Classification of Sins

Kātyāyana divides sins into five classes, viz. mahāpāpa (mortal sins), atipāpa (the highest sins to which there is nothing worse), pātaka (sins similar to mahāpātaka), prāsangika (due to association or contact) and upapātakas (minor sins). The Bhavisya Purāṇa also says that those sins that are declared to be equal to mahāpātakas (by Manu and others) are called pātakas. Visnudharmasūtra speaks of nine kinds of lapses viz. atipātaka, mahāpātaka, amupātaka, upapātaka, jātibhramśakara, sankarīkarana (rendering one as degraded as man of hybrid or mixed caste), apātrikarana (rendering the perpetrator unworthy of receiving a gift), mālavāha (causing defilement) and prākīrṇaka (miscellaneous). Manu omits the separate mention of atipātaka and amupātaka and includes most of them in the category he designates as equal to one of the four well known mahāpātakas. Thus here at this stage we can safely assert that sign of the detailed classification of sins in later works are already found in the Sūtras. Whatever Manu, Yājñavalkya and other smṛtiśāstra mention they are quite similar to that mentioned in the sūtras.

Classification of sins into several degrees can be dated back to a very ancient period - even to the period of the Rgveda. In the Rgveda itself it is said 'the wise made seven limits; the man who goes against it becomes sinful'. The Nirukta explains

1. Mit. on Yaj. III. 242
2. Bhavisya Purāṇa - Brāhma Pārwa 190.9
4. Rg. veda X.5.6.
that the seven sins indicated above in the Rg Vedic Sukta are: theft, violating the bed (of the Guru), murder of a brähmana, killer of a bhrūna or foetus, drinking of liquor, continual performance of the same sinful act, telling a lie as to a sinful matter.  
Again in the Rgveda we find that the drinking 'sura' and playing at dice are regarded as sinful.  

The Taittirīya Samhitā and other texts lay down that the murder of a brähmana was generally regarded in early vedic times as the greatest of all sins. But in the Kāthaka Samhitā it is stated that there is no sin as heinous as killing of a bhrūna which is even worse than brähmana-murder. Kane, however, opines that bhrūnahā is either killer of a learned brähmana or the killer of a foetus when its sex is not determined. The Chāndogya Upanisad quotes a verse which declares that the five great sinners are the thief of gold, the drinker of sura, the violator of the guru's bed, the murder of a brähmana, and one who associates with any of the preceding four. The Brhadāranyaka Upanisad mentions theft and the murder of a bhrūna as great sins.  

Sūtras elaborately deal with the conception of sin and put a definite shape to it. Sins in this period can broadly be classified under the following heads:

1. Mahā-pātaka: It is interesting to quote that the term as used in the Dharma Sūtras appears to convey its literal sense of great sins.

5. Nīruktā VI. 27  
6. R.V. VII. 86.6  
7. Tai Sam II. 5.1.2; Sat. Bra XIII.3.1.1  
8. Kath Sam 31.7  
9. Kane, Hist. Dharma Sastra  
10. Chāndogya Upanisad V.10.9  
11. Brhad Upan. IV.3.22  
12. Vas. dh.S. I. 19-23
(2) **Pataniya** - This includes the following according to Bandhayana: Samudra - Sanyana misappropriation of Brähmana's deposit, false evidence regarding land, dealing in prohibited things, service of śudras, impregnating a śudra woman, earning livelihood by behaving like the son of a śudra. Āpastamba includes the following among patanāyas: theft, murder of a Brähma (ābhī-sāstya), homicide, giving up vedic study (brahmojyana), destruction of foetus (garbha-sātana), adultery with the relatives of mother and father and with their women, drinking of sura, association with the unassociables (asamyoga - samyoga).

(3) **Asuci-kara** - According to Āpastamba this is the name given to the following: adultery of the females of the three higher castes with śudras, eating prohibited flesh, taking the urine and stool of human beings, eating by the three higher castes of the remnants of the food of śudras, and sexual intercourse with women in the reverse order.

The following are included in this category by Bandhayana: gambling, abhicāra as a means of livelihood of those who do not keep up the gārhapatya fire (anāhitāgni).

(4) **Upa-pātaka** - According to Bandhayana, the following are included in this class: sexual intercourse with prohibited female relatives, gurvi-sakhī, with a woman known as apapatra, a woman who has become patita, preparation of medicines for livelihood, officiating as the priest of many people (grāma-yajana),

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14. Āp. Dh. S. I. 7. 21. 10
earning livelihood by dance, imparting dramaturgical instructions to actors (nātyācāryata), rearing cows and she-buffaloes for livelihood and intercourse with a virgin girl or blaspheming her.  

(5) Ati-pātaka - adultery with one's own mother, own daughter, daughter-in-law.

(6) Jāti-bhṛamsākaraṇāda - Causing pain to a Brāhmaṇa, distilling wine and what ought not to be smelt, dishonest dealing, cheating, sexual connection with cattle, homosexuality.

(7) Apātrikaraṇa - receiving money from despicable persons, trade, telling lies, etc.

The broad classification of sins by Mānu and several others into three categories are: Physical (kāyika); vocal (vācika) and mental (mānasa) according to the source of origin. This classification is broad enough to be of any practical value. Moreover any water-tight separation of sins under these heads is hardly possible. A sin can be both physical and vocal at the same time. No physical sin can be committed without being mentally involved in it. All sins enumerated may however be brought under the following categories: (i) moral lapse; (ii) social lapse and (iii) legal lapse. Such a classification is too broad for practical purposes and the dharma sastras instead of going for a neat and water tight scientific classification enumerate different kinds of sinful acts according to the gravity or lightness of the sins committed i.e. according to the severity and liniency of prāyaścitatas prescribed. Sins are classified into the following categories: by almost all smṛtikāras differing only in minor details - (1) Mahā-
(ii) Ati- and (iii) Anu - pātaka.

By the term 'mahat' - great, is pointed out the grim nature or enormity of those pātakas (sins); those who perpetrate mahāpātakas are mortal sinners (mahāpātakin). Yājñavalkya observes: 'A brāhmaṇa slayer, a drinker of liquor, he who steals a brāhmaṇa's gold and a violater of his guru's bed likewise - these are the mortal sinners and also he who dwells with them'.

Manu also enumerates mahāpātakas in the same style when he holds killing a brāhmaṇa, drinking surā, stealing (the gold of a brāhmaṇa), adultery with guru's wife and associating with such (offenders), they declare to be mortal sin (mahāpātaka). It appears therefore that the notion of these five mahāpātakas is as old as the Chāndogya Upanisad which we have already mentioned earlier in this chapter. There have been enumerated as mahāpātakas in different period down to the period of the Smṛtis. We shall discuss in details the five mahāpātakas one by one.

Brahmahatyā :  

'Hatyā' or 'vadha' (killing) is applied to an act which immediately or after some time results in causing loss of life directly without the intervention of any other cause. The root 'han' according to usage is employed to denote an act depriving one of his life - that is, the departure of life takes place from the body of the victim immediately or after some time subsequent

16. Yāj. Smṛti III. 227
17. Manu Smṛti XI. 55
18. Prayaś Tatva p. 519 - Mit on Yāj Smṛti III. 227
to the act committed, without the intervention of any other cause.

It is, however, to be noted that only the killing of a brahmana (Brahmahatya) has been included in the list of mahapatakas. Killing of people belonging to the other three lower varnas are relegated to a secondary position and are considered to be devoid of gravity as is done in the case of Brahmahatya. Many a critic opine that it is because of the fact that most of the smrtikaras belong to the highest varna and while writing the smrtis place themselves at the highest position, make the priestly class immune from murder. If any wrong is committed against their interest that has been termed as the gravest of all sins. But this view cannot be entertained on the ground that the smrtikaras made the Brahmaunas liable to undergo penances when they commit a sin and sometimes such penances are more rigorous than those prescribed for the people belonging to other three varnas. So it is all probable that brahmanahatya has been considered as the gravest of all sins because the Brahmaunas were veritable receptacles of vedic knowledge particularly at a time when the vedas were not set to writing. A particular brahmin receives a particular branch of knowledge traditionally and stores the same only to import to some other competent for it. Knowledge is handed down from generation to generation only in that manner and, killing of a brahma amounts to diminishing a particular branch of knowledge. With the death of a brahma, the knowledge that he stored to import to others also gets lost and the society as a whole suffers loss to that extent. So the killing of a brahma has...
been considered as the gravest of all sins.

Further, if a person kills a brahmana boy whose upanayana has not been performed he is regarded yet as guilty of a brahmana murder. This was perhaps because of the fact that a brahmin boy was considered to be a potential carrier of the veda. Killing a brahmana woman other than a woman in her courses (ātreyi) or other than the wife of a sacrificer engaged in a soma sacrifice is only an upapātaka. On the other hand, killing even a kṣatriya or vaisya who has studied the veda or has been initiated for a soma sacrifice rendered the killer guilty of a brahmana murder, because a kṣatriya becomes a brahmana when he is initiated for Yaśna. The same is the case with killing of a foetus (or brahmana parents) whose sex is unknown and of a woman who is an ātreyi.

Here at this stage, it is necessary to discuss the question which very much taxed the minds of the authors of dharma sastras, viz. whether it is permissible to kill a brahmana who is an assassin (ātatāyin) in self defence without incurring any sin or remaining immune from royal punishment? There are two views put forward for the solution of this problem but it is interesting to note that the two views are not altogether contradictory to each other, though there is a slight difference.

According to Vasistha an ātatāyin is one who sets fire to one's homestead, make menacing advance with arms, carries away

19. Prāyas Vivēka p. 86
20. Manu XI 66 & Yaś Smṛti III, 236
21. Manu Smṛti XI. 87
wealth, take forcible occupation of land and elopes with one's lawful wife. Manu and some other law-givers hold that for killing a brāhmaṇa ātātāyin there is no sin. But Sumantu lays down that there is no sin for killing an ātātāyin save that of a brāhmaṇa and a cow. Kātyāyana, however, brings about a compromise when he holds that an inferior ātātāyin can be killed but never a superior ātātāyin. The conclusion of Mitāksara appears to voice the views of most of the lawgivers that if a brāhmaṇa comes as an ātātāyin, then in self defence one may oppose him without incurring any sin. In case the brāhmaṇa offender meets with death though the defender did not intend to kill him but only to stop him by causing injury short of death, the defender is not liable to be punished by the king. All that he has to do is to undergo a light expiation and he is not guilty of brahmicide. 22

Next in the list of mahāpātaka is the drinking of liquor(sura).

Sura is looked upon by the Rgvedic seers as a sin just as aksa or gambling. It is defined in the Manu Smṛti as "the dirty refuse (mala) of grain." Further, it is said that the sura is of three kinds: that prepared from molasses, that from flour and that from madhuka flowers or from honey. 24 Manu holds that gamdi, madhavi and paisthi are the three varieties of sura. The gamdi type of sura originates from Gufa and the other two being from flour and honey. The different smṛtis and the digests discuss

23. Manu Smṛti XI. 93
in details about different kinds of surā and their relative position in regard to prohibition. The following propositions are very beautifully established by Mitāksara commenting on Yājñavalkya: 25

(1) that all the three higher varṇas are forbidden to drink the surā prepared from flour and drinking it is a grave sin in the case of anyone belonging to three higher castes or varṇas.

(2) that all intoxicants are forbidden for brāhmanas at all stages of life.

(3) that intoxicants other than surā prepared from flour are not condemned for ksatriyas and vaiśyas.

(4) that the ṛṣṣudra is not forbidden to drink any kind of intoxicant.

(5) that the brahmačārins of the three varṇas studying the vedas have to abstain themselves from intoxicants of all kinds. Surāpana is included among the taboos prescribed for brahmačārins by the Satapatha, Gāpatha and other Brāhmaṇa Texts and by all Smrtikāras. 26

From the above discussion it is now clear that the liquor distilled from rice-flour is prohibited to the three twice born Varnas ever since they are born. But a brāhmaṇa is totally prohibited from tasting any intoxicant and that too from the time he is born. In the case of ksatriyas and vaišyas there is no prohibition of the liquor extracted from jaggery and the like intoxicants at any time whatsoever. And for the ṛṣṣudra community there is neither prohibition for surā nor of liquor in general. If somehow, a ksatriya or even vaiśya without any intention, drink intoxicating liquor or even surā no sin accrues to him.

25. Mit on Yaj Smṛti III. 263
26. Mit on Yaj Smṛti III. 253
Vyāsa, another law-giver permits the drinking of liquor extracted from madhukas in the case of those two castes.

Manu makes no distinction of sex but only forbids the first three classes from drinking surā. Bhaviṣya Purāṇa expressly forbids the drinking of surā for a female of the Brāhmaṇa class. Females of the other castes stand on the same footing as that of the other sex. Prāyāscitta viveka, further lays down that the drinking of surā means taking it down the throat. Therefore, if a person's lips touches the surā or if surā enters his mouth but he spits it out then there is no drinking of surā and thus the question of committing mahāpātaka does not arise at all. 28

Steya -

He who steals gold belonging to a brāhmaṇa commits a mahāpātaka. Āpastamba holds: "The stealing of a brāhmaṇa's gold is a mortal sin." Steya has been defined by Āpa. Dharma Sūtra "a man becomes a thief by covetting another's property in whatever situation he may be". Mitaksara defines stealing while commenting on Yājñavalkya as "by the term apaharana is denoted taking a thing away in the owner's presence or absence, by force or by theft bringing about or establishing the taker's possession". 30

Suvarṇa (gold) denotes the material gold, subject to a quantitative limit, and is not a mere class name. For it is conventionally held that the word suvarṇa refers to gold to the extent of sixteen masās. Hence one is said to have committed a

27. Prāyaś Prakāsā Folio 70 b.
28. Prāyas Viveka p. 93
29. Āp. Dh. S., I. 10. 28. 1
30. Mit on Yāj Smṛti III. 257
crime, heinous in nature when he has stolen a quantity of gold amounting to sixteen māsas. The stealing of a brāhmaṇa's gold to the extent of two or three māsas is a minor sin resembling the stealing of gold belonging to a kṣatriya and the like. It has been held by the Śastras that the stealing of gold of a brāhmaṇa only comprises a mahāpātaka whereas the stealing of gold from the other castes is only a minor sin (upapātaka). According to Gautama a man may take without permission and without incurring the guilt of theft for the sake of cow and for the sake of Srauta and Śārta fires as if they were his own property.

Gurutālpaga:

The next mahāpātaka in the list is 'gurutālpaga' (sexual intercourse with the wife of a guru). But there is a difference of opinions among the scholars regarding the meaning of the word 'guru'. It has been described by Manu that the father alone who performs the niseka etc. ceremony is the 'guru' - "that brāhmaṇa who performs in accordance with the rules of the veda, the ceremonies, the garbhadhāna and so forth and brings up the infant by giving it food in called guru". Manu thus holds that 'guru' primarily means the father. According to Gautama 'the teacher of the Veda is the foremost amongst gurus' while some other contend that the mother is the most important 'guru'. On the other hand Vyāsa holds that the gurus are the mother, the father, the husband, the ācārya, he who imparts knowledge, the elder brother, also Rātviks, he who protects from fear and the giver of food. Prāyāṣ-

31. Mit on Yaj III.253; Prā Viveka p.111
32. Gau. Dh. Sūtra 12.25
33. Manu Smṛti II.142
34. Gau. Dh. Sūtra II.56.
Citta-viveka points out that the gurupatni means not only one's own mother but also one's step-mother of the same varṇa of the father. Yājñavalkya extends the purview of this sin to intercourse with one's teacher's wife or one's daughter and other woman of near relation.

But when the union with public women is concerned even though they had been enjoyed by the guru of the person concerned there is no sin in violating the guru's bed. Intercourse, moreover, has been stated to be as far as the last stage of emission of semen. Hence, one refraining before that would not be involved into the condition of a mahāpātakin.

Though many crimes do not come under the purview of mahāpātaka, the smṛtis declare the same condemnation as the mahāpātakas. For example Yājñavalka Smṛti expressly states that one who kills a kṣatriya or vaiśya engaged in sacrifices or a foetus or an ātreyi women has to undergo the same penance as for brāhmaṇa murder.

Further the same Smṛti again extends the sin of gurutalpagamana to intercourse with several near female relatives such as mother's or father's sister. Manu states: carnal intercourse with a sister by the same mother, with maidens, with females of the lowest castes (like caṇḍālas), with the wife of a friend or son - they are equal to the violation of a guru's bed.

The smṛtis declare many actions as equal to mahāpātakas in general or as equal to one of the mahāpātakas. But it has to be

35. Prāyaścitta Viveka, p. 113
36. Yāj Smṛti III. 232-233
37. Yaj. Smṛti III. 251
38. Yaj Smṛti III. 232-233
39. Manu Smṛti XI. 169
noted that there is divergence of views about these in the Śātras and the Śrītis. According to Gautama "giving false evidence, backbiting about another's guilt that will reach the king, falsely accusing one's guru with a grave sin or crime are equal to mahāpātaka. In Manu the last two of these three along with false statement about one's caste or learning or family for securing prosperity or eminence are stated to be equal to brāhmaṇa's murder. According to Yājñavalkya Śrīti falsely charging one's guru is equal to brahmahatyā and false statement about one's caste or learning is equal to drinking surā.

Ati-pātaka:

Ati-pātaka has been named foremost in the classification of sins. Yet we hardly find any deliberation of it in the different Śrītis. Manu and Yājñavalka do not mention anything about it. It is only Viśnū who mentions that intercourse with one's own mother, own daughter and own daughter-in-law incurs the sin of ati-pātaka.40 Manu probably fails to mention anything about this class of sin because of the fact that he includes the intercourse with one's own mother in the category of Mahāpātakas bringing it within the purview of gurutalpagamana. According to him the word guru includes also a mother - both one's own as well as his step-mother.

But the scholars differ in opinion with the question of gravity between these two sins - atipātaka and mahāpātaka. According to Raghunandana the gravity of atipātaka sins are higher in nature.

40. Viśnū quoted by Prayascittha Viveka p. 32.
than the mahāpātaka. Prāyascitta-viveka too supports the same view. But Brāhmad Visūnu while enumerating the the causes leading to prāyascitta lays down that a succeeding crime is of a lower degree than the preceding one, and he mentions ati-pātaka after having mentioned the mahāpātaka and thereby ascribing an inferior place to atipātaka than the mahāpātaka.

Anu-pātaka:

The sins which are similar in nature with the mahāpātaka are known as anu-pātaka. The sins belonging to this class are at par with those belonging to mahāpātaka class and the gravity of this class of sins are similar in nature to them.

There are many sins which do not in so many words or, by names, come within the purview of the definitions of the mahāpātakas. So the Smṛtis extend by analogy the same condemnation as accruing to the mahāpātakas. The general rule is that the gravity of these lapses that are declared to be equal to a mahā-pātaka is less than that of the mahā-pātaka. Those anu-pātakas as has been enumerated by Mānu has been laid down in the foregoing pages.

Mitāksara, on the other hand lays down that killing of a kṣatriya engaged in a sacrifice, as also of a vaishya and of a woman in her menses, of a pregnant woman, of a woman undergoing monthly course, of one unknown of an embryo, of one who has sought refuge, all these are equal to Brahmicide. Giving false evidence and the murder of a friend, these two are equal to liquor drinking. The taking away of land of a brahmana is equal to gold-theft. The intercourse with

the wife of a paternal uncle, of a maternal grand-father, of a
maternal-uncle, and of the king are equal to the intercourse
with a guru's wife. Approaching a father's sister, or the mother's
sisters, and also approaching the wife of a Śrotriya Rtvik family
priest and a friend, as also approaching the sister's friend, one
of the same gotra, one of a superior varṇa, one in menses, one who
has sought refuse, one who has become an ascetic and a woman who
has been placed as or deposit in confidence - these are anu-pātakas.
Viśnū Smṛti too lay down the same principle. Thus anu-pātakas
though similar in nature with the mahāpātakas yet they are inferior
in nature to that of mahāpātakas.

Upa-pātaka:

The sin committed in this class is of minor type and the
number greatly varies from one Smṛti to another. According to
Mānu it is of fifty types. But according to the Dharma Sūtras it
is of very small numbers. They have been enumerated below. Yājna-
valka lays down the following: slaying kine, being a vrātya,
thieves, non-payment of debts incurred, not establishing the Śrauta
fire, selling out what ought not to be sold, parivedana, learning
from a paid teacher, teaching the vedas for payment, adultery, an
elder brother's remaining unmarried when a younger brother has
married, usury, manufacture of salt, killing a woman, killing a
śūdra, killing a kṣatriya or vaisya, maintaining oneself on wealth
which is condemned, atheism, giving up the observances peculiar to

42. Mit. on Yāj Smṛti III. 228, 232-233.
one's status, sale of one's children, theft of corn, inferior metals or cattle, officiating as a priest at a sacrifice for those who are not entitled to sacrifice, drinking out of the house of one's father, mother or son etc. 43

Manu mentions certain lapses as 'jātibhramśakara' - that cause the loss of caste. They are: giving pain to a brahmana by means of a stick or by the hand, smelling things which ought not to be smelt at such as garlic ordure etc. and smelling spirituous liquor cheating, an unnatural offence with a man. 44 According to Manu killing a donkey, a horse, a camel, a deer, an elephant, a goat, sheep, fish, a snake or a buffalo must be known to be Śankarikarana. 45 Further Manu holds that accepting presents from condemned men, trading, serving śudras and speaking a falsehood make a man unworthy to receive gifts. Manu prescribes that killing insects, small or large, or birds, eating anything kept close to spirituous liquor, stealing fruits fuel and flowers and unsteadiness of mind are mālābāha. 46 These sins take effect because of the three 'ripus' (i.e. they are - desire, anger and greed.) 47

Sins arising out of acts other than actual commitment:

There are some particular cases in which a person though not the 'doer' of the act commits sin. They are enumerated below one by one.

**Association with mahāpātakins:** When a person associates himself with the mahāpātakins, he also falls in sin though he is not the

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43. Yāj Smrti III 234-242
44. Manu Smrti XI.67
45. Manu Smrti XI.68
46. Ibid., XI. 70
47. Prāyaś. viveka p.32
doer of that particular action. Thus a sin might arise through actions other than actual commitments. The Prāyasāśita Prakāśa holds that samsarga (association) may be of three kinds - highest, middling and lowest. The first includes four viz. Yonisambandha (marriage), śrama (one due to sacrificer for a sinner or making him (a sinner) the priest), maukha (about learning or teaching veda) and eating of food from the same vessel, the middling is of five types viz. using the same vehicle, seat, bed or coverlet; eating in the same row and learning the veda together. The lowest is of various other kinds such as intimate talks, touching, cooking food etc.

Brhaspati holds that there are four types of contact (samsarga) which are believed to be of serious nature viz. occupying the same bed or seat with the sinner, taking food in the same row with him, or being the sinner's guru (teacher) of the veda and one of having sexual intercourse. Parāṣāra holds that like a drop of oil in water, sins are transferred from one person to another by sitting or sleeping together or by using the same conveyance or by speaking with him or dining in the same row.

As such, contact can be of different kinds viz. occupying the same bed and seat, dining in the same row, vitiating contact of vessels, officiating at sacrifices and teaching the veda, through conversation and through touch and through matrimonial alliances

48. Prā Prakā folio 74, quoted by Kane in his 'History of Dharma Sastras' Vol. VII. P.26
Thus runs an old adage, -

'Alapat gatrasamsparsat nihapasat sahabhojanat,
Asanat sayanat Janaat papan samkramate nrnamate.'

i.e. Sin passes out a man from conversation with, physical contact, breathing, co-dining, from sitting together, lying together and sharing the same vehicle with a sinner.

There are two contradictory views with regard to the sin of contact — one of which says that one suffers degradation in moving together with and having contact with a sinner for a period of one year whereas the other view does away with it forthwith. Devala, in this regard observes - "Officiating at sacrifices, matrimonial alliances, studying the Veda and eating together — he who does these along with one who has suffered degradation from caste, does certainly suffer degradation (from caste) forthwith and there is no doubt about it." 49

Yajñavalkya and Manu on the other hand, support the view prescribing one year for causing degradation. As Yajñavalkya holds: 'Also whoever lives with those indeed for one year, even he is equal to them'. 50 Again Manu observes: "He who associates with an outcast himself becomes an outcast after one year not for sacrificing for him, teaching him, or forming a matrimonial alliance, but for using the same conveyance and seat and by eating with him". 51

Now that this association (samsarga) is limited only to the

49. Devala Smrti quoted by Prayascitta viveka p. 145 and Mit. on Yaj. Smrti III. 261, Pr. Pra. P.101
50. Yaj Smrti III. 261
51. Manu Smrti XI. 180
grave sins it can be inferred therefrom that such type of contacts as that of touching a sinner or eating food (in the house of a patita) are not regarded as involving a man in the same sin as that of the actual perpetration of a murder, surāpāna etc. Gradation of sin varies with the gravity of the sin.

Further a man though not the doer of the act may become associated with sin through inciting others to kill (prayojaka) by ordering the other to do so (as a king or noble by ordering the servant) or by imploring another to kill with his approval or by helping the killer or offering protection to him and by becoming a nimmita. Now let us discuss them one by one.

The definition of 'amugrāhaka' is based on a verse of Manu which runs as follows - "Where many persons are armed and have a common purpose in view, even if one of them kills a person all of them are guilty of murder". This idea bears a close affinity to Sec. 34 of Indian Penal Code. It is laid down by Āpastamba: "He who instigates, he who assists and he who commits share the reward in heaven and hell". An abettor (prayojaka) is he who sets a man to perpetrate a deed who had not set himself to do the act. Prayajakas may be of three kinds: a director, a solicitor and a counsellor. Of them the director is described as he who sends an inferior (a servant or the like for the commission of the act. A solicitor of a deed is described to be he who himself being unable to do it pursues a superior agent through solicitation or

52. Pra viveka p.44
53. Vahunāmekakāyanām Sarveśān Sastradhārīnām Yadyekoghāṭakastatras Sarve te ghaṭakāḥ Smṛtah.
request etc. Both of these are abettors for the purpose of achieving the end they themselves have in view. And a counsellor on the otherhand, is described to be one who persuades another by disclosing the secret points and instructing him that he should kill the enemy in such and such manner. Even to such a person the result of the sinful deed is the same as is to an abettor. On the other hand an accomplice (anumanta) is he who gives an impetus to a man who had already begun to do an act. He is of two kinds: one who supports another for the achievement of the view he himself has in mind, and one who supports another for the purpose of benefitting another. Mitaksara commenting on Yajnavalkya III. 227 brings out the difference amongst the killers.

Thus Manu lays down that an instigator, abettor, or an accomplice has some connection with the sinful result of cruel deed. Similarly whosoever drives another to the wrath, mental excitement or desperation causing suicide by rebuking, beating, confiscating property and so forth he also becomes the cause of sin through exciting the wrath or desperation which becomes the immediate cause of killing one's own self. It is with this very idea that it has been stated by Vaisnava "If a brahmana who has been cried down or beaten, or even deprived of his wealth would commit suicide, then on him on whose account he puts an end to his life, they call a brahmana slayer."54

It should be understood that the nature of sinful result that falls to sinner's lot is governed by their close intimacy or

54. Mit., on Yaj. III. 227.
aloofness and also by the heavy or light nature that characterizes their act. Sāstras also speak the same way: whoever amongst these accomplices contributes most to the accomplishment of the deed, the major portion of the result belongs to him.  

Sin is not merely a breach of the moral or religious code, but also of the social and legal code. Thus these lapses can broadly be classified under the following heads:-

(a) **Ritualistic lapses or sins occurring from some kind of lapses in the Rituals**: These include all kinds of religious lapses such as neglecting the Veda, reviling the Veda, eating of forbidden or unfit food, sacrificing for one unworthy to sacrifice, abandoning Vedic study or fire, breaking of a vow, performing malevolent rites and sorcery, omission of fire laying etc.

(b) **Moral lapses**: Any breach in the moral code gives rise to this kind of lapses such as wine drinking, intercourse with the wife of the 'guru', adultery, abandoning one's father and mother, selling oneself, defiling a maiden, usury, carnal intercourse with one's uterine sister, selling a tank or a garden, abandoning a relative, subsisting on women, studying bad books, smelling at wine, telling a lie, unnatural offences, etc.

(c) **Social lapses including legal lapses**: These include slaying of brahmaṇa, theft, falsely harāming the preceptor, bearing false witness, slaying a friend, stealing of a deposit or of men, horse, silver, land, diamonds and gems, adultery, charging fees for

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55. Ṛp. D.S. II. 11.29.1
teaching and learning from paid teacher, non-payment of debts, 
stealing grain, base metals or cattle, causing pain to a brāhmaṇa, 
cheating etc.

The classifications of sins by the Śrauta-Sūtras and the later 
elaborated enunciation found in the nibandhas practically exhaust 
all spheres of human activities in the society of their times. 
These classifications and enumerations had two purposes in view: 
the primary purpose, of course, was to warn the people about the 
consequences of such sinful acts so that they may desist from it. 
Nevertheless, the seers of the Dharmaśāstras were not unaware of 
human failing. In spite of terrible consequences held before men 
sins are committed and that too very often. Now what about those 
who commit sins due to ignorance or want of self-control. Is 
there no remedy or redemption? What are the safeguards against 
such commitments in the society? This question leads us to the 
main topic of our discussion - the prayāścittā and in the secular 
plane danda.