If the owner is not minor, nor idiot and if he still allows his property to be enjoyed by others, and does not say anything (in proper time and try to retrieve it) then it is lost to him. This loss is due to negligence on part of the owner. Manu also has the same view. In all above mentioned cases possession is definitely stronger. But as each rule has an exception. This stronger possession also has some aspects and situations where they act as exception. They are as follows:

(1) If a person pleads for the possession without producing proper title, proof or witnesses, is condemned as a thief by Nārada and one can be punished for this offence, i.e., one who enjoys the possession, without proper ownership title for many years and pleads to make it legitimate, then the king can inflict the punishment on him which is
ordained for a thief. Law would not support such claims. Two conclusions can be drawn from this statement that law or king took the responsibility to find out the true claimant of the said property and another thing is that such offence to legalize unauthorised property was treated as criminal offence, which today is included in civil law. So just claiming the possession without proper title was not strong enough proof to prove the ownership. So the proof of possession becomes weak here with the law against such claim.

The other point of legal possession brought out by Nārada is, 'if a possessor is enjoying the property without title is illegal and can be an offence.' But his descendents after his death can enjoy the property legally, i.e., for them the property becomes ancestral. If the owner claims his property back from the possessor, then he should be able to prove it, otherwise it is not taken to be legal, but 'the enjoyment, however which has passed from the father to the sons by right of inheritance, constitutes a legal title for them.' Yajñavalkya's opinion supports to this, as he states, "he who made the aquisition of a title if sued should prove it, but not his son or grandson. In their cases the possession has greater force."  

There are certain types of possessions and pledges which are not lost to the owner. The property of a woman and the property of a king is never lost to them. The
reason for this is given by Asahāya, i.e., it is thus ordered by the Sages. Though, Asahāya has made this statement, the support to this, i.e., why a king's and woman's property exempted? is not found either in Manu or Yājñavalkya. Probably the moral views expressed by Manu about women and king, their specific position are the basis of this statement. Manu's views about king are already discussed, and it is a well known fact that Manu has not only high regard for women but he is very protective about them.

There are six types of properties which are not lost to owner, a pledge, a boundary, property of the children, though enjoyed by the guardian for a long time, an Upanidhi-deposit - i.e., a valuable article which has been delivered under cover to another person; a woman (not a woman's wealth - woman herself) one who has been delivered to a stranger as deposit and enjoyed by him; the property of a king and of a learned Brāhmaṇa, is not lost. Asahāya has interpreted the property of a king as land and of learned Brāhmaṇa as cows. Kullūka, while commenting upon the similar verse in Manusmṛti has interpreted woman as 'female slaves'.

Regarding the stipulated periods for the possession stated by Narada seems contradictory. While in the it is stated that "enjoyed by stranger for 10 years", property becomes irrecovable and in verse 82 is again stated.
"lost to the owner if they have been enjoyed in his presence for 20 years\textsuperscript{50}, but \textit{N}ārada does not make this point clear, whether these two periods mentioned above are applicable in which circumstances. The period suggested by \textit{Manu} is also 10 years. \textit{Yājñavalkya} has made it more clear. According to \textit{Yājñavalkya}, "the loss of right to land occurs after 20 years to him, who, while he sees his land being enjoyed by another for 20 years looks on and does not object. The loss of money takes place after 10 years under similar circumstances\textsuperscript{51}". \textit{N}ārada is not very clear about this 20 years and 10 years, but \textit{Yājñavalkya} has clearly stated the conditions. Probably \textit{N}ārada leaves this by simply saying the period, because it is already stated (in \textit{Yājñavalkyasāṃśī}) and might be a well known fact and practice, so he does not seem to be very keen to explain.

\textit{N}ārada declares possession as the 'most decisive proof of all'. Still there are certain limitations put by \textit{N}ārada. Possession without title does not create proprietary right, if there is not much lapse of time, but possession becomes legal after three generations. So the decisiveness of the possession seems to rest on the time factor. Similarly, if one's property is enjoyed by stranger before him for certain period (20 years) the true owner loses his proprietary rights. He can retrieve his property before the lapse of that period. Person, who enjoys property without title and pleads to make it legitimate, he is punished as a thief. \textit{N}ārada declares
that the king's and woman's property is never lost. Narada examines this mode of evidence from positive and negative aspects. He is very clear about the circumstances when possession has decisive power and when it has not.

WITNESSES AS THE MODE OF PROOF IN NARADASMRTI

Witnesses is the third and important mode of proof. Narada has discussed it at great length and in detail compared to Manu and Yajñavalkya. Narada has divided the witnesses from the four viewpoints, i.e. (1) eligibility of the witnesses and number of witnesses, (2) incompetent witnesses, (3) cases where witnesses are unnecessary, and (4) procedure of giving an oath to the witnesses. Narada has devoted 87 and more verses for the detail discussion of the witnesses.

Narada has given the definition of the witnesses, i.e., "he should be considered as witness who has witnessed a deed with his own ears or eyes, with his ears if he has heard another man speaking; with his eyes, if he has seen something himself." This definition is identical to that of Manu, i.e., "evidence in accordance with what has actually been seen or heard, is admissible." Narada has given eleven types of witnesses. Five witnesses out of eleven are legally appointed (they are summoned by the court to give evidence) and six witnesses are not appointed.
The appointed witnesses are as follows: (1) a subscribing witness - (Likhitah). Asahāya interprets it as one by whom a document is attested, (2) one who has been reminded (Smāritaḥ), (3) a casual witness, (4) a secret witness (gūḍha) i.e., according to Asahāya is one who, concealed in a house or room, listens to the discourse of the parties, and (5) indirect witness.

Six witnesses which are not appointed are: (1) the village (folks in the village): Grahā, (2) the judge himself, (3) the king, (4) one acquainted to the affairs of the two parties, (5) one deputed by the claimant, and (6) members of the family in the family dispute. Asahāya has commented upon this, as to how these unappointed witnesses present themselves. The village or it's co-habitants can be witnesses in a transaction which took place in the village, the testimony of the judge can be heard in regard to a cause tried in a course of justice. The king can be witness concerning a transaction which has taken place in his presence. One acquainted with both the parties, agent of the claimant and family members also can present themselves.

Competent Witnesses

Nārada discusses 'witnesses' i.e., about competent witnesses. He has defined the 'competent witness' in the same way as Manu has defined it. The witnesses should be from honorable family and belonging to a noble race.
should be habitually veracious and straightforward and unexceptionable to their descent and their fortune. The witnesses should be honest\textsuperscript{60}. Witnesses may be Brāhmaṇas, Kṣatriyas, Vaiśyas, or Śūdras, but they should not be faulty.

The number of witnesses depends upon the necessity but Nārada has prescribed that there should not be less than three witnesses\textsuperscript{61}. Asahāya has pointed out that one or two persons can be witnesses if both parties consent to it. In a dispute regarding landed property, more than three witnesses are required\textsuperscript{62}.

Now, the persons, who can become witnesses according to Nārada. Brāhmaṇa, Kṣatriya, Vaiśya and Śūdra can become witness for the persons of their caste and class or all of them can become witnesses for all orders. Manu's\textsuperscript{63} and Yājñavalkya's\textsuperscript{64} opinion is similar. Nārada has exactly followed them here. Getting the persons of the same order as witnesses is possible. When the transaction of property, goods, family dealings i.e., an act or transaction which is preplanned or which is customary (in case of guilds and trade unions) - where people from the same order gather. But in the offences like theft, rape, robbery, murder, forgery, cheating, encroachment etc., any passer by can be available and he may not be of same order that of claimant, and after examining the veracity of his statement, the court may admit him as witness.
People from the same guild or company (sreni) can become witnesses for their own people. Out-caste can become witnesses to low caste people. Women can become witnesses where the crime regarding women is involved. This is exactly Manu's opinion followed by Narada.

Incompetent Witnesses

Incompetent witnesses according to Narada are of five types. They are as follows: (1) under a text of law, (2) on account of depravity, (3) incompetent by contradiction, (4) one uncalled for deposition, and (5) intervening decease.

(1) Under a text of law - law has decided that below mentioned persons cannot stand as witnesses and there is no reason given for it, as to why they should not. They are: (1) learned Brahmanas, (2) devotees, (3) aged persons, and (4) ascetics. As J.J. has commented that "the reason why the persons referred to in this paragraph are excluded seems to lie in their entire renunciation of earthly interests, which renders them unfit to appear in a court of justice." Since the word 'udāhṛta' is used, it seems to suggest that Narada wants to point out that his predecessors have not explained - they have given only the rule, which has been adopted here. But Manu has explained it saying they are detached from the dealings of the material world.

(2) Incompetency on account of depravity - thieves, robbers, dangerous persons, gamblers and assasins are in-
competent on account of depravity. As they have once 
committed a crime and become criminals, and persons who are 
capable of doing criminal acts one cannot hope to find truth, 
in their statements. This seems to be quite natural and 
in fitness of things.

(3) Incompetent by contradiction - if the statements of 
all the witnesses summoned by the king do not agree with 
each other, those witnesses are rendered incompetent by 
contradiction. A folk tale mentioned below would explain 
the matter nicely. One merchant was cheated by another, 
who took a precious stone from the first, and pretended that 
he had given it back to the owner in front of six witnesses. 
Those witnesses were summoned by the king and were kept in 
separate rooms where they asked to draw the picture of the 
precious stone which they saw. Since none of them had 
witnessed the stone, they all drew pictures of different 
shape and objects. So the witnesses were rendered incompetent 
and the theft was caught.

(4) One uncalled for deposition - Any Tom, Harry and Dick 
was not allowed to enter the court and intervene posing as 
witness. Such person was not admitted as 'witness' but was 
a suspect spy.

(5) Intervening decease - if the creditor dies and the 
person who claims himself to be a witness to a certain deal; 
where he has witnessed the creditor giving money to the
debtor. In such a case, there is no way to testify the person whether his claim is true or false, since the creditor is dead. Therefore, such witness cannot be admitted. Asahāya has explained it as "supposing a man were to claim certain sum from another and to name a witness, whom he states to have witnessed the transaction. If the soi-disant creditor should die, it would be impossible to ascertain whether the statement of the witness is true or false. Therefore, such a witness shall not be admitted by reason of intervening decease."

Apart from the above mentioned sorts Narada has further named people who could be incompetent witnesses. They are persons interested in the suit i.e., friends, foes, associates, should not be admitted as witnesses. Manu has also propogated the same view. Yajñavalkya also follows Manu. Two quarrelling parties who both have witnesses, in that case the witnesses of the first party which will go to the court of law, will be heard and not of the other party's witnesses. Asahāya interprets this giving the illustration of two parties who fight for cattle and both have four witnesses each in the dispute described by Asahāya (like that of cattle) witnesses of him who was the first to bring the suit into court will decide the suit.

Narada has given a long list of incompetent witnesses which consists of eighty seven incompetent witnesses. Julius Jolly in his translation of Naradasmrti has given the
description of incompetent witnesses under two different titles i.e., 'incompetent witnesses' and the long list of incompetent witnesses under the title 'false witnesses'. The word 'false witnesses' can be interpreted as 'untrue', but most types of incompetent witnesses described by Nārada are not eligible to be admitted as witnesses, since there is no question of 'falsehood' at all. Jolly's title 'as false witnesses' seems an improper translation.

Nārada's list of incompetent witnesses is much longer and exhaustive than in Manu and Yājñavalkya. Some witnesses are rendered incompetent due to legal reason, for they cannot fulfil the requirements of legal procedure. They are discussed before as: (1) on account of depravity, (2) under a text of law, (3) incompetent by contradiction, (4) one uncalled for deposition, and (5) intervening decease.

Nārada has declared eighty four other types of people as incompetent witnesses. Some of the incompetent witnesses mentioned in this list are already mentioned in the five types discussed previously. Nārada also states that, 'if the law suit is of a serious nature then the slaves, imposters and other incompetent witnesses listed therein can become witnesses in that law suit'. If a heinous crime is committed i.e., robbery, theft etc., in that case the charter of witness need not be examined. As Nārada puts it, "whenever a heinous crime, or a robbery or adultery or one of the two
kinds of insult has been committed, he (judge) should not enquire too strictly into the character of the witnesses.

Nārada explains the reasons for disqualification of the incompetent witnesses listed herein. A child, a woman, one man alone, a cheat, a relative and an enemy might give false evidence due to ignorance, want of veracity, habitual depravity, affection and out of revenge, respectively. One man alone can become witness if both the parties give consent for it. This only one person standing as witness should be examined publicly as witness. Nārada does not give any reason for each incompetent witness, enlisted by him, as why each of them stands incompetent. The list of incompetent witnesses is as follows: (1) friends, (2) associates, (3) enemies, (4) notorious offenders, (5) persons tainted with heavy sin, (6) slave, (7) imposter, (8) one not admitted to Śrāddhas, (9) superannuated one (ṣaḥ or decrepit person), (10) a woman, (11) a child, (12) oil maker, (13) intoxicated one, (14) mad man, (15) careless man, (16) one distressed by calamity, (17) a gamester, (18) one who sacrifices for a whole village, (19) one engaged in long journey, (20) merchant who travels in the countries beyond sea, (21) a religious ascetic, (22) sick person, (23) one deformed, (24) one person alone (more witnesses should be there), (25) learned Brāhmaṇa, (26) one who neglects religious customs, (27) a eunuch, (28) an actor, (29) an atheist, (30) a vrātya - one for whom the
ceremony of initiation has not been performed, (31) one who is forsaken his legitimate wife or fire, (32) one who makes illicit offerings, (33) an associate who eats from the same dish as oneself, (34) an adversary, (35) a spy - employed in the service of the king, (36) a relation, (37) one who is connected with the same womb i.e., brother, (38) one who has formerly proved an evildoer, (39) a public dancer, (40) one who buys and sells poison, (41) a snakecatcher - i.e., one who catches venomous reptiles, (42) a poisoner - one who actuated by hatred gives poison to other people, (43) an incendiary, (44) a ploughman, (45) son of a śūdra woman, (46) one who has committed minor offence, (47) one oppressed by fatigue, (48) a ferocious man, (49) one who has relinquished worldly appetities - i.e., an ascetic (is already mentioned), (50) one penniless - i.e., one who has lost his whole wealth through gambling or other extravagance, (51) a member of the lowest caste - i.e., cāndāla, (52) one leading a bad life i.e., an infidel person according to Asahāya, (53) a student before he has completed his studies, (54) oil man, (55) seller of roots (Mūlikā) is interpretation according to Asahāya but Vīrmitrodāya interprets it as 'one who practices in cantations with roots, (56) one possessed by demon, (57) one who does the weather prediction, (59) astrologer, (60) malicious person, (61) oneself sold i.e., one who has entered in the state of slavery for money, (62) one not having a leg or ar.
arm, (63) a bhagavṛtti, (64) one who has bad nails or black teeth, (65) one who betrays his friend, (66) a rogue, (67) seller of spirituous liquor, (68) a juggler, (69) a varicious or cruel man, (70) an enemy of a company of traders, (71) a butcher, (72) a leather manufacturer, (73) a cripple, (74) an outcaste, (75) forger, (76) a quack, (77) an apostate i.e., one who has left the monkhood or religious order, (78) a robber, (79) one of the king’s attendents, (80) a Brāhmaṇa who sells human beings (slaves), cattle, meat, bones, honey and milk water or butter, (81) a Brāhmaṇa who is guilty of usury, i.e., one who demands interest on grain, (82) one who neglects his duties, (83) a Kulika, i.e., a judge or the head of the caste of guild, (84) a bard, (85) one who serves low people, (86) one who quarrels with father, and (87) one who causes dissention, i.e., one who causes friends or others to fall out with one another. This is the long list of incompetent witnesses.

Narada has further advised the judge to observe the gestures and facial expressions of the witnesses. He should try to find out the reasons for their particular expressions, movements. Here Narada observes the psychology of the persons who could be guilty conscience. One can see a superb observation of human nature by a professional lawyer. Sometimes a witness may be restless, he may look suddenly ill, or he may shift his position constantly, or may walk irresolutely and without reason. Witness may be sighing repeatedly,
or his countenance may change colour. The symptoms like sitting profusely, lips becoming dry may appear. The witness may look here and there unnecessarily and may be speaking aimlessly, without being asked. In such cases the judge has to take firm steps and sternly he should ask the witnesses showing the above mentioned symptoms. There is possibility that the witness may prove himself a false. One such a person then cannot be admitted. Such a person should be punished for his sin of posing as witness. So such persons also become incompetent witnesses. Even a person who knows the truth and has already related it to other people that he knows, and for some or other reason he does not speak in the court of law, he is also considered as incompetent witness and could be punished heavily for keeping silent while he knows the truth.

Nārada's description of incompetent witnesses is much in detail and systematic compared to his predecessors - Manu and Yājñavalkya. Though Manu has discussed the witnesses, but he is not systematic and comprehensive like Nārada. There are 3 points in the description of incompetent witnesses of Nārada which can be noted:

1. persons who are not legally allowed to become witnesses become incompetent to do so, e.g., king, śrotiya etc.,
2. persons whose particular background and certain circumstances render them incompetent as witnesses, e.g., robber, a Brāhmaṇa selling slaves, etc., and
(3) persons who are found unfit after observing their suspicious behaviour e.g., one who passes himself as true witness but who is not.

Some of the witnesses are physically affected and their incompetence is declared by Nārada. Those who are mentally unstable, would not be able to give evidence and it is understandable, but physical deformity, how it renders one incompetent to become witness, is difficult to understand. The king, learned Brāhmaṇa are incompetent witnesses, that is probably, king as head of the state should not take anybody's side by posing as witness, learned Brāhmaṇa's place is as revered as the king and probably same is the reason for him. Persons, who are in the profession where speaking lie or committing offence becomes their habit, naturally their evidence cannot be admitted by the court.

Nārada's treatment of 'witnesses' is very strict. As if he is excluding each grain with flaw from the heap of grain and wants to retain the pure flawless grain, which will lead the court of law to the truth and will save it from the impending sin.

Manu also is concerned for the truth in the law suits, but Manu's approach is more moral. He wants human beings to be afraid of wrong things. After all the concept of sir and merit has the base of morality. But Nārada's attitude
is that, he knows the evils and sins and bad things do exist, he accepts them as the fact in any society's life. So, instead of appealing goodness, he prefers to go ahead and try to extract the dart from the wound as an expert surgeon.

**Giving an Oath to the Witnesses**

The ritual of giving the vow to the witnesses is not very long in Nārada. Witnesses are given vow by the judges, who are well conversant with the law and of tried integrity, and acquainted with the case in hand. Actual oath giving is covered by Nārada in just a few sentences. He does not say that what ritual should be followed. A Brāhmaṇa should be given an oath by the truth, a Ksatriya by his weapons, a Vaiśya by his cows, grain, gold etc., and Śūdra by all sorts of crime, i.e., if the Śūdra does not speak truth then he would incur the sin of murder, theft, killing the cow etc. A Śūdra had no permanent and hereditary profession like higher castes to swear by and not speaking the truth is compared to the sin incurred by crimes like killing the cow, killing a Brāhmaṇa or theft. The fear of incurring such sin was powerful enough. One probable reason of giving oath by all sins is that in those days it was believed that the low born were prone to committing serious offences, vide Kālidāsa in Sākuntalam. So Nārada might have in his mind that Śūdra should be given an
oath like that. Probably Narada has given Manu's view here viz., "let him examine Brāhmaṇa (beginning with) 'speak', a Ksatriya beginning with 'speak truth', a Vaiśya (admonishing him) by mentioning his kine, grain, and gold, a Śūdra (threatening him) with (the guilt of) every crime that causes loss of caste. The only difference between Narada and Manu is that Manu simply 'says', 'speak' and 'speak truth' to Brāhmaṇa and Ksatriya, but Narada insists that they should be given proper oath.

The judge should formally address them (witnesses) and tell the importance of truth, the demerits of untruth and inspire the witness to speak the truth.

The physical punishment to a witness, who is speaking untruth is more insulting and torturing than imprisonment. Narada has advised such witnesses to be punished by the following method. Such false witness would enter his enemy's house, naked, shaven head, hungry and thirsty and blind folded; he would ask for alms there. He should stand in front of his adversary's house for a long time and endure humiliation. Similar views are found in Yājñavalkyasmṛti also.

The judge should warn the witnesses about the punishment one would get in the world hereafter, if one speaks untruth.
Evidence According to Manu and Yājñavalkya

There might have been importance of different modes of evidence in different periods. As it is clearly seen in Manusmṛti, Manu has discussed more about witnesses, and given very little attention to other modes. Though there are suggestions about other means of evidence, we find very little about it. Manu has discussed in 'debt' about it, as "when the creditor sues before the king for the recovery of money from a debtor, let him make the debtor pay the sum which the creditor proves to be due". This verse points to a written deed or agreement. Without written proof, the creditor cannot prove his claim in the court. There has to be a written receipt given by the debtor to the creditor. In another verse Manu further seems to stress on the written evidence, "but him who denies a debt which is proved by good evidence, he shall order to pay that debt to the creditor and a small fine according to his circumstances". This also proves the strength of written evidence. Usually in monetary transactions, possession cannot be proved, because there remains nothing after the amount is spent and enjoyed. Witnesses also can turn false. Written evidence only seems to be stronger in such cases.

As in today's law, there is a saying 'possession is nine points in law'. This concept seems to have a long history, Manu agrees to this concept to a certain extent". 
But in general whatever chattel an owner sees enjoyed by others during ten years, while though present, he says nothing that chattel he shall not recovery\textsuperscript{107}. Possession certainly gains points here. "If the owner is neither an idiot nor a minor and if his chattel is enjoyed by another before his very eyes, it is lost to him by law: the adverse possessor shall retain the property\textsuperscript{108}". Manu is not hundred percent in favour of possession. According to Manu "neither a pledge nor deposit can be lost by lapse of time, they are both recoverable\textsuperscript{109}". Then things used with friendly assent, a cow, a camel, a riding horse are never lost to the owner\textsuperscript{110}. In the same way, a pledge, a boundary, property of infant, a deposit, a sealed deposit, women, the property of king and the wealth of a Śrotiṣya are not lost in consequence of adverse enjoyment\textsuperscript{111}. So possession also cannot make very strong point as evidence in the eyes of law. One thing is quite clear, though it is not said explicitly, i.e., a complainant who does not have possession, but must have the documentary evidence of the ownership, which can be his strength in the court of law. So the importance of a deed or agreement or any document is accepted by Manu. We can say that 'assuming the written evidence is there', Manu has discussed about possession.

In the matter of evidence Manu seems most concerned about witnesses than other modes. He has discussed at much
length about the witnesses, their importance, qualifications, prohibitions, numbers, etc. Dr. Betai has divided Manu's long discussion about witnesses under six heads, i.e., (1) number and details of types of witnesses, (2) unqualified witnesses, (3) importance of truth in witnesses, (4) vow about the witnesses, (5) cases in which untruth is allowed in the witnesses, and (6) cases in which witnesses need not be examined.

Witnesses should be householders, having sons and should be residents of the same country and of Kṣatriya, Vaiśya and Śūdra caste. This is in ordinary course of events, but there are extra ordinary circumstances and cases, in which any person can be brought as witness. Wise, unselfish and learned men including Brähmanas can be made witnesses in all cases. In the ordinary course women, Śūdras and lower classes should be made witnesses for women, Śūdras and lower classes. Further, Manu has added that in case of secret crimes women, children, old men and women, pupils, relatives and even servants and slaves can act as witnesses. Manu does not prefer women as witnesses, as they are of unsteady mind and hesitant. Manu does not seem to be concerned about the person who stands as a witness i.e., he is not hard and fast about it. He is concerned about discovery of the truth.
Regarding the number of witnesses there is no particular mention of mode with particular plaints: Manu himself has stated that witnesses are to be in accordance with the need of the case. There seems to be no systematization in Manusmrti about the number and types, and qualifications of witnesses. "Manu refers more to the qualifications of the witnesses... Manu emphasizes more than all others, the moral aspect of the court law." Manu has even discussed about the persons who are not qualified to be witnesses.

Manu's concern for truth and success of Dharma in the court, and truthful and proper witnesses, has made him exclude many people from the lists of witnesses. Manu has excluded old men and women and children as their age does not keep them in sound and stable frame of mind. People who are mentally unwell and bodily diseased, people who are intoxicated, who are hungry, and people who are passionate are not competent witnesses according to Manu. Obviously these people cannot have stable and healthy mind to stand as witnesses. There are other people incapacitated to stand as witness because of their emotional attachment, viz., Dasyus, relations, friends and enemies. These can prove false witness as they may speak out of love, loyalty or hatred. With their own motive which is bound to hinder
the process of justice\textsuperscript{126}. Further, Manu has excluded persons of criminal record, known notorious ones. Morally fallen, cruel persons and thieves\textsuperscript{127}. Naturally, the persons, whose life is full of crime, cruelty and untruth, cannot lead themselves or the court towards the truth. Manu has deemed unfit as witness. Certain people of certain position, i.e., king, Brāhmaṇas, Brahmacharin and parivrājaka\textsuperscript{128}. Manu is not systematic in giving the above mentioned types. His references come occasionally along with the subject. Manu does not deem fit a low born person\textsuperscript{129} as witness for upper classes, but a low born (\textit{śūraud}) can be witness to low born\textsuperscript{130}. In Manu's eyes women are unfit to become witness in men's cases, women can be made witnesses in women's cases. Here, we find a streak of fundamentalism in Manu. But the same Manu says that in extra ordinary circumstances women and low born can give evidence in men's cases and in cases of high caste people respectively\textsuperscript{131}.

As it is pointed out before, Manu is more concerned about prevalence of Dharma in the court. He stresses more on the personal nobility, truthfulness of witnesses. He has discussed about the merits of truthfulness\textsuperscript{132} and demerits of telling untruth or giving false evidence. Manu appeals to the conscience of man. As Dr. Betai has appropriately stated it, "Manu thus sees the double necessity,
first of appealing to the conscience of man and then asking him to take a vow or a swearing. This appeal will surely have good effect on the man concerned, and he will, in most cases, hesitate in telling lies, and that will surely make him abnormal in his speech. In this manner, truth will come out better and judges will be helped better in tracing out truth in the matter 134.

Manu has laid down a long, tiresome procedure about giving of a vow to the witness. Manu assumes that higher the caste, lesser the chances of speaking untruth, so vow given to higher castes is stricter (with each caste 135).

There are also exceptions to Manu's rule of truthfulness, he allows in some cases that untruth be spoken. And done so, the court of law or assessors or witness does not suffer any sin 136, though the witness may suffer if the falsehood is traced. "When the speaking of a truth will involve the death of Śūdra, Vaiśya, Kṣatriya or Brāhmaṇa, one may speak untruth, for that will be superior to truth 137." "There is no fall of man in those cases in which man takes a false vow for winning love, food for cows, for obtaining fuel and for the protection of a Brāhmaṇa 138." According to Dr. Betai's interpretation respectively is 'untruth will save life, it is superior to truth that involves life... the idea is not very clear in Manu and it seems that it must be applying to those cases in which a Brāhmaṇa or some other
person deserves to be saved. There can be no good in speaking untruth for a habituated criminal, and the verse should apply only to those cases in which a valuable life might be saved\textsuperscript{139}. For another verse Dr. Betai explains, he will suffer no spiritual punishment if his intentions in speaking untruth were pure and good\textsuperscript{140}.

There are certain cases mentioned by Manu where witnesses need not be examined. They are mainly criminal cases, i.e., Sāhasas, theft, adultery, defamation and assault\textsuperscript{141}. As the justice should be disseminated instantly in criminal matters, and there is possibility that only incompetent persons or even nobody would present at the same of crime. So witnesses should not be examined.

In the glorious tradition, after Manusmrti comes Yājñavalkyasmruti. Yājñavalkya's views about evidence are gathered and outlined more sharply than Manu. Yājñavalkya tries to stick to the point and subject. He is more precise than Manu at many places. As stated earlier evidence is a multifold term according to Yājñavalkya\textsuperscript{142}. He says, evidence has been laid down to consist of a writing, possession and witnesses. Mitakṣara has defined further in detail. According to Mitakṣara — Pramāṇa is that by which a thing is measured or discriminated. Pramāṇa is twofold, viz., human and divine. Human evidence is threefold i.e.,
writing, possession, and witness. It has been laid down by learned sages then again writing is of two kinds, one is royal grant (सास्त्रसंस्कार) and another is scroll or deed (or agreement or receipt etc.).

Writing and witnesses are considered as Śabda Pramāṇa

Pramāṇa, because they serve as the medium of expressing thoughts. And "possession when satisfying certain (specified) conditions will invariably and correctly measure the probative value of sale and other things which are the basis of ownership and assist an inference or in the absence of direct inference a conclusion may be drawn by implication and thus possession may be included either in an inference (Anumāna) or an implication (Arthāpatti) and be a good means of proof. Possession means enjoyment by actual occupation. The trials by ordeal is allowable only where human evidence does not exist. But there is exception to this. According to Bṛhaspati in the trials concerning heinous offences of a long standing or in the case of assaults or slander or concerning acts proceeding from violence - the ordeal itself are the witnesses.

Now, Yājñavalkya comes to the use of evidence. Evidence of any sort cannot always be truth and deciding. There are times when plaintiff and complainant both put forward evidence which apparently weighs a like, and sounds true. Then in the cases like civil disputes regarding pro-
property, the later transactions gain weight and trial can be decided on the proof of later transactions. Same is case of pledge, a gift and a sale. Where evidence in support of prior claim dominates\textsuperscript{147}, and it is evident itself that while proving all the transactions one must have written proof either Sasanam or scroll or deed.

Further, Yājñavalkya discusses the evidentiary value of possession. Possession can be used as evidence only in certain trials and certain circumstances. A land is lost to person when he sees his land enjoyed by other man for twenty years, and money is lost when the person does not raise the issue for ten years and keeps mum about it\textsuperscript{148}. Possession becomes evidence in the above mentioned cases.

Here, Yājñavalkya seems to follow Manu exactly step by step. Yājña\textsuperscript{2}valkya also stresses that ownership right is never lost in the cases mentioned below: (1) pledges, (2) boundary disputes, (3) wealth belonging to dull person (who is not in position to understand and care about his material good), (4) minor person, (5) open deposits, (6) sealed deposits, (7) king's wealth, (8) wealth belonging to women, and (9) wealth belonging to Brāhmaṇas. After explaining the exceptions to the rule of possession Yājñavalkya shows where possession is weaker than the written evidence. If the origin of ownership (Agama) i.e., gift, purchase etc., can be established, then in that case title (deed of ownership)
is more powerful than possession\textsuperscript{149}. In the same verse Yājñāvalkya, limits saying that there should be possession at least for a short while, clear title only has no force\textsuperscript{150}. Now, Yājñāvalkya has mentioned one particular case where possession cannot have force at all. If a person dies during trial while the suit is filed against him, then his legal heir should have to prove it, in such case possession cannot be evidence of ownership. It has to be proved with clear title\textsuperscript{151}.

There are certain deals, transactions which are basically illegal where necessity of evidence does not seem. Transactions brought about by force or fraud, by women (done by women does not seem to be legal enough), deals done at dead hour of night or in seclusion or with enemy etc. Yājñāvalkya gives fourteen of such cases where case can be reopened and retried\textsuperscript{152}.

Yājñāvalkya has devoted a chapter for the discussion of witnesses. Sixteen verses have been devoted to witnesses. Yājñāvalkya goes about systematically and precisely. The qualities of witness are discussed i.e., "men devoted to religious austerities, liberally disposed (dāmasīlaḥ), born of high families, truthful, devoted to religious observances, straight forward men who have sons and those who are wealthy, are the competent witnesses\textsuperscript{153}. Saying About the number of witnesses Yājñāvalkya says that it should not less than
three. Here, we can see the brevity and clarity in Yajñavalkya's thought. He immediately discusses about incompetent witnesses. Yajñavalkya has given the list of 20 incompetent witnesses including women. These are seem to be the same as given by Manu. Yajñavalkya is more concerned about the legal process. Now, he has said that witnesses should not be less than three, but considering the exceptions he allows even one when both the parties consent and the witness is worthy enough, not only this but he accepts any person as witness in the cases of heinous offences (Sāhasa) adultery, theft, insult, where Manu does see much necessity of witnesses.

Yajñavalkya further discusses about the vow to be given to the witnesses. The ritual of taking the vow is not lengthy at the same time it stresses on the demerits one may gain if one gives false evidence. In three verses Yajñavalkya explains what the false witness is going to incur in the world hereafter. Yajñavalkya seems to be more practical in this regard than Manu. He does not stop just declaring the consequences in the world hereafter, but he sees that the person gets the fruit of his action in this world also. The person who comes to court agreeing to be a witness and keeps mum, in that case he should be made to pay the amount of entire debt with the interest to the creditor by the king.
Yajñavalkya's treatment to this topic is sharp and meticulous. He does not seem to believe absolutely in the divine punishment, as the false witness may get the severest punishment in the world hereafter, but Yajñavalkya does not want him to go free and unpunished in this mortal world also. Not only he has considered false witness, but he has considered a person who knows the facts and still does not bring it to the notice of the court, such a person is liable to punishment. The nature of the punishment is also laid down by Yajñavalkya which is definitely heavy and a sure repellent of the false witnesses. They should be punished with a fine double the amount in dispute. Here, we can see that Yajñavalkya is bit careless about the position and regard for the Brāhmaṇas. He says that the Brāhmaṇa who gives false witness should be banished. Since Manu has laid down the treatment about the Brāhmaṇas, Yajñavalkya does not want to contradict the same, but at the same time he is not very particular about it. The same thing is repeated further - for others, who give false evidence after appearing to be truthful, are fined eight fold of the amount in dispute but again if a Brāhmaṇa does it, he is banished. But as in Manu - Yajñavalkya also stresses the point where a witness can speak untruth. Where men belonging to four orders would suffer the capital punishment by speaking truth then, one may speak untrue. The development of Yajñavalkya's thought on witness is very clear and
systematic compared to Manu. Yājñavalkya has included the nature of witnesses their kind, incompetent witnesses, competent witnesses, their vows, and punishment for false witnesses, in mere sixteen verses. He does not discuss anything but the matter only related to subject and speaks more legal language which is brief and powerful enough to convey the message.

After witnesses Yājñavalkya discusses about the most important part of a law suit and that is the 'documents'. This mode of evidence with proper details cannot be nullified or cancelled by any court, even today. Yājñavalkya goes systematically about it. He starts from the basic level. The documents are usually prepared where any transaction takes place and both the parties enter into the contract by mutual consent. This document should be completed with attestation of witnesses, names of the creditor, year, month and day names of creditor and his father, and after the completion of these details, the debtor should enter his own name. Even the names of witnesses should be written with their own hands. And naturally the document which has been prepared as per the rules laid down by state and complete has high value as evidence in the eyes of the law. The writing in one's own hand is considered evidence which can be used without witnesses, except in the cases where the writing is caused by force or fraud. The validity of the
document according to Yajñavalkya is till three generations, i.e., one can realize the debt with the help of document for three generations of the debtor and not by fourth generations and others.

Now there are times when such record is away from the place of trial or mutilated or lost, or torn or stolen in such cases law allows the document be made of a fresh. The document is of two kinds. One is contract or agreement of a transaction and other is royal grant, which bears the king's seals, is considered as valid evidence in all transactions. Yajñavalkya is even careful about examining the genuineness of the document. So the documents be compared with other documents. The repayment of the debt by instalments also seems to be in vogue. The creditor should endorse the amount received by him marked in his own hand and after repayment of all debt either the document should be destroyed or the creditor should issue another statement (receipt) stating the same.

Ordeals in Nārada

Ordeals are considered as a part of evidence, or a mode of evidence. Ordeal is supposed to be divine proof. Human proofs are documents and witnesses, and where human proof is not available and justice is in jeopardy then the divine mode of evidence, i.e., ordeals, is resorted to.
The oath and ordeal formed part of many ancient systems of judicial administration. Ordeals were widely prevalent in Europe during the middle ages. At one stage 'ordeal' was also the punishment, but at a later stage ordeal became the proof on which the temporal authority pronounced its judgement or sentence.

As Dr. Jolly puts it, 'the divine judgement (divya, daivikikriya, Samayakriya) is based on the belief in the direct intervention of the deity in order to expose the guilt or to vindicate the innocence and to expiate for the violation of law which has occurred.' It is necessary in the ordeal that the other party should take upon itself the fine or other punishment which is eventually decreed in case of defeat.

Narada has prescribed seven types of ordeals. A detailed description regarding the general rules of ordeals and seven ordeals form a major part of the first title of law (i.e., debt and evidence). One hundred and one verses are devoted for the rules of ordeals. In addition to that Dr. J. Jolly has listed eighty verses attributed to Narada regarding ordeals from different authentic sources like Viramitrodaya, Mitaksara, Nepalese version of Naradasmrti, and many others. These verses are not found in the extant Narada. Since these verses are quoted by authentic sources,
these cannot be easily neglected. These quoted verses attributed to Nārada are considered here in the course of discussion.

The cases where human proof\textsuperscript{176} is available naturally, it is not proper to resort to ordeals. Ordeals are applicable for the transactions or offences which have taken place by night, in the forest, in the interior of a house or in the cases of violence or in the case of denial of the deposit\textsuperscript{177}. In short, where witness or documentary evidence is not available, ordeals can be administered\textsuperscript{178}.

First of all it is the duty of the claimant that he should declare his readiness to take on himself the penalty (ordained for losing party). If either of the two parties is not willing to do so, the ordeal may be performed by either party at pleasure and the other party should consent to give penalty in the case of defeat\textsuperscript{179}. Ordeals are not to be administered when nobody declares himself ready to undergo punishment. It should be administered only when there is reason for it, not otherwise\textsuperscript{180}.

Yājñavalkya considers ordeal ideal in the cases of high treason and the sins like Brāhmicide, even if no one (either of the parties) is ready to admit the offence\textsuperscript{181}. Nārada also has the same opinion. Except in the cases of high treason, ordeal is not to be administered forcefully.
If the plaintiff (or defendant) voluntarily comes forward and opts for it, then only ordeal can be administered in the case of his being defeated\textsuperscript{182}. Asahāya has explained it further, i.e., an ordeal is ordained, when the plaintiff declares himself ready to undergo punishment. Where, however, any outrage has been committed against royal family, an ordeal should be administered even without a declaration of this sort\textsuperscript{183}. The other cases where ordeal does not depend upon the party's wish, the king may inflict ordeals on his own servants, even without one party declaring himself ready to undergo punishment. In the cases of other persons accused of crime, administration of ordeals is according to rule only\textsuperscript{184}. Similar opinion is found attributed to Nārada in the Vivādatāndava by Kamalākara, i.e., 'one suspected by the king, or suspected criminal by his interaction with robbers or who is intent on their own justification for these persons, ordeal may be administered without binding the opponent to give any penalty\textsuperscript{185}'. Precisely these are the prerequirements of an ordeal. Either party should be ready to undergo an ordeal or the case should be of high treason or if it is king's wish, otherwise ordeal is the last resort to find out the truth. It is exceptionally ordained without consent of the party in the cases of heavy crimes\textsuperscript{186}, otherwise, consent of both litigants is always necessary.
Narada very plainly explains the purpose behind ordeals, i.e., for proving the innocence of the people impeached in a law suit and in order that right may be discerned from wrong. Asahāya observes that five ordeals have been proclaimed by the great Sage Narada, for the justification of those impeached on account of their suspicious conduct, by showing where the wrong lies and where not.

There is one important rule attributed to Narada, which very clearly states the limitation of judicial administration. The rule is, when it is finally decided to resort to an ordeal, then the verdict arising from the ordeal should only be considered, and human evidence (which is produced after the ordeal) should not be considered. This rule, not only draws a clear line between human and divine evidence, but makes decision taking easier for the judge.

There are rules regarding the proper time for the different persons to undertake the ordeal. The ordeal should never be administered to persons engaged in performing a vow, i.e., one who has performed the ceremony initiatory to a Soma Sacrifice, to those who are afflicted with a heavy calamity, to the diseased persons, to ascetics or to women. Narada further adds that, ordeals should not be administered to the aforesaid persons, if one considers the dictates of justice, which means that law prohibits admini-
stration of ordeals for these persons, but there may be cases where they are forced to undergo the ordeals through wrath, passion or covetousness of the opponents and members of the court.

The rules regarding the time (season) for performing ordeals and different ordeals ordained for different kinds of people. There are five types of ordeals prescribed by Manu¹⁹² which Nārada intends to enumerate¹⁹³. Asahāya observes that, 'holy Manu has said that those against whom a charge of an aggravated nature has been brought, shall have to undergo one out of the five ordeals, in order to clear themselves from suspicion, especially when a secret transgression is concerned¹⁹⁴'.

These ordeals are as follows: (1) ordeal by balance, (2) by fire, (3) by water, (4) by poison, and (5) by consecrated water¹⁹⁵. Though Nārada prescribes these five types of ordeals propogated by Manu, Nārada actually proclaims seven types of ordeals in his treatise. The additional ordeals are, rice ordeal and the ordeal of hot piece of gold¹⁹⁶. It is very queer that Nārada does not mention his additional two ordeals in the general rules of ordeals. He discusses only about five ordeals prescribed by Manu. Yajñāvalkya also has prescribed the same five ordeals mentioned above, i.e., balance, fire, water, poison and kośa (i.e., sacred libation or drinking consecrated water¹⁹⁷).
Extant Manusmrti does not give any separate details about all these five sorts of ordeals. Ordeals are not even discussed enough to understand the nature of ordeals and their types. Only three verses are found in Manusmrti which mention the ordeals.¹⁹⁸

Ordeal by fire is advised to be performed during the rainy season. Autumn is the proper season to administer ordeal by balance. The ordeal by water should be applied in summer only and ordeal by poison is advised in cold weather.¹⁹⁹ Asahāya observes that five ordeals should be administered, each of them in their prescribed seasons only and not in any other season.²⁰⁰

Months of Caitra (March-April), Mārgasīrṣa (November-December) and Vaiśākha (April-May) are supposed to be proper months for all sorts of ordeals. Ordeals should never be administered in the afternoon, in the twilight or at noon.²⁰¹ This rule regarding the morning time prescribed for the ordeals, seems proper because of heat which increases till noon and remains till evening and heat may make the defendant who undergoes an ordeal uncomfortable.

Another important rule attributed to Nārada is that the ordeals administered at an improper place or at an unsuitable hour or in solitary place constitute a deviation from the proper course of law suit.²⁰² This is a very clear
rule which proclaims that proper witnesses are necessary for this legal proceedings.

In certain situations certain people are not allowed to undergo certain ordeals as stated below. A distressed person\(^{203}\), a woman and a young child are not supposed to undergo the ordeal of water\(^{204}\). According to extant Narada women are not supposed to undergo any ordeal at all\(^{205}\). Ordeal by poison should not be administered to women eunuchs, feeble persons, one severely afflicted by a calamity, infants, old men and women and the blind\(^{206}\).

Ordeal by fire is not advised in the case of persons suffering from white leprosy or blindness or with bad nails\(^{207}\). Asahāya feels that in the case of person mentioned here, the ordeals referred to should be avoided, on grounds of disease and of incapacity to undergo an ordeal\(^{208}\).

A Brāhmaṇa is supposed to be tested only by the ordeal of balance\(^ {209}\). The ordeal by water should be administered to Vaiśya. A Śūdra should undergo the ordeal by poison. A Kṣatriya is not allowed to undergo an ordeal by hot iron, he may be tested by any other ordeal\(^ {210}\). Ordeal by sacred libation is applicable to all castes and poison also is applicable to all castes except Brāhmaṇas. Ordeal by balance is also prescribed for all castes\(^ {211}\). In the extant Narada castewise application of the ordeals is mentioned
in the ordeal of sacred libation. Eunuchs, feeble persons, distressed persons, infants, women and blind should always be tested by the ordeal of balance.

Ordeal of water is strictly prohibited in the cold season and ordeal by fire must not take place in the hot season. Ordeal by poison must not be administered in the rainy season and ordeal by balance is prohibited in stormy weather. Asahaya comments that the time and seasons referred here should be avoided in the case of ordeal by water and of the other ordeals, because they are illegal.

It is very obvious that cold season is far inconvenient for the ordeal by water and hot season equally uncomfortable for the ordeal by fire.

Judges should allow the ordeals by fire, water and poison for strong men only.

The whole procedure of administering an ordeal is to be supervised by the chief judge, who is a learned Brāhmaṇa, well versed in veda and vedāṅgas, sacred learning and of religious conduct, tranquil minded, unambitious, fond of veracity, one who has kept fast and taken bath should worship all the deities properly as per rule.

All these rules are general and applicable to all the ordeals. All the ordeals should be administered before
noon. The defendant, who is to be tested should keep fast for a day and a night before ordeal. He should take bath and be ready for the ordeal in wet dress.

Ordeal by Balance

This ordeal can be administered in all seasons. Method of administering this ordeal is dealt with very elaborately and in detail. Before the actual ordeal takes place, it is necessary to erect the balance for ordeal in a proper manner prescribed in the legal texts.

Method of erecting the balance - Two posts are erected, digging the ground two hastas and the total length of posts must be six hastas (1 hasta = 18 inches). The beam of balance should be four hastas in length. The immediate space between the two posts should measure one and half hastas. The beam of balance, by which the scales are to be suspended should be four hastas. It should be made of strong wood like Khadira, tinduka, or Śāla wood. It should be quadrangular and should be suspended by means of iron hooks and chain in the middle of the beam. Two scales should be suspended at the two ends of the beam, by iron hooks and by four strings each. Each of the two scales should move in a wooden arch (torana), which serves the purpose of marking the position of the scales. Approximate sketch of the balance could be as
Such balance should be erected either in the midst of public assembly or before the gates of royal palace or in the sight of temple or in a cross road. Asahāya says that these places are the favourite abodes of 'Dharmarāja' (the king of justice), when he appears on the Earth. Katyāyana observes that ordeals should be administered to the felons in the sight of temple. Ordeals to the offenders against king, should be administered before the gates of his palace. Place for the ordeals for the low born persons is cross road. For other offenders, ordeals should be administered in the midst of public assembly or the court of justice.
Balance must be firmly dug into earth after purificatory and auspicious ceremonies\textsuperscript{229}. Ordeal must be administered after invoking Gods and Goddesses, and in the presence of everybody present\textsuperscript{230}, i.e., not in a solitary spot. It is to be administered in the forenoon\textsuperscript{231}. Appointed examiners should take care that the two perpendiculaires of the balance should be equal in length. To ascertain this, water should be poured on the beam, if water does not trickle down the balance, it may be considered as level\textsuperscript{232}.

As the balance is ready, the defendant should be put in one scale and stone in another\textsuperscript{233}. Defendant's scale should be on the north side and the weight should be on the south side\textsuperscript{234}.

Weight of the defendant should be ascertained in the first weighing and corresponding mark should be made on the wooden arch of the even position of the scales\textsuperscript{235}. Asahāya explains that goldsmiths, merchants, braziers and other persons familiar with the art of weighing, should ascertain whether the man and equivalent are precisely equal in weight and whether the beam of the balance is quite straight, by pouring some water\textsuperscript{236}.

Once the defendant is weighed, then the beam should be properly checked. Defendant shall be asked to ascend the scale, once more\textsuperscript{237}. A paper, on which charges against
him are written shall be fastened to his head before he ascends the scale once more. Then a Brahmana shall recite the prayer addressed to the balance. After addressing thus the balance and invoking the gods and goddesses, defendant shall get down the scale. Position of the scales shall be ascertained by the experts before defendant gets down the scale.

After weighing second time, if the scale of the defendant rises, i.e., because of the lightness, he is declared as innocent, but if the weight is same or heavy then the defendant cannot be acquitted.

In case, beam of the balance breaks or the scale breaks, then it is supposed to be the token of innocence and defendant is declared innocent.

Similarly, when the scales fixed at the two extremities of the beam have been moved or when the mark made on the wooden arch comes off or when balance is going up and down by wind, or when the person appointed to hold it lets it go, then in all such matters dispute cannot be decided. This is the one reason for which ordeal of balance is prohibited in the stormy weather.

**Ordeal of Fire**

This is one of the difficult ordeals. Defendant has to walk certain distance holding a red hot iron ball.
The process of this ordeal is as follows. Eight circles should be made on the ground. Diameter of each circle should be as broad as the length of one's foot. Interval between each two circles should be thirty-two angulas. Space or distance covered by eight circles should measure two hundred and fifty-six angulas. Minor version of Narada prescribes only seven circles.

**Eight Circles**

Dr. Jolly J. states that, 'other legislators state that each circle shall be thirty-two angulas broad, together with the space situated between it and the next circle, in verse no. 299 it is said that the breadth of each circle shall equal the length of the defendant's foot. This rule according to the commentators, refers to the circle minus the intermediate space between it and the next circle, and means that a circle shall equal the defendant's foot in breadth, where the foot is longer than sixteen angulas.

Hands of the person, who would be undergoing the ordeals, must be checked. Scars and sores on the hands must be marked so that previous marks are not confused with the marks after undergoing ordeal.
The ordeal by fire should be administered in every season except summer and very cold season. Obviously, in very hot season it would be much uncomfortable for the defendant and hot weather would enhance the temperature of the hot iron ball, and in very cold weather the hot iron ball could lose its temperature very quickly which would render the exercise of the ordeal purposeless.

In this ordeal, defendant has to walk the eight circles with the red hot iron ball in both of his hands. This ball is made of iron and weighs fifty palas. A professional blacksmith, who has practice to work with fire and who is well experienced shall make the fire to heat the iron ball. It is repeatedly made hot till it is red hot. Then a Brahmana addresses a prayer to the red hot ball. Same prayer is carefully written on a leaf and the leaf is fastened on the defendant's head.

Defendant should take bath before the prayer. Priest places seven leaves of holy fig tree on his hands. The prayer is conducted after that. The leaves are fastened on the hands with seven threads. Fire ball is placed on these leaves. Defendant stands on the first circle while he takes the fire ball in his hands. He walks through the seven other circles slowly. He must not put it down till he reaches the eighth circle. On reaching the eighth circle he may drop it.
Defendant's hands are examined after he drops the fire ball and if burn marks are not found i.e., apparently the hands look unhurt, then he is asked to crush rice grains seven times in his hands with all his strength. Even after crushing the grains, his hands are found unhurt, then he is declared to be innocent. He is released honourably. If burn marks are found on the hands, then defendant is not deemed innocent and is punishable.  

Defendant, who is undergoing this ordeal drops the fire ball out of fear or he who cannot be proved to have been burnt, then, according to law, he will have to undergo this ordeal once more.  

Yājñāvalkya has prescribed seven circles instead of eight propagated by Nārada and leaves of Aśvattha, instead of fig tree leaves. Yājñāvalkya has prescribed many threads around the hand for tying the leaves and not any particular figure. Yājñāvalkya and Nārada agree regarding the weight of the iron ball, i.e., 50 palas. Diameter of each circle prescribed by Yājñāvalkya is sixteen āṅgulas, and the space between the two circles is also sixteen āṅgulas, whereas Nārada prescribes the space between two circles as thirty two āṅgulas.  

It can be said that Nārada refers to Yājñāvalkya, but his development is tremendously clear and detailed and systematic than Yājñāvalkya.
Ordeal by Water

This ordeal can be performed during all the seasons except winter and dewy season. Dr. J. Jolly observes that, 'the winter season comprises the months of Agrahāyaṇa and Pauṣa. The dewy or cold season (śisīra) comprises the months of Māgha and Phālguna. It appears therefore that the ordeal by water must not be performed during the period extending from the middle of November to the middle of March, i.e., during the cold weather. This is no doubt so because the low temperature of the water during the cold weather might affect the capacity of the defendant to hold out under water sufficiently long.'

This ordeal can be performed in the streams, tanks, oceans, rivers, lakes, and ponds. Water should not be very deep or very shallow, it should not contain aquatic weeds and animals and mud, and it should be transparent and cool.

Defendant is supposed to hold his breath for a certain length of time under water, which would prove his innocence.

An intelligent and pious minded person should descend into the water, and make a prayer addressed to the water. It is not very clear whether the prayer is made after the arrows are shot or before it, but the word 'tato' which means after the prayer indicates that first arrows are shot, then the prayer takes place.
Three arrows are shot to the distance of five hundred, six hundred and seven hundred, hastas\(^\text{266}\) respectively, from a bow which is not very strong or very inferior\(^\text{267}\). According to Dr. J. Jolly, the length measured by one hasta is approximately eighteen inches\(^\text{268}\). This distance approximately would be seven hundred fifty feet, nine hundred feet and one thousand fifty feet respectively. In meters this distance could be -

\[
\begin{align*}
500 \text{ hastas} &= 225 \text{ meters (approx.)} \\
600 \text{ hastas} &= 270 \text{ meters (approx.)} \\
700 \text{ hastas} &= 315 \text{ meters (approx.)}
\end{align*}
\]

One kilometer comprises one thousand meters, which means the least distance is little less than a quarter of an kilometer.

Two or three very swift runners are appointed to get back the middle most arrow\(^\text{269}\). Meanwhile one strong person should stand like a pillar in the water near the defendant\(^\text{270}\). When arrows are shot, defendant should seize the man standing in the water by his thighs and dive under the water. He should remain immersed in the water calmly till the arrow is brought back by the runner\(^\text{271}\). Any of his limbs should not be visible. A swift runner should be sent after the second arrow, which is fallen in the middle distance between first and third arrow\(^\text{272}\). The runner should walk or run very swiftly and bring back the middle most arrow. After
the arrow is brought back, another equally swift runner should be sent back with arrow to the place where the defendant has entered the water. Defendant is declared innocent if he has remained under the water till the arrow is brought back. If he who brings back the arrow, does not see the defendant in water on arriving, i.e., defendant has completely immersed in the water, then defendant is acquitted. If any of his limbs become visible, then he is declared guilty. If defendant moves from the place where he has immersed previously, then also he is declared guilty.

Women and children are exempted from this ordeal. Similarly, sick persons, superannuated, feeble men, cowards, those tormented by pain, persons afflicted by calamity should be exempted from this ordeal, because they cannot hold the breath so long and may die in doing so.

It is already stated that Manu does not give any details of the ordeals. Yajñavalkya has treated this ordeal very briefly, i.e., only two verses are devoted to this ordeal. In one verse he gives the prayer addressed to the water deity, Varuna and in another verse he gives the core action in the ordeal, i.e., when another swift runner brings back the arrow discharged and if he sees the defendant completely immersed in the water then the defendant gets acquittal.
Compared to Nārada's full details and set of rules Yājñavalkya's treatment is very scanty. This can also prove that probably during the days of Nārada, ordeals were in greater use with the growing technicality and complexity in law. His society and its conventions or kingly law must have evolved elaborate details of ordeals which Nārada here gives.

**Ordeal by Poison**

This ordeal is prohibited in the autumn, summer, spring, and rainy season. It cannot be administered in the afternoon, at the twilight or at noon. In the previous paragraph it is stated that poison should be given in the autumn, i.e., at the end of autumn when winter sets in. It clearly means that ordeal by poison must be administered in the cool season and in a cool place, because coolness in the weather helps to lessen the agony caused by poison.

Spoiled poison, shaken poison, scented poison and mixed poison should be avoided, because it has been changed from its natural state into something different. Similarly Kālakūṭa and Alabu poisons should be avoided. Kālakūṭa is a certain deadly poison contained in a bulbous root or tuber. Kālakūṭa and Alābu are supposed to be very strong poisons.

Poison from śṛṅga tree, or vatsanātha poison, or Himaja poison should be administered. The measure of
poison to be administered should be one eighth less than the twentieth part of a sixth part of a pala, i.e., 1 pala = 960 yavas. The fraction therefore is \( 960 \times \frac{1}{6} \times \frac{1}{20} \times \frac{7}{3} = 7 \text{ yavas}^{287} \). It is further stated that six yavas should be administered in the rainy season. Five yavas should be administered in the hot season. Seven or eight yavas should be administered in the winter season\(^{288} \).

The prayer addressed to the poison should be pronounced while the defendant is taking the poison\(^{289} \).

Poison is to be administered to Kṣatriyas, Vaiśyas and Śūdras\(^{290} \). It should not be given to Brāhmaṇas. Only the ordeal by balance is to be administered to the Brāhmaṇas\(^{291} \).

Preparation of poison for administering is as follows: poison should be mixed with clarified butter\(^{292} \) (ghee) thirty times more in quantity than the poison\(^{293} \). Exact quantity of the poison is to be determined by experts\(^{294} \).

Defendant should be kept in the cool. Shadowy place for the remaining part of the day, without food after administering the poison. If he remains free from convulsions such as are generally caused by poison, he is declared innocent\(^{295} \). Nārada has attributed this last rule to Manu\(^{296} \); however, it is not found in the extant code of Manu. Another version of this rule is, if the defendant shows no
change in his appearance during the period of clapping hands for five hundred times, he is aquitted and antidote for the poison is given

Time factor is important in these two rules. Clapping of hands for five hundred times may take an hour or half an hour, that much time is sufficient to see the symptoms of the effect of poison; whereas remaining day may mean a few hours, which could be harmful for the defendant.

Yajñavalkya has devoted merely two verses for the treatment of the ordeal by poison. Yajñavalkya has prescribed only śringa poison which is produced on the Himalaya mountain. Nārada gives three types of poison. Yajñavalkya's treatment is like a seed and Nārada has made it into a full grown tree.

**Ordeal by Sacred Libation**

This ordeal can take place in any season, since this is not to be administered outdoor. This ordeal is to be administered to one who consents to it and has faith in the presence of deities and Brāhmaṇas. Faith is an important factor here. If one is God-fearing and believes in sin and merit and evil and good consequences thereof, then only one can feel importance and impact on him, of sacred libation. Therefore, this ordeal should be avoided in certain cases, i.e., this ordeal should not be administered to
seasoned criminals, irreligious one, ungrateful men, eunuchs, rascals, unbelievers, vrātya and slaves. In case of one who does not have belief, there cannot be any impact of drinking water of sacred libation. The fear of impending calamity for him who drinks the water by which a deity is consecrated and still speaks untruth, is the key in this ordeal. This key of fear opens up the truth in a believing person, but for a non-believer it is the same as any other water. Asahāya observes that, all the various categories of persons that are mentioned here (Nr. I 332) as unfit for the performance of this ordeal because they are already deprived of the assistance of the Gods in every case.

In the ritual of this ordeal, the judge calls the accused one and asks him to stand in a circle made of cow-dung. Defendant should stand facing the sun. After having worshipped the deity, to whom the defendant is devoted, the deity is consecrated by water. Defendant is asked to swallow three mouthfuls of that water. Purpose is, after drinking the holy water he is not supposed to speak untruth, or else the deity would bring calamity on him.

This ordeal is performed early in the morning. The accused should fast on the previous day and night. He should duly take bath in the morning and ready himself in wet clothes for the ordeal.
After performing the ordeal, if the defendant meets any calamity within a week or a fortnight, it is regarded as the proof of his guilt. If the defendant meets any calamity after the stipulated period, then it is not taken as the proof of his guilt and no one shall harass him.

Regarding this ordeal Yajñavalkya ordains fourteen days as the period for the test of sacred libation. This is the fixed period set forth by Yajñavalkya, whereas Narada suggests the period of one week or a fortnight, which means he leaves it to the judges to decide the stipulated period. Yajñavalkya has devoted two verses for the description of this ordeal. Narada has devoted full ten verses for it—an important contribution indeed.

**Ordeal by Rice**

This ordeal and the next one, i.e., ordeal of the hot piece of gold are exclusively found in extant Narada. These ordeals are not found in the extant Manu's code or in the Yajñavalkyasūtra. Mitaksara has described these two ordeals after the main five ordeals. Mitaksara has attributed these two ordeals to Pitāmaha.

In the prelude to the ordeals, Narada mentions only five ordeals propogated by Manu. Even quotations from Narada given by different smrtikāras and commentators are only about first five ordeals. These two ordeals can be said to be a special contribution of Narada to the law of Evidence.
Rice ordeal should be administered only in the cases of larceny and on no other occasion whatsoever. The judge should place the grains of rice with husk in an earthen pot in front of deity of the sun. The judge shall mix those grains of rice in the water by which the image of the deity is consecrated. He shall leave those grains of rice in the water for the whole night. The judge shall then give those rice grains to the defendant at the day break. The judge shall proclaim the charge when the defendant has chewed the grains. The judge shall cause him to spit the chewed grains on a leaf of holy fig tree. If blood is seen on the chewed grains or gums of the defendant are hurt or his limbs are shaking then he is pronounced guilty.

This ordeal is rather similar to the ordeal by sacred libation. The sacred libation comprises of drinking of consecrated water and the result is awaited for the stipulated period, whereas in rice ordeal, grains are soaked in the consecrated water overnight and then given to the defendant for chewing and for the result there is no waiting. It is obtained immediately.
The Ordeal of the Hot Piece of Gold

In this ordeal, the judge takes bath before administering, then he pours clarified butter (ghee) in the golden, silver, iron or earthen vessel. Then he places the vessel on fire\textsuperscript{316}. As the pot heats, the judge throws a shining coin of gold or silver or copper or iron in the pot. The coin is washed thoroughly before putting it into the pot\textsuperscript{317}. It is dangerous to touch the coin immersed in the boiling ghee. The judge shall make a prayer addressed to clarified butter\textsuperscript{318}. After the prayer the judge shall ask the defendant to touch the coin in the hot ghee and if the forefinger of the defendant is unhurt then he is acquitted and if it is hurt then he is declared guilty\textsuperscript{319}. Nārada suggests that the defendant should touch the coin and not take it out of the ghee.

These ordeals are considered as a part of the law of Evidence and a divine mode of proof. The dominance and importance of ordeal seems to have reached its peak during Nārada's time. Manu or Yājñavalkya, according to their extant codes, do not seem to give much importance to this mode of proof. There is possibility that Manu's description of ordeal is lost to the time, but Yājñavalkya discusses it and definitely his discussion is very scanty. Whereas Nārada gives every elaborate detail of the ordeals, which not only suggests his development on his predecessors, but
a turn or mode in the society. Possibility is, that people took more and more to the divine proofs or the kings gave greater importance to the ordeals to extract the truth and dispense with the elaborate and tedious process of investigation to find out the truth.

This mode of proof is equally slippery and not full proof. So Nārada himself declares that ordeals are rendered nugatory by artful men. Moreover, the ordeals which cause hurt to the body like ordeal by water, fire and hot piece of gold can be centpercent full proof and may help to extract the truth because of the nature of ordeals. In case of other ordeals like sacred libation, chewing rice and balance, fear of bodily harming is not there. There is every possibility that persons would undergo any of these ordeals and get away with their offence. The base of all these ordeals is fear of sin, or in better words, the fear of divine punishment, which plays a leading part.

Ordeals are not to be administered if the party does not consent. In cases of high treason and larceny only they are imposed on the defendants. So ordeals cannot be called a regular mode of proof.

Except the ordeals concerning with fire, other ordeals are not much harmful to body. In the ordeal by poison, certain strong poisons are avoided and the quantity of pre-
scribed poisons is not that much which would drive one to death. If the convulsions are seen then also the defendant is given antidote, though he may get other punishment, and if there are no symptoms of convulsion, then also the antidote is given. Ordeal by fire is administered in such a way that the fire ball does not touch directly to the skin of the palms. Seven holy fig tree (audumbar tree) leaves are tied to the defendant's hands. One thing is holy fig-tree leaves are thicker and all sorts of green leaves hold water which defies heat of the fire ball to a certain extent. Apparently this ordeal seems very scary, but once it is analyzed, one can see the precautions taken so that it does not hurt.

Administration of an ordeal is much more of a mental exercise and tension for the defendant, than it's actual effect on the body. The fear of sin and it's consequences, the fear of hell, fear of bodily harm in an ordeal is the base of ordeals. Any simple minded and religious person would shun away from it or come up with truth, if he has any. In the ordeal by the sacred libation, it is clearly suggested that non-believers and seasoned criminals etc., should not be allowed to undergo this ordeal. For such persons, sacredness of it is lost and the exercise of ordeal would be rendered purposeless.

Ordeals probably was a social necessity to invoke the fear of law among the people.
Notes

1. Monier-Williams, Monier, 1979, Motilal Banarasidass, Delhi. (Sanskrit-English Dictionary)

2. "अः तत्साधनम् तत्स्वरूपं प्रमाणः परिचितं स्पष्टः प्रवृत्ताति। यथा गणितं सङ्केत्यतः। यथाविनिष्ठायात् तत्स्वरूपं तत्साधनम्। अतः अन्तरिक्ष्यते।।


4. प्रमाणानि प्रमाणानि। पररक्ष्यार्ति। तीर्थान्ति हि प्रमेयार्ति प्रमाणाश्चक्ष्यात्:।

5. Manu: VIII, 74

6. तत्रौऽज्ज्वलयुक्तायस्वाभावम्। इत्युक्तम् फिन तत्साधनात्मक्। आहारं लिङ्गम् युक्तं। साधक्ष्यार्ति कीर्तितम्।

7. Mitā. on Yāj. II, 22.

8. "लिङ्गायं साधक्ष्यां युक्तं। प्रमाणं चिन्विष्यं स्वरूपं।।


10. Nr. I, 68.
11. नासुखप्रस्थार्द्ध तुष्टि लिखित चतुर्वत्तमम ।
तैयमस्य लोकस्य नासखियचर्मां गति: ॥
- Nr. I, 70

12. देशकाल पल त्वस्ति महानवघिनिः किरिः ।
सर्वतन्दविच्छेदिः लिखित चतुर्वत्तमम ॥
- Nr. I, 71.

13. लेखये तु दिल्लिक्षे डेशे त्वहस्तोन्यकृत्तश्च ।
आर्यिकमस्य सारधैश तिन्धिन्दमार्नेश्चत: ॥
- Nr. I, 135.

14. यज्ञ स्वात्तै तैस्ये लेखये भूताभूमिके कपालूः ।
तत्त्वात्त्वार्थप्रत्यापिताविभुतीमेऽकः ॥
- Nr. I, 143

15. "यज्ञ लेखये" भूताभूमिके चिन्तामयो असान्तिविदितं ।
तत्त्वात्त्वावस्य स्वात्त्वार्थप्रत्यापिताविभुतित ।
त्वहस्तापितातिशासकम् 
क्रिया तदाद्यतार्थिनिधिस्यं न लेखालिपिचिन्ता।
मुक्तस्य चानवया युज्यमानार्था युक्तस्य युक्तशङकस्तादितः ।
पुत्राण्यं दारिद्रयं 
दुम्मक्षप्रस्थानास्य ।
प्राप्तिं तास्य । एका कार्यमेव पत्र मिद्याप्रस्तम ।
द्वितीयं जलपतः तत्स्याख्यामाकोशाय ।
क्रियात्त्वार्थप्रत्यापितायादि 
तत्स्यात्त्वार्थप्रत्यापिताविभुतिविदितं ।
- Asahaya on Nr. I, 143.

16. लेखये पराधान्यामाके हत्वान्तरस्तृतश्चेति भेस्तुः ।
विपुर्णथेपै परिदेशः तत् सम्बंधायमेहुते: ॥
- Nr. I, 144

17. अत्र अन्यायामल्य अजुको यथय लेखस्य तदन्यामाके उच्चेऽन ।
यथयाम अयुक्तं किरिः तत्त्वाय नामस्य लिखितं किरिः तत्त्व 
पाश्चविच निमात्रं किमं लंक्ष्यं वा । तत्त्वात्त्वतिः प्रत्यापितं: ।
तत्त्वात्त्वाय प्रत्यापिताविभुतित । अत्र च लेखायामेहुते अवश्याऽः
परीक्षापदकाना कल्याणः लोककल्याणपद्ममाति | तत्र लेखनः |
अन्यायादिवेदाय मैंैंकल्याणमाहारतः | युज्यते प्रमुखलेखनः
निःसीमितो न युज्यते | आयामः अन्यायादिवेदाय सत्त्वंतत्वा
पितामहः | तागमम व्युत्पन्नेते: स्थानिनात्कृत्तिनिर्माणम् | अथ हेतुः |
विभक्ते व निमित्ते व देहुतवः: प्रपुन्यते | प्रमाणः सैन्यालीणी सरणिमितः
न चान्यथा...... !

- Asahaya on Nr. I, 144.

18. मल्लतासिकाकलितावनमालाकांकृति च यदृः |
तद्युगमाणः लिखि भीतोपपिन्नतः तथा ॥
   - Nr. I, 137.

19. मृदा: त्यूः साक्षाक्ष: यद धर्माकारणलेखः |
तद्युगमाण: लिखि न पेदायथ: सिध्यायः ॥
   - Nr. I, 138

20. "यद तु लेिहे आकारपुस्तितावतः: स्थानिनात्कृत्तिनिर्माणमाधारिति ।
तत्सौ लेकिनार्य मृदेमाणाः प्रमाणमेवैः ।" - |
   - Asahaya on Nr. I, 138

21. Nr. I, 141
22. Nr. I, 85
23. Nr. I, 139.
24. Nr. I, 145

26. देशाचाराविविधः यथौ व्यस्ताविविधिविविधः ।
तद्युगमाण स्मृति लेकिनार्यत्तत्राकारः ॥
   - Nr. I, 136

27. अग्रेन विकृपणेन भौगो यथार्थ प्रमाणाः ।
अविकृपणेन भौग: प्रामाण्येन नेव गच्छितः ॥
   - Nr. I, 85
28. न हि प्रत्ययिन ऐसे प्रमाणी साधन चच: ।
साधनाकारण तत्र प्रमाणं तत्य जीवत: ॥
- न्र. I, 95

29. Quotations from Narada, I, 2.

30. Quotations from Narada, IV, 2.

31. एकतर्क पुण्डरिकलिखीत्वा दत्तकर्मो भ्रमः ।
धनी दोषानि वायात्त्वहत्यार्यिनयमितः ॥
- Yaj. II, 93.

32. दत्तात्र दार्शेलेखां श्रुत्वै वाच्यतत्वात धार्येत् ॥
- Yaj. II, 94.

33. त्रिविधुप्राय दुहोत्य प्रमाणस्य यथा कषम् ।
पूर्ण पूर्ण गुण क्व भुजितात्पीय गरीयसि ॥
- न्र. I, 76.

34. Asahāya on न्र. I, 76.

35. "अत तु साधनालिखियो यो प्रमाणो सृष्टिप्रमाणं विना
दुहोत्य प्रमाणकारण स्त्रीकः प्रमाणणयुपमाणयुः ।
तद्वस्तृप्रमाणस्तैमनि वर्तु दशाविच्छादनगात्मिति।"
- Asahāya on न्र. I, 77.

36. विरिचितविकारणी जानन्दित्य श्रापे धनी ।
प्रमाणार्थ परेरसूग्यि न स तत्त्वविकारणति ॥
- न्र. I, 79.
37. स्वाक्षरवाणीद्विक्षुद्वपदस्त्रावरादिकान्नुन्ति समर्पितबलात्कारसङ्गखन्नपांदुङ्कतायाध्यये: परिपुर्ववायाननूपमकोऽत: तत्य जीवितोदोपि
चिरकालातिकान्ता श्रुक्तात्मा न्यपरायणामेव दशीकाते पुस्तकः प्राप्याति ।

- Asahāya on Nr. I, 78.

38. अज्जन्येन्द्रोत्सन्दो विजये चार्य मुनि ।
भर्ने तदायुहतां भोक्तः सत्त्वमेध तदुत्तमोदित ।

- Nr. I, 80.

39. Manu.VIII, 148

40. भोगकेवलां यतलु कीर्तियन्धाः कशाचन ।
भोगखलापदेशस्ते विकृत्यतु तत्करः ।

- Nr. I, 86.

41. अनामम तु यो भृजाभि बहुन्यवदशायान्वयः ।
वौर्दण्डेन तै पारं दण्डपेल्प्पिक्षार्थितः ।

- Nr. Bha. 87

42. Nr. I, 87

43. मुन्योत्सागरम यतलु न तदायुहतां नेपाल ।
प्रेते तु भौकारि धने याति तस्वितमोर्यताम् ।

- Nr. I, 88.

44. "तत्समन्युरार्याक्षु पुरुषाकर्मविविधानापितकामाग्या भृक्षितरेव
पुरुषाक्षुविविधानारिणी हृद्ये भावितः ।" ।

- Asahāya on Nr. I, 78.

45. उद्रमस्तु कृतो वेन सोपश्रुक्तस्मुद्धरसेतुः।
न तदस्तुस्ततस्वतः वा भृक्षितस्ततः गरीयति ।

- Yaj. II. 28.

46. स्नेहस्वन नेरेन्द्राणं न कथयन जीयति ।
अनामम भृप्यं मान्वल्लराणं शैरपि ।

- Br. I, 83.
47. "मृत्युवधः लघुद्वैगिरिः देशादिति "
   - Asahaya on Nr. I, 83

48. आधिक तीमा बालवतम निक्षेपनिन्धी नित्यः।
राजस्व श्रौतिप्रथम् न भोगे रापुण्डुरिति।।
   - Nr. I, 81

49. यत् कितीचुदं दश्याणं न तस्तत्तम्भुर्हि।।
   - Nr. I, 79.

50. Nr. I, 82.

51. "परमवा जावत्यथा भृगविनिधित्रिवार्तक।।
परेण भृजवानाया धन्तर दशार्तिक।।
   - Yaj. II, 24

52. समशैलसातु साक्षी विशेषः श्रौत्रव्यक्।।
श्रौतस्य यद् परो बुते चुबुद्वेदों त्वम्।।
   - Nr. I, 148

53. J.J.'s note on Nr. I, 150

54. Manu. VIII, 74.

55. एकदास्येषः साक्षी शाल्नवृत्तोः मनीचिन्ति।।
   कृति: वचः विधाणां बदुविधेयोः कृत उच्चे।।
   - Nr. I, 149.

56. कृतिः: त्यमानिकम् दशुपात्मकः एव च।।
   गुणवात्तुलसाक्षी य ताक्षी परावर्त्यः कृति:।।
   - Nr. I, 150

57. भैरव्यतुपवित्रम् साक्षिणर्पणम् त्वम्।।
   ग्रामश्य प्रमीववाचकः राजा च वायवहिते।।
   कार्यवपनारे यः रूपादीर्धिना वृद्धिधिन यः।।
   कृत्यः कुलविधेयः भृगुस्तेति ताक्षिः।।
   - Nr. I, 51
58. बलेते पुन्नृत्ता अयं साधकों भावति। तथा ग्रस्ममये वृत्तप्रयोजनस्य ग्राम नव संख्य राजमहर्षि करणृतमाणस्य प्रामुंडिविवाहन्तम्। आत्मस्वः। राजः पुस्तक प्रतस्य राज्यान्यः। तथा यः कार्यायांप्रतिन्द्रः। तथा कार्यामहर्षि। करण: अयं प्रहितः। तथा कुलविवादेशु कुलविवादेशु साधकी। ईस्वे बहुपालिकाश्री लक्ष्मी अति भावति।

- Asahāya on Nr. I, 151.

59. Manu. VIII, 62, 63.

60. कृतीना अहः शुद्ध्या जन्मत: कर्मश्चार्थः। त्र० वरः साधकोऽनन्दः। शुद्धः। शुद्धकुलः।

- Nr. I, 153.

61. त्र० वरः साधकोऽनन्दः। शुद्धः। शुद्धकुलः।

- Nr. I, 153.

62. त्रायानमयी देविषो वा इमानन्दमः। अधिकान्तः भूवाहे।

अन्यः कार्यान्तिस्तरांत्तरां।

- Asahāya on Nr. I, 153.

63. Manu. VIII, 62.

64. Yaj. II, 69.

65. श्रीपुर्व क्रोणपुर्वः। त्र० क्रोणपुर्व वर्णः।

बहुवर्तिक्रोणपुर्व बांधः। त्र०। त्रिन्यः। त्रीक्रोणपुर्व साधकः।

- Nr. I, 155.

66. Manu. VIII, 68.

67. असाधकः वानिर्देशस्य दृष्ट: प्रचाचिको भूवः।

वचनाद्वृङ्को देहां। स्वयमुक्तिसंस्करणः।


68. श्रीत्रियानस्त्रापति कुलमयेः च प्रक्रिया नरः।

असाधकः वानिर्देशस्य हस्तदृष्ट।

- Nr. I, 158.
69. J. J.'s note on Nr. I, 158.

70. न साक्षि नृपति: कार्योऽन कालकृतीलवः।

71. सीतान: साक्षिकान्तप्रति: विराजामाय व ये।

72. राजा परिगृहान्तर तापक्षेत्राय वे।

73. अर्निर्देशस्तु साक्षिकस्य विषयेण वो वेदना।

74. योस्कृ: श्रावयवत्त्व: स्थालविश्लेषनवतैः चार्निन | क्वः तदर्थात ताक्षक्षविश्लेषस्वाभावम्।।

75. योस्कृ: श्रावयवत्त्व: साक्षे भजति। वर्ग यथा तद्रात प्रत्यक्षम | मम प्रत्यक्षमेत्तत: दृष्टिं पुरुषिते।। शतुद्रोः साक्षे तत्वाच साक्षे | तत्सौमन्तति चार्निन मृते अस्तव्यां वदनै।। तदा तत्सौमन्तति | तेन कृतसाध्यविद्यात्तरोऽयोऽप्रामाण अप्रामाण चार्निन च।।

76. Manu. VIII, 64-67, 71

77. Yaj. II, 70, 71

78. दृष्टान्तसमर्थ्यादये द्रव्य: तत्ततुच्य ताक्षिश्च।| पूर्वप्रयो भूतार्थ भूयुगा: व च साक्षि।।

Asahāya on Nr. I, 162
79. Asahêyas Comm. on Nr. I, 163.
80. J.J.'s note, p. 86.
81. आलेक्यो ये निर्दिष्टा तालिकाप्रमाणे: व
 कार्योपसर्वमात्राय भौयथौपिष्टि साधिष्टि: व
 - Nr. I, 188.
82. साहसुः च साहसुः श्वेतखण्डकांचे: व
 पाल्योपसर्वमात्रायं परीक्षित साधिष्टि: व
 - Nr. I, 189.
83. नामगृहस्थाः नामा न साधाः न वैरिष्टि: व
 न दुःखद्वैष्टि: पूर्ववष्टि: तात्त्विक: पूर्णिम दूषिष्टि: व
 - Nr. I, 177
84. दासैनकृताः प्राधान्यमूलज्ञातीहादाकालिकाः व
 महत्त्वमूलज्ञातादर्थकत्वादामृताः: व
 - Nr. I, 178
85. महामहिन्द्रांनामद्वैष्टि: पूर्ववष्टि: व
 व्युक्तिकृताः विनायकार्थीन्द्रकुमारिकाः: व
 - Nr. I, 179
86. नामिनिकृताः प्राधान्यमूलज्ञाताः वाज्याः: व
 संस्कृताःतथायांतिरुकतात्त्विकि: व
 - Nr. I, 180
87. पूर्वपूर्वदात्रा व्युक्तिकृतांका हस्तिलिपिः: व
 गर्भदानकोनांस्थोऽपूर्वाप्पौर्णाः: व
 - Nr. I, 181
88. Nr. I, 179.
89. निर्वसो वृत्तादिक्यार्यांना साधाय्यावृत्तिः: व
 - Asahêya on Nr. I, 182.
90. भिन्नवृती गिथायादृष्टीः।
   - Asahāya on Nr. I, 182.

91. Already mentioned in Nr. I, 178.

92. कालन्तःसिःवं न्तारिन्तःसिः
   भिन्नवृत्तसमावृत्तजैसीसारसः
   - Nr. I, 182.

93. भूताक्षणातन्त्रत्वस्वतःक्षेत्रः
   अपवृत्तगतिगति
   - Nr. I, 183.

94. कुलवृत्तान्तःवच्चमुखः
   नित्यानुसाराक्षणविरोधः
   - Nr. I, 184.

95. वधाजताक्तमः
   पतितः कृत्तारः
   कृतः पृथ्विविद्याकारो राजसः
   - Nr. I, 185.

96. मनुष्यवृत्तान्तःमहाराजः
   विद्धा ब्राह्मणः द्विगो वार्षिकः
   - Nr. I, 186.

97. च्युतः स्वरुपः कुलिकः
   पिन्त्रा विद्मानः भूतान्तः
   - Nr. I, 187.


99. त्वरमाण्डलमुक्तस्मादृष्टीः बहुभावः
   कुंतलाक्षी स विकृतः ते पापं विनेत्रान्तः
   - Nr. I, 196.
100. श्रवाष्ट्रवत्ता तथान्येयं: साक्षीत्वं यो विनिष्टस्ते ।
   स दिनयः मृताः कृद्यास्मयेन्द्रिको वि सः ॥
   - Nr. I, 197.

101. तत्त्वेन श्रापेष्ट्रवत् क्षत्रियं वाहनायुः ।
   गोविजकाण्य-चाकस्येव शूष्ण स्तविष्टु पालकः ॥
   - Nr. I, 199.

102. Laws of Manu, P. 269.

103. बुहीति ब्राह्मणं पृथक्कत्वाय बुहीति पार्वश्चम् ।
   गोविजकाण्य-चाकस्येव शूष्ण स्तविष्टु पालकः ॥
   - Manu, VIII, 88.

104. Nr. I, 200

105. Manu, VIII, 47

106. Manu, VIII, 51

107. Manu, VIII, 147

108. Manu, VIII, 148

109. Manu, VIII, 145

110. Manu, VIII, 146.

111. Manu, VIII, 149.


113. Manu, VIII, 62.

114. Manu, VIII, 63

115. Manu, VIII, 68

116. Manu, VIII, 70

117. Manu, VIII, 77.

118. Manu, VIII, 77.

119. Betai, R. S. A reconstruction, p. 289

120. Manu, VIII, 83
121. Manu, VIII, 93, 94
122. Manu, VIII, 63, 77
123. Manu, VIII, 70, 71
124. Manu, VIII, 67
125. Manu, VIII, 66, 70
126. Manu, VIII, 70
127. Manu, VIII, 64, 67
128. Manu, VIII, 65
129. Manu, VIII, 68
130. Manu, VIII, 68
131. Manu, VIII, 72.
132. Manu, VIII, 81-84
133. Manu, VIII, 89-90, 93-95.
134. Batai, R.S., A reconstruction, p. 293
136. Manu, VIII, 104
137. Manu, VIII, 104
138. Manu, VIII, 112
139. Batai, R.S., A Reconstruction, p. 294
140. Batai, R.S., A Reconstruction, p. 294
141. Manu, VIII, 72
142. Yaj. II, 22
143. Mitāksara on Yaj. II, 22.
144. One of the eight pramāṇas.
146. This text is attributed to Brhaspati.
Indian Polity p. 9.
147. Yaj. II, 23.
148. Yaj. II, 24
149. Yaj. II, 27
150. Yaj. II, 27.
151. Yaj. II, 29
153. Yaj. II, 68
154. Yaj. II, 69
155. Yaj. II, 70, 71
156. Yaj. II, 70
157. Yaj. II, 72
158. Manu, VIII, 60-123.
159. Yaj. II, 73, 74, 75
160. Yaj. II, 76.
161. Yaj. II, 77
162. Yaj. II, 81
163. Yaj. II, 81
164. Yaj. II, 82
165. Yaj. II, 84
166. Yaj. II, 85
167. Yaj. II, 86
168. Yaj. II, 87
169. Yaj. II, 89
170. Yaj. II, 90
171. Yaj. II, 91
172. Yaj. II, 92
173. Yaj. II, 93
175. J.J., Hindu Law and Custom, 310.
177. दिव्या कृति कार्योऽभिमानु न होते वा ।
सभ्ये साधनोऽवि दिव्या न भर्ति किया ॥
- Nr. Matr. II, 29
178. यदा वासी न विद्यते पिवादे वदता: नृपामः।
तदा दिव्ये: परिणात यशोऽधि पुण्यमिवः ॥
- Nr. I, 247
179. Quo. from Nr. VI, 2, p. 247
180. विरोधार्थी यदा न स्यादु तदा दिव्यं न दीयते ॥
कारणे: तांत्र विन्याक्त: न दिव्यं चार्यिनामृणामः ॥
- Nr. I, 257.
181. Yaj. II, 96
182. विरोधार्थस्य विरोध न करते अभियोक्तप्पतिः।
दिव्यमुद्रानं विह्लितम् नृपायिनातु ॥
- Nr. I, 269.
183. 'येको: अभियोक्ता नरः। तत्रस्य विरोधार्थानामिनि दिव्यमुद्रानं
विह्लितमु । अन्य: नृपायिनातु । यदा पुनः नृपाये काचिदिश्चा
कृत: भर्ति तदा विरोधार्थानं विनापि दिव्यं दातःवः ॥
- Asahāya on r. I, 269
184. अभियोगाकृतक्तानि अन्यः तु यथाकेरः ॥
अभियोगाकृतक्तानि अन्य: तु यथाकेरः ॥
- Nr. I, 270
185. Quo. from Nr. VI, 3, p. 247
186. तदापराश्रयं दिव्यानि नापेल्लु महीपाति: ॥
अल्पेन्हु: तु नृपेण्हु: यथाष्ट्र: त्रापमेवासमः ॥
बलेऽर्थमात्रः: प्रोक्ता मनु: स्वर्द्धकारणे ॥
पातेष्टांभोगोऽथ विह्लितं दिव्यं पुष्करित्वः ॥
- Nr. I, 249, 250
187. सैन्यमेयेवैभिसुलकाना् विद्वृढ़योऽऽमुरातमन्यः
प्रोक्तार्थनं नास्तदेह सत्यानृत्तिमुख्ये
— Nṛ. I, 253

188. "दुरास्तत्वात् विद्वृढ़योऽऽमुरातमन्यः
तान्येतार्थानं चन्दरि
दिव्यार्थनं नास्तमहार्थिणां प्रोक्तानीति

189. Quo. from Nṛ. VI, 5, p. 248

190. सृष्टानां भृगातानां व्याधिधानां तपतिवाम्
स्त्रीणि घ न भैद्यिकपृयं यद्य धर्मस्तेष्यते
— Nṛ. I, 256

191. Nṛ. I, 256


193. सैन्यमेयेवैभिसुलकाना् प्रचंडनेवै विद्वृढ़
देवं तपस्विं श्रेयमित्याह भवान्वयः
— Nṛ. I, 251.

194. Asahāya on Nṛ. I, 251

195. यहो रितिनधरं वैव बिध्वं कोशमच प्रविधं
उत्तरक्षेतार्थिनं दिव्यार्थिनं विद्वृढ़योऽऽमुरातमन्यः
— Nṛ. I, 252

196. Nṛ. I, 337-342, Rice ordeal and 343-348 is ordeal of hot piece of gold.

197. Yaj. II, 95


199. वर्षात् वात्सिनिनित्यं: विगिर्ये तु चट: स्मृतः
पृथक्ये सभीतामिनिन्यं विष्यं कारः तु शीतलः
— Nṛ. I, 254

200. Quo. from Nṛ. VI, 14.
201. Quo. from Nr. VI, 15

202. नार्त्तन सोयुंदिष्ठ: स्यान्न विषें विषें गिरेगिरासम् ।
   विस्त्रुत्तंशुनकरेण ना नार्त्तनुसंधिष्ठितं ॥
   - Nr. I, 265.

203. Nr. I, 255

204. Quo. from Nr. VI, 9

205. Nr. I, 255

206. Quo. from Nr. VI, 8

207. Nr. I, 255

208. ऐतिहासितान किद्यानिदेशवादसंबंधवाद निर्दिष्ठानिदेशवाद ॥
   - Asahaya on Nr. I, 255

209. ब्राह्मणाध्य धर्म केत्र: श्राक्षर्यवार्यनिल्पितं ॥
   - Nr. I, 334

210. वेदीय तु सार्व देशं विषें सुंदे पुदापयेत् ।
    न ब्राह्मणाध्य विषें दयात् न लोको श्राक्षर्यो हरेत् ॥
   - Nr. I, 335

211. Quo from Nr. VI, 6.

212. Nr. I, 334-335

213. Quo. from Nr. VI, 8

214. न शीती सोयुंदिष्ठ: स्यान्नोदकार्दर्निशोधनाच ।
    न प्राप्तिषि विषें दयात् पुवाते न तुलैं न्यूजाम न ॥
   - Nr. I, 259.

215. ऐतिहासितान तयादिदिष्ठानासमे ताला निल्दिष्ठत्वाविलिष्ठ: ॥
   - Asahaya on Nr. I, 259

216. Quo. from Nr. VI, 10

217. Quo. from Nr. VI, 16.
218. Quo. from Nṛ. VI, 117, 18

219. अहोरासोऽपि तनाते आर्द्रायात्सि माने।
पुराविषे सर्वदद्ध्यानां। प्रद्यानन्युक्तोऽर्थां।
- Nṛ. I, 268

220. विचार्य धर्मनिर्पुष्टः। लघदर्मविविधस्यः।
इदं सर्वत्र० प्रोक्तं प्राप्तेऽर्थार्थार्थसत्।
- Nṛ. I, 260

221. Nṛ. I, 260


223. चतुर्दशोऽपि चार्य चार्य प्रकृति च।
पादपत्रदेशं हरते भौक्तः दप्तयः।
- Nṛ. I, 262

224. अजमी धतुः चार्य खार्दिरी तैनिकप्राप्तः।
चतुर्दशः त्रिभूत:। रत्नामेवकर्मिकं दादिभं।
- Nṛ. I, 263 and 264.

225. J. J.'s note on Nṛ. I, 262

226. स्वीविहारिण कान्तारविना धतुः परिपलयते।
समाराजसम्बलिते सतारेण वर्षोऽपि।
- Nṛ. I, 265

227. "सतो प्रदो्सः। धर्मविवाक्तारासः। मबन्त्री।"
- Asahaya on Nṛ. I, 265

228. 'Kātyāyana' quoted by J. J., p. 104

229. निकेषो निचलः। कायो गन्धमाल्यामृक्षम्।
दशकार्तव्यं दक्तकार्तव्यं वनमुक्तः।
- Nṛ. I, 266

230. द्वाराध्मान्तलौकिकौऽविकासार्धिठतः।
तत्वदात स तु देव:। स्यातामविलोक्य प्रयतः।
- Nṛ. I, 267
231. अहोरात्रोपशिः सन्ते आदृत्वासति मानवः
पुरुषहृद सर्वदीद्यानां पुद्दानमनुक्कीर्तितम् ।
- Nr. I, 268


233. शिक्षाय समात्मक शब्दकृत्योऽहुँ ।
एक शिक्षा पुरुषमान्यस्य तुष्यपरिच्छलम् ।
- Nr. I, 271.

234. धारणवृत्तते पारिव पुरुषं दासक्षे शिष्याः ।
पितका पूर्वयत्वमेवमात्राकाराहमेवमुभ: ।
- Nr. I, 272

235. पुरुषारोपणं ग्राह्यं प्रमाणं निमुखः ।
तस्तं तुलनामयं तुल्यं च तत्र च विद्यते ।
- Nr. I, 273

236. क्रुः ग्रः कः कारिकारादयस्तुलाधारणसमान पुमाण्ड तुलाधारणसमान पुमाण्ड 
उपदेश्यवेदः समानामन्त्येक्षेरचामिति ।।।।।।
यदा कश्यां न सान्तेक्रियसमर्थीं प्रतिद्व भएति ।
तदा ध्यात्पुरुषवत्तार् ।

237. क्रुः ग्रः कः कारिकारादयस्तुलाधारणसमान पुमाण्ड
अवदेशक-धयस्तुलाधारणसमान पुमाण्ड ।
तुलाधारणसमान पुमाण्ड
कश्यां न सान्तेक्रियसमर्थीं प्रतिद्व भएति ।
सम्बन्ध: परिव्रूपः पुनर्वीरोपणेन तर्य ।
क्रुः ग्रः कः कारिकारादयस्तुलाधारणसमान पुमाण्ड
238. Nr. I, 276.
239. तत्त्वावधाय समाप्ते धूलवह कवः द्विगृही वैदिकं ।
धर्मयुगल्लकं इत्यार्थे ।
-Nr. I, 277; 278-281.
240. इत्यादिकृतश्राणिः वैकालः: सूर्खम वै ।
पूर्वं पुनःरत्नं समुदाय्य निरीक्षित ।
-Nr. I, 282.
241. तुलितो यदि वर्तमानं स प्रथमं त्याजनं संसारः ।
तमो वा हिंसानावो वा अमिधायेभेजनारः ।
-Nr. I, 283; Quo-from Nr. VI, 32, 33
242. काव्यात्मक बुलामाइयो च चतुष्कृतयोज्तथा ।
राज्येश्वरस्मिन्तः च मृत्तिकः: शुद्धिवाच्यानिदेश ।
-Nr. I, 284
243. Quo. from Nr. VI, 34, 35.
244. मण्डलस्य पुमाण्य तू कुमारात्मकसारमतम् ।
न मण्डलस्य मन्त्रप्रभुपदभक्ष्यदारीं स्थायपदत्तम् ।
-Nr. I, 299
245. अत: यहाँ प्रवक्त्यारं विशिष्टापेक्षायोज्तानम् ।
द्राक्षिरश्चूल्पा पुयुष्माण्यमण्डलान्त: ।
-Nr. I, 285
246. हस्तक्रमं सर्वं कुमारात्मकानीनि च ।
तात्पर्यं पुरस्कृतर्यात् बिन्दुविचित्रिती ।
-Nr. I, 301.
248. J.J.'s note on Nr. I, 285
249. Nr. I, 301.
250. अनेक विधिना कार्यों हुताश: समय: तदा ।
श्रेय: गृहहात्तरदव युक्त: कालेन्यन सुगीतले ॥
- नर. I, 300

251. जात्वैत लोकारुः: कृषिज्याग्निजयि ।
कृष्योन्नाव्यक्तानि तेनायोगनाय प्रतापेऽति ॥
अन्नवर्नीय: पिण्डे सत्पुरीक्षः सुरात्यकम् ।
पञ्चाशास्त्रानि भूषः कृत्याय ते सूचिदिद: ॥
- नर. I, 288-289


253. आभमध्य च प्रत्तथाप्तमिलित्य यथार्थः: ।
श्रेय: सावित्तैः तन्मूर्दिन: तत्त दयाय यथाक्रमः ॥

254. स्तनानिः सम्यक्तमेऽति: सै० सत्र्रुप्त: पामकम् ।
स्तुत्वेकसमन्तोत्तयांनि प्रज्ञसात्ता श्री: श्री: ॥
- नर. I, 296.

255. लक्षावंतक्ष्य पश्चायाणि अभिमुक्तत्य हस्तयो: ।
कृत्या न्येतु पश्चायाणि सप्तांमि: तृत्तेतुथिनि: ॥
- नर. I, 287.

256. नर. I, 296.

257. पात्योन्त तम्मयुप्य यह भूमि: पारिकल्प्यता ।
अन्तिम मण्डलं गत्वा ततोऽपितानि वित्तेन्नर: ॥
- नर. I, 297

258. पल्पुत्र्न विभाव्ये दर्शन्तेति करौ तदा ।
श्रीहीपुरृत्य यत्नेन तपत वारात्मकेषु मदनात् ॥
मादद्येव नै दरश: सम्यकं विचार्यितात: ।
मौद्य: तेषु कुश्यः सत्कृत्य दर्शणाय यथाक्रमः ॥
- नर. I, 302-303
259. यस्तू पात्रतयो नासायद्यो तस्य निम्नमोक्ते ।
पुनःत्तद्विदर्शनं स्थितिरेव हृदी कुता । ॥
- न. १, २९८

260. अत: परं पृथ्विययमि पानीयविधिमूलम् ।
प्रमंसतालादमनं निमितिच्च यथोक्तम् ॥
- न. १, ३०४

261. J. J.'s note on Nr. १, ३०५

262. नदीयेति नादियेति तारंगदु विहेनु च ।
पदेशु देववाकुन्ते तदरंगदु सरस्वतु च ॥
- न. १, ३०५

263. Quo. from Nr. VI, ५२

264. Quo from Nr. VI, ६१-६४।

265. "तलो निम्नंतल सकले सत्त्वणि अथाति अर्द्धनाय।"
- न. नेपाली मस।

266. J. J.'s note on Nr. १, ३०७

267. नादियेति पृथ्विययमि प्रक्षात्वा शरस्वतम् ।
पानीयमन्त्र नारायणं कार्यों कियोऽथ विद्यमानं ॥
कृत्व पृथ्वियमि स्तम्भम् स्तम्भम् स्तम्भम् ।
संदेह पचिखल ग्राभयों धनुर्तविधिः ॥
- न. १, ३०६-३०७

268. J. J.'s Note on Nr. १, ३०७।

269. Quo. from Nr. VI, ५७।

270. नादियेति जो तस्यक्ष: पृथ्विय: स्तम्भम्महुली ।
तस्योऽस्य उपमूल्याय निम्नं धिरस्वगतिवानुं ॥
- न. १, ३०८

271. न. १, ३०८
272. शर्पृष्ठशान्तनायुचारणदिनपालित: ।
गोरेलपरमायु शक्तिय यथा स्थायाःध्यय: । ।
- नर. I, 309

278. मध्ये तु शरीर गृह्यपत्यश्चतवयांच: ।
पूर्वगच्छत फेनिय तः पृथ्वी गत: । ।
- नर. I, 310

274. आगतं न शर्पृष्ठशान्तायु न प्रथित यदा जो ।
अन्तर्निक यदा समन्वय तदात शुद्धिः विनिष्किंदील: ।
- नर. I, 311.

275. अन्यथा न विशुद्ध: स्योदकर्मरा शास्त्रायु पदात्तु ।
शान्तशान्तन्यन गमनायार्थन्यून्य: धिविशिष्ट: ।
- नर. I, 312

276. न मज्जनीय छोटीवाल धर्मास्त्रैसन्तात: ।
रोगिष्ठवापिर बुद्धचार दुमैसो येच वृद्धला: ।
- रोगिष्ठवापिर बुद्धचार दुमैसो येच वृद्धला: ।
लोको निम्मये मज्जन: स्वल्पपुणा रिले रमूता: ।
ताहेस्वरवतिदेवतानेन तोये निम्मयेवतः ।
न चापिसा साम्प्रदायिन: न विेशन विशोधयेवतः ।

277. यज. II, 108-109

278. नापराहें न संन्यायें न मध्यान्न्ते तु धर्मिवं ।
शरीर गृह्यपत्यस्तेषु वर्तमात्र च विवर्तकत: ।
- नर. I, 320

279. प्रायेन्यात्र सुप्रदायेन धार्मिकाय्यायदीर्मिलित: ।
तुममित्वा शर्पृष्ठशान्तायु देयमेत्यद्धोऽगम्ये ।
- नर. I, 319
280. *Quo.* from *Nr. VI, 72*

281. सार्वः य चारित्तेव धूमित्तिः मित्रित्ते तथा ||
कालकूटमलाः च विवेक परेतन वलिते ||
- *Nr. I, 321*

282. "यह चारितरामयुपितामित्रेण कृतकारणादर्षितानि ||
कालकूटमलाः विश्विन्यः च अतिरिक्तार्बंतिवहारद्विजः |
- *Asahāya on Nr. I, 321*

283. *Nr. I, 321*

284. J.J.'s note on *Nr. I, 321.*

285. Asahāya on *Nr. I, 321*

286. शार्वः देववत शरत् वर्षणचन्द्रतान्विताम् ||
अन्तर्गत तस्मृदातमयः क्लीविष्णुस्योपनिचु
- *Nr. I, 322; Quo. from Nr. VI, 71.*

287. विभवः पलव्ययां गद्याकोणो चिन्हेतिमलातः यः ||
तमन्यमात्राः तु शोधे द्वातः धूमपपुत्रः ||
- *Nr. I, 323; J.J.'s note on Nr. I, 323*

288. वर्षस्क ब्रह्म यथा माता श्रीशेष पश्च यथा: स्मृतः ||
हैमन्ते सर्नतः बालवृत्ती वा स्थलस्यां केनयते ||
- *Nr. I, 324*

289. *Nr. I, 325; Quo from Nr. VI, 75-78*

290. *Nr. I, 322.*

291. *Nr. I, 334*

292. *Nr. I, 323.*

293. *Quo from Nr. VI, 72.*

294. *Nr. I, 319*
295. तायानिविशिष्टो रक्षयो दिनोद्प्रभोजनः।
विषेयक्लमातीतः पुरुषोत्स्वी मुत्राविवेचः।
- नृ. ई, 326।

296. नृ. ई, 326।

297. Quo. from Nृ. VI, 74।

298. Yaj. II, 110, 111।

299. अतः पूर्वायार्थम् कोषान्य विषेयक्लमातीतम्।
शास्त्रविद्यमान्या प्रोक्तं सर्वकालावरोद्धर्थम्।
- नृ. ई, 326।

300. Quo. from Nृ. VI, 80।

301. महायोगी निर्देश बुद्धने कृतबुद्धितस्ते।
नास्तिक्षरयास्ते योगान्य विषेयक्लमातीतम्।
- नृ. ई, 332।

302. "महापरायो महापातकी। इत्यादयो दासपर्वतः: सर्वविषेयः
निर्देशवात् योगान्य न भवन्ति।"
- Asahāya on नृ. ई, 332।

303. Quo. from Nृ. VI, 81; foot note, p. 262।

304. यद्यकस्तः सो दुभिमूर्तिः: स्तायत्तंशयं तु पाण्यतः।
अभ्यर्थ देवता हन्ताय जलम्य प्रस्तवितयम्।
- नृ. ई, 329; Quo.from Nृ. VI, 81।

305. Quo. from Nृ. VI, 82।

306. पूर्वायार्थ सोपवातस्य स्तायत्तंशयं इवपर्त्य च।
समस्तायायायतत्नं: कोषान्य वस्तीति।
- नृ. ई, 328।

307. सत्तायायामयते यथः द्विषोपादितं वाचस्यः।
पूर्वायामयं तु दृष्टीत सैव तत्वं विन्द्यं।
- नृ. ई, 330।
308. Nr. I, 331.

309. Yaj. II, 113

310. Mitākṣara after Yaj. II, 113

311. तपपुलानां पृथियांच सिंधिय भक्षणदोरितम् ।
    Nr. I, 337

312. तपपुलानकारर्यचुङ्कः अल्पान्त्रयः कर्यधितिः ।
    मूष्टयथा भाजने कृत्वा भाल्करस्याम: । गुरुसः ।
    - Nr. I, 338

313. स्नानोदकनैः मृत्युकाननैः राशिः तैव वासेये ।
    पृभातायाः रजन्याः तु ति: कृत्वा प्राक्षमाहाः ।
    - Nr. I, 339

314. तपपुलानकारर्यचुङ्कः तु पदे निरिठियोपतितः ।
    अपराधार्यामाये तु भूरिस्ते तत: स्वातः ।
    - Nr. I, 341.

315. दृष्टो प्रत्यक्षं यथं दम्नानाद्वैतं च तीव्रति ।
    गार्ह्यं च कम्पते यथं तपसुवच विनिविदितः ।
    - Nr. I, 342.

316. सौर्येण राज्ये पाते आपों मृष्णेशुपिः वा ।
    किंतु मृष्णेशुपिः तदगते ध्यापेयचुङ्कः ।
    - Nr. I, 344

317. सौर्येण लाज्ये ताम्रोहायस्ते वा सूनोभिष्यो ।
    सल्लेनासङ्ग्रृहाथीति निरिठियत मुष्टिकाम् ।
    - Nr. I, 345

318. भूमित्वत्तायामन्ततः त न: तथ्भूतभीतः ।
    तत्वत्त्वचन भूमिण मूष्टि तद्भूतभीतेऽः ।
    परं परिश्वास्मृतं पूणं यथं यथः संबंधितः ।
    दहार्जैः यथे पापों विद्विगितं मूषिकः भव ।
    - Nr. I, 346-347
319. प्रदेशन्यक्ता यस्य तत्सृष्ट्य या परीक्षणे ।
यदि चिरस्फोटका न रूपः पृथ्वीस्तायतन्यथा न हि ॥
- न्र. मृत् I, 34B

320. दिव्यावन्यमणाणां नीप्ते वात्यक्तेः ॥
देशावन्यमणादायणाऽदो भक्ति: ॥
- न्र. मृत् I, 30