This thesis is an attempt to discuss in details the theories and principles of Prayāscitta (atonement) and Danda (punishment) as recorded in the Dharmasāstras of the Hindus. It has two parts. The first part deals with the theories and principles of the said topic while the second part is devoted to the sociological, historical and a comparative study concerning these two institutions, viz., prayāscitta and danda.

The institution of Atonement (Prayāscitta) has been a dominating factor in controlling and guiding the individual and social life of the Hindus from time immemorial. It tried, perhaps successfully, to set a norm to individual conduct and social behaviour. The verdict of the sastras as interpreted by the council of the learned and enforced under tacit approval of the society was more powerful than the verdict of the king or his deputies. People perhaps in those days dreaded more, and to some extent do so even now, the invisible rod of rectitude of the society than the royal sceptre.

The Law of Punishment (Danda), on the other hand, aims at curbing (Damana) evil propensities of the individual which threaten individual peace and security and disturb social order and balance. Prayāscitta aims at purification of the soul and maintenance of social purity which, to the ancient law givers, was a pre-requisite for individual search for things spiritual. Law of punishment was left to the king for enforcement. It was the function of the king to put a check (Damana) to the activities leading to injustice and violence. Prayāscitta is
concerned with dirt or impurities (mala) attached to the soul (Antah-karana) while Danda controls spread, and prevents occurrence of deeds calculated to do harm to the state and the society. It serves as a deterrent avenges for wrong done and brings a sense of satisfaction to the person injured.

Atonement and punishment are subjects so inter-related that a study of the one involves the study of the other. Their fields of operation also frequently overlap. It is necessary, therefore, that the study of these two subjects of the Dharma Sastras should be made in co-relation, with respect to some aspects at any rate. In some matters the state and the society stand on equal footing in dispensing justice, both deriving their authority from one supreme principle called Dharma.

The theories and principles of atonement and punishment in the Dharma sastras presuppose a definite view and cherished goal of life. A study of these ideals and aims itself is fascinating and revealing.

The state of society in different aspects is reflected in the principles discussed and theories propounded in the Dharma Sastras and sometimes in Nibandhas too, a close study of which will throw interesting side-light on the state of society in ancient India of the period concerned.

The theories have been re-interpreted and principles have been modified from time to time to stress upon the aspects which were relevant to the particular generation of the law-givers. These changes and sometimes concessions mark the
vigour and adjustability of the Hindu religion and society.
A study of these modifications against the background of social changes will add to our knowledge of the process of self-renewal and perennial adaptability of Hindu Dharma and society from the Vedas to the Acāryas. It also reveals the steps taken and devices adopted by the ancient and mediaeval law-givers to protect the Dharma and society from extraneous onslaught and internal weakness.

It may not be irrelevant here to point out that it is unnecessary to yield to the temptation to antedate the emergence of modern ideas and institutions. Our critics, on the other hand, have sometimes judged these two institutions by the standard of the twentieth century. This is immaterial and at the same time irrelevant. All that we are supposed to do is to show a sympathetic understanding of the Oriental point of view, which is a necessary factor to overcome the narrow prejudice and hasty judgment which would give an entirely erroneous idea of the relative position and value applied under condition different from those which obtain today.

It is to be noted that there is no work on this subject which tries to give a full picture of the origin and development of these two institutions, Prāyāscittā and Daṇḍa along with the modifications against the background of social changes. The only work where we obtain a partial treatment of the subject is Ka-neśa's magnumopus "History of Dharma Śāstras". But as he deals with broader subjects, the institutions of atonement and
punishment receive less importance. Moreover his treatment of the subject does not deal with the social changes that took place at different periods. Nevertheless I express my sincere gratefulness to this great scholar of name and fame.

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