CHAPTER - III

THE HINDU LEGAL SYSTEM AS MODIFIED IN POST-GAUTAMA DHARMASUTRAS.

After the composition of Gautamadharmanasutra, a few Dharmasutras were composed from 5th cen. B.C. to 1st cen. B.C. Among them Baudhāyana, Āpastamba, Vasistha and Viṣnudharmanasutra were remarkable. There was a long interval between the period of Gautama and other Dharmasutrakāras. During this long interval the history of Sūtra-era remained practically unchanged. It was rather rigid and static. There was no revolutionary change in religious and political history of India. Society was mainly based upon the Veda and the state was monarchic. Non-Vedic and anti-Vedic activities were strictly forbidden and not allowed in society. On the other hand the state was under strict control of the Veda and the brahmins. As the state was dominated and absolutely controlled by the Vedas and the brahmins, any revolutionary change was beyond imagination. But during the long interval of time a few changes and improvements in the religious history have been accepted, that is nothing but an interpolation of the Veda. But after the period of Sūtra-age, in the Dharmaśāstra of Nārada, Katyāyana and Brhaspati, the importance of
Vedic religion and laws promulgated by the king (rajaśtrādharma) were equally accepted. In that case the revolutionary or remarkable change in social and political administration is possible. But after the period of Gautama, no change in social life is noticed. But in later age, the history of legal administration more advanced, elaborated and changed and it took a new form and gesture. That is why there is no denying the fact that the Dharmasūtras of later ages are the stepping stones of legislature and legislation.

But the history of changes were not written in one Dharmasūtra, but it was discussed in all Dharmasūtras more or less.

We have already shown that the society was based upon the rigid system of four-castes and four orders of life. There had been a gradual progress and importance of brahmanical religion that had advanced without any obstacle. The occupation of four castes has undergone change. The remarkable event in this period is the evolution of sāmākara or mixed caste and changes in religion of mixed caste are also remarkable event. Improvement is social status of the śūdras is first accepted in Āpastambadharmasūtra. But the lower castes were not freed from severe punishment even in least offence. On the other hand the brahmins were exempted
from capital punishment if they were involved in severe crime also.

The formation of administration was unchanged. Government was monarchical. The number of seats of purohita and the brahmins who were learned in the Vedas were limited and unchanged. But a great change, noticed after the period of Gautama is that in later sutra-age, origin of local government and many posts of divisional officers evolved. King's court was only the main appeal court. But in local dispute if there is any litigation, the local administrators solved the problem. The assembly named 'Pūga' first came into being in this period.

The judicial or vyavahāra chapter was still insignificant in later sutra-age. After the composition of Gautamadharmaśūtras there was a long interval of time. Inspite of that the importance of religious history was still significant than judicial administration. The society was fully unaware of the importance of legislation as it was much influenced by orthodox view of religion. In later Dharmaśāstras the eighteen judicial laws have been dealt with elaborately. In this period generally the judicial laws viz. ṛṇādana, steya, sahasa, strīsamgrahana, svāmipāla, śīmāvivāda, vakpārusya and daṇḍapārusya were discussed more or less in different Dharmaśūtras. But the descriptions of all these judicial laws were not systematically arranged in one chapter in books,
but on the other hand these were scattered in different chapters of books. This also signifies that the judicial chapter was ignored in later sūtra-period. The jurisdiction was generally formed by four matters viz. bhāṣā, uttara, kriyā and nimāya. But only the kriyā-pāda was discussed in those Dharmaśūtras, nothing else.

Nevertheless, the evolution and gradual change in economic policy and revenue system was also a remarkable event in later sūtra-era. The tax-system was elaborately discussed in the later Dharmaśūtras. It shows the farsightedness and judiciousness of Sutrakāras in commercial and economic policy.

The sutrakāras have proved their wisdom in the sphere of controlling the enemy and in ethic of war also. It shows that the sutrakāras were crude diplomats.

Moreover no revolutionary change is noticed in civil law viz., marriage, division of property or dāyavibhāga and strīdhana.

The law of punishment was as before. The punishment of penance and legal punishment were in vogue. The capital punishment was imposed on those persons who were involved in crimes repeatedly
after getting punishment before. The punishment of penance pro-
mulgated by the brahmins was imposed upon the criminals for their
moral rectification. The criminals were fully aware of many new
strict and severe punishments which were referred to in Vispsmrti
for the first time. That is why they do not dare involve themselves
in any severe crimes. The standard of punishment was generally
ascertained by place, time, person and age. It is necessary to
analyse and evaluate the administration of Baudhāyana, Āpastamba,
Vasiṣṭha and Visnu for a history of legal administration. The
main significant idea of this essay is to show in which respect
the Dharmasūtrakāras differ in opinion and which new topic was
first introduced by the Dharmasūtrakāras.

Baudhāyana-dharmasūtra belongs to the branch of Krṣṇa-
Yajurveda. There was a controversy among the scholars regarding
the age of composition of Baudhāyana-dharmasūtra. According to
Kane Baudhāyana-dharmasūtra was composed between 5th cen. B.C.
to 2nd cen. B.C.

Baudhāyana is a teacher of the Krṣṇayayurveda. A complete
set of the Baudhāyana-sūtras has not yet been recovered and has
not been as carefully preserved as the sūtras of Āpastamba and
Hiranyakesin. Dr. Burnell arranges Baudhāyana's sūtras into six
sūtras, the Srautasūtra in 19 praśnas (probably); Karmāṇḍasūtra
in 20 adhyāyas; Dvaidhasūtra in four prāśnas; Grhyasūtra in four prāśnas, Dharmasūtra in four prāśnas; Sulvasūtra in three adhyāyas. The commentators offer no indication as to the place originally assigned to the grhya, dharma and sulva sūtras in the whole collection. Dr. Caland in his monograph (A.D. 1903) 'Über das Rituelle sūtra des Baudhāyana' gives the contents of the Baudhāyanasūtra as follows: Prāśnas I-XXI Śrauta, XXII-XXV Dvaidha, XXVI-XXVII Karman, XXIX-XXXI Pṛayaścitta, XXXII Sulvasūtra, XXXIII-XXXV Grhyasūtra, XXXVI Grhyaprāyasūtra, XXXVII Grhyaparibhasa, XXXVIII-XLI Grhyaparīśīṣṭa; XLII-XLIV Pitrmedha, XLV Pravara, XLVI-XLIX Dharma. Dr. Caland edited nine prāśnas of the Śrautasūtra for the B.I. Series (A.D. 1904). Dr. R. Shamsastri published for the Mysore University in 1920 the Baudhāyanagrhyasūtra with paribhasa, grhyāṣeṣa, Pitrmedhasūtra. The Grhyasūtra cites the view of Baudhāyana himself. The Baudhāyanadharma refers to the Grhya and presupposes it in several places. In the Baudhāyanadharmasūtra we have Kanva Bodhayana, Āpastamba sūtrakāra and Satyāśadhā Hiranyakesa in one after another. These references show that Kanva Bodhayana was an ancient sage when the Baudhāyanadharma was written and that he could not have been the author of the grhya or the Dharma sūtras of Baudhāyana. Baudhāyana may have been a descendant of this Kanva Bodhayana. This surmise is supported by Govindasvāmin who explains Baudhāyana occurring in Baudhāyanadharmasūtra as Kanvāyana. In all these places the Mysore
edition reads Bodhāyana, while the Anandāśrama reads Baudhāyana. In one or two places he is styled 'bhagavan'. Several explanations are offered by the commentator Govindasvāmin. He says that it is the practice of the ācāryas to refer to themselves in the third person or that the author of the Dharmasūtra is a pupil of Baudhāyana as the Manusmṛti is promulgated by Bhṛgu, the pupil of Manu, or there was some other Baudhāyana whose works have not come down to us.

The following are the contents of the Baudhāyanadharma-sūtra :- Prāśna 1: Sources of dharma, who are sīṣṭas, pariṣad, different practices of northern and southern India, countries where sīṣṭas reside and where mixed castes reside, prāyaścitta for visiting countries of the latter type; 2. Studenthood for 48, 24 or 12 years, time of upanayana and the girdle, skin, staff appropriate to each caste, duties of brahmacārin, eulogy of brahmacarya; 3. The duties of the Snātaka who has completed his studies and observances but has not yet married; 4. directions about carrying the earthen jar (in the case of snātaka); 5. bodily and mental śauca, purification of various substances, impurity on birth and death, meaning of sapinda and sakulya, rules of inheritance, purification on touching a corpse or a woman in her menses or on dog-bite, what flesh and food was allowed and forbidden; 6. Purification from the point of view
of sacrifice, purification of clothes, ground grass, fuel, vessels, and articles used in sacrifice; 7. Rules about the importance from the sacrificial point of view of sacrifice, of the sacrificial utensils, priests, the sacrificer and his wife, ghee, cooked offerings, the victim, soma and fires; 8. The four varṇas and the sub-castes; 9. Mixed castes; 10. The duties of kings, the five great sins and punishments for them, punishments of killing birds, witnesses; 11. The eight forms of marriage, holidays; Praśna II. 1. Prāyāscittas for brahmahatyā and other great sins, prāyāscittas for a brahma-carin violating his vow of celibacy, for marrying a sagotra girl, for marrying before elder brother, sins lesser than the great ones, description of such penances as Paṇāka, Kṛcohra, Atikṛcohra; 2. Partition of heritage, larger share for the eldest, the several substitutes for an aurasa son, exclusion from inheritance, dependence of women, prāyāscitta for adultery by men and women, rules about niyoga, means of subsistence in distress, continuous duties of the house-holder such as Agnihotra etc.; 3. The daily duties of the householder such as bathing, ācamana, vaisvadeva, giving food; 4. Śādhyā; 5. Rules about the manner of bathing, of ācamana, worship of the sun, and about the method of propitiating ('tarpāna') gods, sages and pītṛs; 6. The five great daily yajñas; the four castes and their duties; 7. regulations about dinner; 8. Śrāddha; 9. Eulogy of sons and spiritual benefit from sons; 10. Rules about sannyāsa; Praśna III.
1. Modes of subsistence for the two kinds of householders, 
sālīna and yāyavara; 2. The means of subsistence called 'Ṣaṇnī-
vartani'; 3. The duties of the forest hermit and his means of 
livelihood; 4. preyaścitā for not observing the vows of brahma-
carin or householder; 5. method of reciting Aghamarṣana, the 
holiest of texts; 6. the ritual of praśṛtyavaka; 7. the purifi-
catory homa called Kuśmāṇḍa; 9. the penance called cāndrayaṇa;
9 the recital of the Vedas without taking food; 10. theories 
about purifications for sin, purifying things; Prasāṇa IV. 1.
preyaścitās of various kinds viz. for eating forbidden food or 
drink etc.; 2. prāṇāyāmas and Aghamarṣana as purifiers in case 
of several sins; 3. secret preyaścitās; 4. various Vedic texts 
as preyaścitās; 5. means of securing siddhi by means of japa, 
homa, ists and yantra; the penances called krochchha, makati-
krochchha, sāntapana, parāka, cāndrayaṇa; 6. the muttering (japa) 
of holy texts, the ists; 7. praise of yantras, various Vedic 
texts used in homa; 8. censure of those who enter on the means 
of siddhi out of great greed, permission to get these things done 
through another in certain circumstances.

The extant Dharmasūtra does not appear to have come 
down intact. The fourth prasāṇa is most probably an interpolation. 
Most of the eight chapters of that prasāṇa are full of verses, the 
portion in prose being very small. The last three chapters (6-8)
are entirely in verse. The style is quite different from that of the first two prāṇas. The first five chapters of the fourth prāṇa dealing with prāyāscittas are more or less superfluous, the same subject having been dealt with in II. 1 and III. 4-10. Some of the sutras in the earlier prāṇas are repeated verbatim in the fourth. The third prāṇa also is not free from doubt. The tenth chapter of the third prāṇa is taken from Gautama. The sixth chapter of the third prāṇa agrees very closely in phraseology with the 48th chapter of the Viṣṇudharmaśūtra. But it is rather difficult to say which is the borrower. Dr. Jolly is inclined to think that both borrowed from a common source. It seems more probable that Viṣṇu borrows from Baudhāyana, as the Viṣṇudharmaśūtra uses that the form 'punita' in place of 'Punatha' (in Baudhāyana) and as the Viṣṇudharmaśūtra omits all reference to Rudra. In the Mysore edition all the four prāṇas of the Dharmaśūtra are divided into adhyāyas, but the MSS. used by Bühlér appear to have divided the first two prāṇas into kandikās and the last two into adhyāyas. There are many repetitions even in the first two prāṇas, which therefore make one rather doubtful about the authenticity of the first two prāṇas also in their entirety.

The Dharmaśūtra of Baudhāyana is somewhat loose in structure and is not concise. Govindasvāmin remarks that Baudhāyana does not aim at brevity. Several subjects are treated of in two
places and often without any logical connection with what precedes or follows. Rules of inheritance (dayabhāga) occur in the midst of rules about prayāscitta; rules about holiday (anadhyāya) occur immediately after the eight forms of marriage and the condemnation of the sale of daughter. Rules about śnātaka occur in two places. Baudhāyana quotes at least 90 verses introduced by the words "athāpyudāharanti", more than 80 being from the first two praśnas alone. There are over two hundred other verses, about 80 of which occur in the first two praśnas and about ten are Vedic. The language of the Baudhāyana-dharmasūtra is archaic and often departs from the Paninean standard. Baudhāyana employs such un-Paninean forms as "grhya", "pujya", "adhiṁśacchānaḥ", "punatha", "tebhiḥ". In several places Baudhāyana states opposite views and then gives his own opinion on the point.

As regards the literature known to Baudhāyana the following points may be noted. All the four Vedas are mentioned by name in II. 5.27 (tarpāṇa). He quotes very frequently the Taittirīya Saṁhīta, Taittirīya Brāhmaṇa and the Taittirīya Aranyaka. Well known hymns of the Ṛgveda such as the Aghamārṣaṇa, the Puruṣasūkta and also simple 'ṛks' are frequently referred to. In III.10 (which is almost the same as Gautama 19) there is a śūtra enumerating the Upaniśads, the Saṁhitās of all the Vedas and several Saṁmans as purificatory texts. There are long quotations taken from the
Satapatha-brāhmaṇa, in Baudhayana. It is noteworthy that in the tarpaṇa there is an invocation of the Atharvaveda and immediately afterwards of the Atharvāngirasaḥ. In the Upaniṣads it is the word Atharvāngirasaḥ that stands for the Atharvaveda. Baudhayana quotes a gāthā of the Bhallavins about the geographical limits of Āryāvarta. Vasiṣṭha adduces the same verse and says that it is taken from the Nidāna works contained. Itihāsa and Purāṇa occur in the tarpaṇa. The āṅgas of the Vedas occur in I.1.8 and the six āṅgas in II.8.2. Baudhayana mentions a Vaikhaṇasāṣṭāstra which appears to refer to the work of Vikhanas or hermits and speaks of Śramaṇaka (the rites prescribed by Vikhanas for initiation as hermit), just as Gauṭama does. Among the authors on dharma mentioned by name are: Aupajāṅghanī, Kaśyapa, Gauṭama, Prajāpati and Harīta etc. Manu is only mentioned in the fourth prāṇa, the authenticity of which, as said above, is very doubtful. The first reference to Manu's teaching cannot be traced in the Manusmṛti. Prajāpati seems to stand for God Brahma and not for any real or mythical writer on dharma. One remarkable piece of information contained in Baudhayana is that he quotes from a work (of the Brāhmaṇa class in language) a prose passage wherein the division into four āśramas is ascribed to any asura Kaṭila, son of Prahlāda. Baudhayana quotes a gāthā from the dialogue between the daughter of Uṣanas and the king Vṛśaparvan, which is nearly the same as
Mahābhārata. Baudhāyana-dharmasūtra quotes the view of acāryas as Gautama does. From the numerous quotations in verse cited by Baudhāyana on topics of dharma, it follows that the Dharmasūtra was preceded by a considerable number of works on dharma in verse. Bühler says that Viṣṇuṇāśīvara was the first writer who quoted the Baudhāyadhamasūtra. But there are writers who flourished centuries before Viṣṇuṇāśīvara that regarded Baudhāyana as a writer on dharma and either quoted his words or pointedly referred to them. Śābara, in his bhāṣya on Jaimini, says that the rule in the smṛtis about the period of Vedic study being 48 years is opposed to the Vedic injunction "one who has begot sons and whose hair are dark should consecrate the sacrificial fires". This must be regarded as referring to the words of Baudhāyana. Śābara uses the same word "vedabrahmacarya" the Baudhāyanadhamasūtra employs. It is true that Gautama and Āpastamba both refer to the rule about 48 years, but they do not employ the word "Vedabrahmacarya". The Tantradharmadāna of Kumārila says that the words of Āpastamba which seem to accept the validity of local and family usages (even though opposed to smṛti tradition) stand refuted by the words of Baudhāyana who cites only such censured usages as are opposed to smṛti. Kumārila appears to think that Baudhāyana attacks the extant work of Āpastamba, i.e. the present Baudhāyanadhamasūtra, is later than the present Āpastamba. It is not necessary to follow Kumārila implicitly as regards chronological
details, where he is speaking of writers that flourished over a thousand years before him. But his opinion deserves weight. The Tantraśārttiśa quotes a smṛti passage which bears a close resemblance to Baudhāyana. In the commentary of Viśvarūpa on Yajñavalkya, Baudhāyana is quoted at least nine times in the chapter on ācāra alone. It is remarkable that Viśvarūpa quotes several verses from the fourth prāśṇa, which shows that even if the fourth prāśṇa be an interpolation, it is comparatively an ancient one. The Mitākṣara also quotes a long passage from the fourth prāśṇa. On Manu, he says that all the rules about purification of substances are contained in Baudhāyana-smṛti.

About the home of Baudhāyana, it is difficult to advance any positive conclusion. In modern times Baudhāyaniyas are mostly confined to the south. We know that Sāyaṇa, the great commentator of the Vedas, was a Baudhāyaniya. A grant of Nandivarma, a Pallava, of the 9th century mentions Brahmānas of the prāvacana-sūtra as recipients. As Baudhāyana is called prāvacanakara in the Gṛhyasutras Bühler thinks that the Brahmānas belonged to the Baudhāyanacarana. Bühler is probably right. In the grant most of the donees are students of the Ṛgveda Sūtra. First the Gotra, then the sūtra and then the name of the donee are introduced in the grant. Therefore as some of the donees are said to be students
of "pravacanasūtra", it follows that "pravacana" stands for some sutra school. It appears that sutra and pravacana are two different things, whatever the latter term may mean. Baudhāyana is called pravacanakāra and Āpastamba is styled sūtrakāra. Bühler was inclined to hold that Baudhāyana was a southern teacher for several reasons. Baudhāyana mentions customs of the south and includes sea-faring as a custom peculiar to the north, while in another place he places sea-faring at the head of sins (pataniyas) lesser than the mortal ones. Therefore it is said that he was not a northern teacher. But as against this we have to remember that Baudhāyana quotes with apparent approval a verse in which the countries of Avantī (Ujjain), Aṅga, Magadha, Surāstra (Kathiawar) and Dakṣināpatha are declared to be the home of mixed castes. Dakṣināpatha was generally supposed to be the whole peninsula south of the Narmada. Baudhāyana, if he was a native of the south, would not have spoken of his country as the home of mixed castes only, unless he put a restricted meaning on the word Dakṣināpatha (which sometimes meant in later days Maharāstra).

The extant Baudhāyanadharmaśūtra is certainly later than Gautama, as it mentions Gautama twice by name and as one quotation at least is found in the extant Gautama. Besides Baudhāyana quotes by name several teachers on dharma, while Gautama quotes only one, Manu. Baudhāyana is far removed from the times of the Upanisads.
Baudhayana quotes a verse which is itself an adaptation of a passage from the Chandogya-Upanisad. He quotes Harita. It is uncertain whether the Haritadharma-sutra, a manuscript of which was discovered by the late Vaman Sastri Islampurkar at Nasik, is the one intended. Bühler thought that the work of Baudhāyana was earlier than that of Āpastamba by a century or two. His first reason was that Kanya Baudhāyana receives homage in the tarpāṇa before Āpastamba and Hīranyakesiṇin and that the same order is observed in the Baudhāyana-grhyasūtra. But this reason is far from convincing. It may be conceded that Baudhāyana was regarded as the oldest (or the most authoritative or respectable) of the three schools of the Black Yajurveda. But from this it does not at all follow that the extant Dharma-sūtra of the Baudhāyaniyas is earlier than that of the Āpastamīyas. For aught we know the sūtra compiled for the school of Baudhāyana may be later than the sūtra manual of the Āpastamīyas. We saw above that orthodox opinion, represented by Kumarila, regards Baudhāyana's work as later than Āpastambas. All the three founders of the three schools are mentioned in the Baudhāyana-grhyasūtra and Dharmasūtra. One may equally argue with good reason that both these works knew a sūtra work of Āpastamba and that the extant Dharmasūtra of Āpastamba is that work. Another reason assigned for the priority of Baudhāyana's work over Āpastamba's is that, though both have numerous sūtras that agree almost word for word, a comparison of the views of the
two writers shows that Āpastamba lays down stricter and more puritanic (and therefore later) views on certain points than Baudhāyana. Gautama, Baudhāyana and Vasistha mention several secondary sons, while Āpastamba is silent about them. Gautama, Baudhāyana, Vasistha and even Viśnu approve of the practice of niyoga, while Āpastamba condemns it. Gautama and Baudhāyana speak of eight forms of marriage, while Āpastamba speaks of only six and omits Prajāpatya and Paisāca. Baudhāyana allowed a larger share to the eldest son on a partition, while Āpastamba condemns such a procedure. The Baudhāyanagrhyasūtra allows upanayana to Rathakāra, while Āpastamba does not do so. These points are hardly conclusive on the question of date. From very ancient times there was great divergence of opinion among the doctors of the law on most, if not on all, of these points. There is not hard and fast rule that these doctrines were upheld by early writers and condemned by later ones. Baudhāyana himself quotes the views of an ancient writer, Aupajanghani, who condemned all secondary sons. The verses that Baudhāyana quotes on this point are quoted by Āpastamba also but without the author’s name, there being variants only in the first verse. Niyoga was allowed by Manu and then condemned and Brhaspati refers to this attitude of Manu. Even so late a writer as Yājñavalkya approves of niyoga. About the Rathakāra being allowed to consecrate the sacred fires there is a discussion in the sutras of Jaimini. Vedic passages supported both methods viz. equal division among sons and the
bestowal of a larger share on the eldest. Even Yajñavalkya allows a larger share to the eldest son. Therefore hardly anyone of the circumstances relied upon by Bühler as indicating a later age for Āpastamba is conclusive or convincing. The third ground for placing Baudhāyana before Āpastamba is that the style of the former is simpler and older as compared with the latter’s. That Baudhāyana is simpler than Āpastamba may be admitted. But this may be due to the fact that Baudhāyana has been tampered with more than Āpastamba. On the other hand Āpastamba contains more unconventional forms, more uncouth constructions, more words in an archaic sense than is the case with Baudhāyana. All that is almost certain about the age of the Baudhāyanadharmaśūtra is that it is later than the work of Gautama, that its style, its doctrines and its general outlook on different subjects do not compel us to assign it a later date than that of the other Dharmaśūtras. We have adduced evidence to: now that long before the days of Śabara (date cannot be later than 500 A.D.) the Baudhāyanadharmaśūtra was an authoritative smṛti; it follows that the Dharmaśūtra must be placed somewhere between 500-200 B.C.

According to Maxmuller the style of Baudhāyana’s works furnishes, as Dr. Burnell has pointed out, another argument for their high antiquity. Compared with the sūtras of Āpastamba and Hiranyakesin they are much simpler in their arrangement, and the
complete absence of that anxiety to save 'half a vowel' which characterises the fully developed sutra-style is very remarkable. The last point has been noticed by Govindasvāmin also. Baudhāyana first attempted to bring the teaching of the Taittirīyas on the dharma into a systematic form. Thus the rules on the law of inheritance are given without any apparent necessity and against the custom of the other sutrakāras in two different chapters, 1, 5, 11, 9-16 and II 2, 3, 1-44. The number of instances where Baudhāyana's rules are based on a more ancient order of ideas than Āpastamba's might be increased very considerably. It is a well-known fact that the ancient Vedic ritual in certain cases admitted Sudras, and particularly the Rathakāra or carpenter, who, according to all accounts, has Sudra blood in his veins, to a participation in the Śrauta rites. The Taîttrimyā-Brāhmaṇa even gives certain mantras to be recited by the Rathakāra at the agnyādāna sacrifice. Now Baudhāyana, who, derives the origin of the Rathakāras from a Vaiśya male and Sudra female, apparently reckons him amongst the twice-born, and explicitly allows him to receive the sacrament of the initiation. But Āpastamba, who shows great hostility against the mixed castes, and emphatically denies the right of Sudras to be initiated, gives the same rule regarding the reasons for the initiation both in his Gṛhya and Dharmasūtras. He, however, omits the Rathakāra in both cases.
There can be no doubt that Apastamba's exclusion of the carpenter, which agrees with the sentiments prevailing in modern brahmanical society, is an offshoot of a later doctrine, and as both he and Baudhāyana belong to the same vidyāvamsa, or spiritual family, this difference may be used as an argument for his posteriority to Baudhāyana. In connexion with this rule of Baudhāyana's it ought to be mentioned that even in the present day certain subdivisions of the modern sūtraś sutars or carpenters actually wear the brahmanical thread, and, in spite of the adverse teaching of the sāstras, find Brāhmaṇas willing to perform the ceremony of investiture for them.

While it thus appears not incredible that Baudhāyana really was the first Sutrakāra of the Taittirīyas, the numerous quotations which his works contain, permit us to form an idea of the extent of the Vedic and profane literature known to him. Among the Vedic works which he adduces as authorities, or otherwise refers to, the three sections of the Taittirīya-veda, the Samhitā, the Brāhmaṇa, and the Āranyaka, naturally take the first place. Two long passages, which apparently have been taken from the Satapatha-brāhmaṇa, testify to his acquaintance with the White Yajur-veda.

Baudhāyanadharmaśūtra originated from southern India. The history of administration, during the period of Baudhāyana will be introduced now in detail and if there are any changes are...
noticed compare to prior period that will be also shown in this context. We are to show in which point Baudhāyana differs with Gautama and in which matter there is unanimity between two Sutrakaras and also any new contribution has been noticed in Baudhāyanadharmaśūtra. There is no denying the fact that, in many places similarity between two sutrakaras has been maintained. The Sūtra-era is static, so no remarkable revolutionary changes have been observed in this age. Baudhāyanadharmaśūtra bears the truth and a few changes are sometimes noticed, but that is negligible.

In time of Baudhāyana the state was not small and simple. It is clearly proved from geographical border that Baudhāyana had connection with other countries. He has mentioned many countries and their inhabitants and their customs in his book. He is the first Sutrakāra who has mentioned about the samskāras (customs) of southern and northern India.

The rules and regulations of few countries are known from Baudhāyanadharmaśūtra. The names of the countries are noticed below: Anāga, Magadha, Saurāstra, Dākṣinātya, Upavrata, Sindhu and Sauvīra. The inhabitants of those countries were almost mixed castes.
Although there were existence of mixed castes in Baudhayana's time, society evolved mainly on the basis of the system of four castes. The honour and prestige of the brahmin — the most superior class of four castes were unimpaired. But the rules of occupation of the brahmin were more or less changed. Speciality has been observed regarding the occupation of the brahmins. Sacrifice, conducting a sacrifice, gift, acceptance, study and teaching were the main occupations of the brahmin, besides that, occupations like cowherd, artisan, actor, usurer and money-lender were also accepted by the brahmins in time of Baudhayana. For all these reasons the social status of the brahmins became much degraded.

A few new dharmas for the four castes imposed by Baudhayana were really remarkable. Many Dharmasūtrakāras allowed the higher castes to accept the occupation of lower caste in time of distress and difficulty. But no unanimity was noticed among Dharmasūtrakāras. Baudhayana was much liberal. In his time the brahmins could accept the occupation of the Kṣatriyas, the Vaisyās and even of the Śūdras in time of distress. In this context the statement of Baudhayana is interesting, 'adhyāpanayājanaprati-grahairasaktatāṃ kṣatradharmena jīvet pratyanantaravat'.

1. Baudhayanadharmaśūtra, 2.2.4.16
brahmin is unable to do the duty of teaching, conducting the sacrifice, acceptance, he will accept the duty of the Kṣatriyas, if not possible then the occupation of the Vaisya and if it is not possible also then the brahmin can accept the duty of the Śūdras. Gautama, while stating the occupation of the brahmins, allowed the brahmin to accept the occupation of the Kṣatriyas in time of distress, but in Baudhāyanadharma-sūtra, reverse statement is noticed. The statement is 'naiti gautamo'tyugro hi kṣatradharmo brahmaṇasya'. The meaning of the sūtra is - Gautama was always against of the view of acceptance of Kṣatriya-dharma for the brahmins, because the occupation of the Kṣatriyas was too violent for the brahmins. Then a question may arise that what is the utility of the statement 'tadālābhe kṣatriyavrτtiḥ'. In this context the opinion of Govindasvāmi commentator of Baudhāyanadharma-sūtra may be quoted. His statement is - prasiddha gautamīya "tadālābhe kṣatriyavrτtiḥ iti vacanāt anyadgautamasūtramastīti kalpyate". It may be supposed from the statement 'tadālābhe kṣatriyavrτtiḥ', that another book of Gautamadharma-sūtra might exist.

Baudhāyana, for the first time had implemented the rule for the Vaisya. The rule is - the Vaisya can accept the occupation

1. Baudhāyanadharma-sūtra, 2.2.4.17.
of the Kṣatriyas. Baudhāyana has instructed for the brahmins and the Kṣatriyas, in which circumstance they will accept weapon. His statement is as follows:

\[
gavārthe brahmanārthe va varṇanām vāpi samkare / 
\text{ग्रहितयातम विप्रविसाँ सात्रेम धर्मांश्वापेक्षाय} //^1
\]

The meaning of the sutra is, the brahmin, and the Vaisya will accept weapon for the cow, for the brahmins and if there is a chance of mixing of castes (varṇasamkara).

Baudhāyana also admits the doctrine that a priest who cannot support himself by the usual occupation of a brahmin, may take up arms and follow the profession of a warrior though here again his opinion is opposed to that of the earlier Gautama ("naitī gautamo' tyugro hi kṣatradharma brahmanāsya").

Besides that, acceptance of occupation of moneylender for the brahmins and the Kṣatriyas was noticed in Baudhāyana-dharmasūtra. Baudhāyana refers that "kāmaṁ tu pariiluptaṁtyaṁ kādarthāya nastikāya pāpiyase pūrvau dadyatāṁ"\(^2\) i.e. the brahmins

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1. Baudhāyana-dharmasūtra, 2.2.4.38
2. Ibid., 1.10.5.26.
and the Kṣatriyas if they desire they lend money with interest to the persons who are hater of śāstras, misers, atheist and sinners. The change of occupation of the brahmin and the kṣatriyas, in time of Baudhāyana was a remarkable event, because in time of Gautama there was no difference in occupation of the brahmin and the kṣatriya. Although there was a little bit change of occupation of the brahmans was noticed, but honour and supremacy of the brahmans were unimpaired. In a word they were most chosen caste of the society. The exclusive sovereignty of the brahmans in the sphere of framing of laws, establishment of laws and main advisor to the king was unimpaired. It can be easily enumerated by the following śūtra that the highest position and status of the brahmans were always regarded in society. The śūtra is as follows :-

*dhar*msāstrarathārūdhāḥvedākhargadharā dvijāḥ /
krdarthām api yad bruṣuyussa dharmāḥ paramaśmṛtaḥ //

whatever the brahmin, after ascending the chariot of religion and accepting the weapon of the Veda, utters even in fun, that will be regarded as great religion.

1. Baudhāyanadharmaśūtra, 1.1.1.14
Besides that Baudhāyana has not contributed something new for the Kṣatriyas, Vaiśyas and Śūdras. Their livelihood was almost the same. The Vaiśyas main occupation was money-lending with interest that has already been discussed. Baudhāyana for the first time fixed up the rate of interest on commodity. The rate of interest was 15%. He refers in his sūtra e.g. pañcaviṃśa  sātistveva pañcamasakī syat.  

Baudhāyana had very low estimation about the money-lenders. He had placed them in lowest position even to that of the slayer of the brahmins. 

In his time the status of the Śūdra was same. Regarding Śūdra Baudhāyana was not as much as strict like Gautama. Gautama was much biased about the brahmins. Baudhāyana placed the brahmins in highest position and status in society, but he did not exaggerate them in any place. In a word more elaborate descriptions about the system of four-caste was narrated in Gautamadharmaśūtra, but Baudhāyanadharmaśūtra was lacking in this compared to Gautamadharmaśūtra. The idea of excessive conservatism decreased considerably in the period of Baudhāyana.

1. Baudhāyanadharmaśūtra, 1.10.5.23.
It can be easily enumerated that Baudhayana has advanced a few steps for the betterment of society.

It has already been discussed before, that most of the mixed castes inhabited in Áṅga, Magadha, Saurāstra, Daksinātya. In time of Baudhayana, number of mixed castes increased as Baudhayana legally allowed marriage between higher caste and lower caste. In this context Baudhayana's statement holds the truth. The statement is - tesaṁ varṇanupūrvena catasro bhāryā brahmanasya1.

The epoch-making event in Baudhayana's time is occurrence of marriage between the brahmin and the Śūdra. Not only that, marriage between the Kṣatriyas and the Vaiśyas is also legally accepted. That is why Baudhayana says 'tisro brahmanasya' 'dvē vaiśasya'2. But society did not sanction this rule for Śūdra. Baudhayana says 'eka śūdrasya'3.

1. Baudhayana-dharmasūtra, 1.8.2
2. Ibid., 1.8.3-4
3. Ibid., 1.8.5
Baudhāyana has referred to names of fourteen mixed castes. Such as Ambastha, Nisāda and Ugra, Mahisya, Pulkasa, Vaideha, Dausmanta, Pāraśava, Sūta, Magadha, Ayogava, Kriṣa, Valdehaka, Cāndāla, Yavana etc. All the names of mixed castes had already been discussed in the Gautamadharasmātra excepting Vaiṇa, Kṣatr, Kukkuta, Svapāka and Rathakāra.

In Baudhāyanadharasmātra some new discussions on the origin of mixed caste are found. In his book he has stated different origins of same mixed caste in different chapters. We can conclude from this description that as all those above mentioned mixed castes are not classified and there is no mention of the word 'iṭyeke' i.e. 'Other scholars say so', then repeated mention of those same mixed caste in different chapters of the book are nothing but interpolation of the book. It can be proved by the statement of Baudhāyana. Baudhāyana in connection of the origin of the mixed caste 'svapāka' says that 'ambaṣṭhaḥ prathamayāṁ svapākah' - the meaning is svapāka originates Ambastha father and brahmin mother. Again Baudhāyana speaks of the same caste in another chapter 'ugrājjataḥ kṣattayāṁ svapākah'. The meaning is svapāka originates from Ugra father and Kṣatta mother. Thus he has stated about Kukkuta, Pulkasa and Vaiṇa.

1. Baudhāyanadharasmātra, 2.3.9
In the period of Baudhāyana a few new laws were framed on the mixed caste. In his time Niśāda and Rathakara have obtained social status.

Niśāda originates from the brahmin father and Śūdra mother. Niśāda belongs to both anuloma and pratiloma-class. Occupation of the Niśādas was fishing, hunting and selling of fish. Sometimes they had devoted themselves in war also. Niśādas were Cāndālas also. As the pratiloma-Niśāda were low-castes, they were exempted from inheritance of property. The commentator Govindasvāmī, holds the same view. Status of anuloma-Niśāda much improved in time of Baudhāyana. So long they were regarded as Śūdra, but in this period that is also wiped out. They obtained the right of Upanayana and sacrifice. In this context Baudhāyana says that - niśādana niśādyāma pāñcamāj jātonapahanti śudratam. Sudraism of fifth generation of Niśāda who comes from Niśāda father and Niśāda mother has been wiped out. Baudhāyana says that tamupanayet sāsthām yājyaśa saptamayavikṛto bhavati i.e. the sixth generation will be invested with holy thread and the seventh generation can perform sacrifice and then he will be flawless. The establishment of social status of Niśāda is a significant event in the period of Baudhāyana.

1. Baudhāyanadharmasūtra, 1.8.16.13
2. Ibid., 1.8.16.14
The name of mixed caste viz. Rathakāra was first noticed in Baudhāyanadharmaśutra. Rathakāra comes from Vaiśya father and Sudra mother. There are various types of controversy regarding social status of Rathakāra.

Some scholars included Rathakāra among higher three castes, again some of them opined that they were not under the same level of three castes and they were separate class other than three higher castes. Those who only made chariots belonged to higher three castes. According to Jaimini Rathakāra were 'Saudhanavarna' but not Sudra. They were separate class who were inferior to twice-born-caste. Jaimini says that as they had right to utter the hymn (mantra) 'ṛbaḥuḥām tvā', so they will be regarded as member with other castes. Rathakāra had right to agnyadhana, it was said in Jaimini-Sutra¹. It was said in Taittirīya-brāhmaṇa also that Rathakāra could perform agnyadhāna in rainy season. Different scholars had different views about the right of upanayana of Rathakāra. Baudhāyaṇagrhyasūtra has accepted the right of upanayana of Rathakāras. But Āpastamba-grhyasūtra did not accept that. Viśvarūpa said that the right of upanayana

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1. Jaiminisūtra, VI, 1.44ff
of Rathakara mentioned in some smrti-text was confused with adhana. Baudhayana had said something new about Rathakahs. His statement "brahmaññarajanya vaisyarathakaresvamam lipeta" proves that he has included them in the same level of higher three castes.

The social condition in Baudhayana's time did not change. It was almost static only a few changes were noticed in the dharma of four-castes and a few mixed castes. Society evolved on the basis of the system of four castes and four orders of life. The influence of social life is inseparably connected with the administration of a country.

Baudhayana recognised that the Veda was the source of all dharmas and then smriti and then sistacara. Baudhayana

1. Baudhayana-dharmaśytra, 1.3.5.9
2. Ibid., 1.1.1.1, upadisto dharmaḥ prativedam
3. Ibid., 1.1.1.2, smarto dvitiya
4. Ibid., 1.1.1.3, trtiya śiṣṭaśagramah
speaks of the speciality of Sista-person in his book. According to Baudhāyana, sistas are those who are free from jealous and pride, who keep only as much corn as is required for one year, who are free from lust, hypocrisy, ignorance, covetousness, delusion and indignation. The main characteristic feature of the sista is that they must have thorough knowledge of four Vedas according to the prescribed method together with Itihāsa and Purāṇas. They will have to know to draw inferences from the Vedas and they will tend to make people realise the teaching of the Vedas. Baudhāyana also mentions parisad which always consisted of sistas and whose main principle is to help and advise the king in administration.

The description of parisad is already noticed in Gautama-dharmasūtra. But there is a more elaborate description about parisad in this book. Baudhāyana states about the formation of parisad in the following sūtra:

1. Baudhāyanadharmasūtra, 1.1.1.5-6,

śiṣṭā khalu vigatamsarāḥ nirahankārāḥ kumbhidhānyā /
alolupa dambhadarpalobhamohakrodhavivarjītāḥ //
dharmenādhigato yesām vedassaparivrūpyānāḥ /
śiṣṭās tadanumāñajnah śrutiprathyakṣanetavaḥ //
Pariṣad will consist of ten brahmins. Among them four brahmins will be learned in the four Vedas, three will be efficient in the knowledge of three orders of life and three other brahmins will be expert in Mimamsa-Sastra, anga, and will be the inculcator of dharma.

Baudhāyana, not only refers to dasāvara-pariṣad, in absence of it, he has mentioned of another one also. As he said -

\[
\text{caturvaidyāṃ vikalpi ca āngaviddharmapāṭhakāḥ /} \\
\text{āśramasthastrayo viprāḥ parśadesā daśāvarā //}^{1}
\]

In absence of ten brahmins, spotless five, or three or only one brahmin can be the speaker of dharma, but thousand fools cannot be the speaker of dharma. As he said -

\[
\text{vahudvārasya dharmasya sūkṣmā dūranuṣṭa gatiḥ /} \\
\text{tasman na vacyā hyekena banujñenā'pi samśaye //}^{3}
\]

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1. Baudhāyanadharmaśutra, 1.1.1.8
2. Ibid., 1.1.1.9
3. Ibid., 1.1.1.13
The motion of dharma which has many doors is not easily intelligible. So if any confusion arises it is very difficult to find out a solution even for one brahmin expert in many knowledges also.

So there is no denying the fact that the help and advice of the brahmin learned in the Veda is indispensable when confusion and any problem will arise, and in time of any difficulty.

The importance of pariśad can be ascertained by the following statement of Dr. Beni Prasad. "It is probable that a pariśad or committee of this type was constituted to give what may be called a jurisconsutum. It might be dominated by priestly lawyers but its constitution would depend on the king who would 'pack' it at will. It would form a machinery for what must be pronounced a species of legislative business. The sphere of any such body, however, would be strictly limited."

Baudhāyana in his book has stated some customs about

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1. Dr. Beni Prasad, The state in Ancient India, p.69.
2. Baudhāyana-dharmasūtra, 1.1.2.3-4,

\[
yathaitadanupetena saha bhoganan striya saha bhoganan
\text{paryusitabhojanam mātulapitrsvardhitṛgamamaniti;}
\text{abhottaratārūpāvikrayaḥ śīchupānamu bhayatodadbhir-
\text{vyabaharaḥ ayudhikam samudrasamyanamiti}
\]

---
northern and southern India. But Baudhāyana himself is in dilemma about their authoritativeness. Nobody excepting Baudhāyana did not refer to the customs of two countries before or later. Baudhāyana instructed the injunction that if one country's practice of custom is used in another country that will be regarded as non-virtuous activity. That is why Baudhāyana says - itaraditarasmin kurvan dusyatitaraditarasmin.

There were many controversies among scholars regarding the authoritativeness of those customs. In the long run Baudhāyana has rejected all those customs. These customs will never be stamped as dharma, because the authority of those customs has not been written in the Veda. That is why Gautama said "mithey taditi gautamah" later Baudhāyana himself said that those customs will never be granted as authority, as they oppose the smṛti of Manu etc. e.g. ubhyam caiva nādiyeta

śīṣṭa smṛtivirodhadarsanānāt śīṣṭagemavirodhadarsanānacca

The fiscal system of Baudhāyanadharṣasūtra is of much significance. In commercial law judiciousness of Baudhāyana has been witnessed when it is noticed how he arranged the imposition

1. Baudhāyanadharṣasūtra, 1.1.2.5
2. Ibid., 1.1.2. 8-9
of tax on the commodities which were brought in by sea and also on the commodities of own countries. Baudhayana also gives importance upon the economical law like other Sutrakaras. Baudhayana is of opinion that the commodities which were imported by sea, out of that most superior portion will be rejected and the rest will be divided into hundred parts and tax will be imposed upon them by rupees 10\textsuperscript{1}. The superior things will be kept for the king. In connection with commodities of own country, Baudhayana says that tax will be fixed according to the value of the commodities and in any ways the merchants will not be harassed\textsuperscript{2}. Baudhayana differs with Gautama in connection with the commodities those are brought in sea. Where Baudhayana has imposed ten percent tax upon the commodities brought in sea, Gautama has imposed twenty percent tax upon those commodities.

Ethic of war framed by Baudhayana is significant. King was strictly restricted not to use poisonous weapons or trident in time of war (na kārnīvirna digdhai prataret\textsuperscript{3}). Moreover

1. Baudhayanadharmaśūtra, 1.10.18. 13-14,
   samudra sulkah, varam rupamuddhyata dasapanam satam
2. Ibid., 1.10.18.15,
   anyesamapi saranurupyenupahatya dharmam prakalpayet
3. Ibid., 1.10.18.10
it was immoral for king to kill women, children, old, brahmin, lunatic, drunk, coward and the persons who had no weapons. But it was not crime for a king if he killed the assassin. In this context the statement of Baudhāyana is noted below:

adhayāpakam kule jātām yo hanyādatatāyinaṁ /
na tena vṛūnatā bhavati manyuṣṭaṁ manyuṃcchatiti //¹

The statement is interesting as the first clear Hindu view of the ethics of war but we cannot be sure that it represents practical politics.

In Baudhāyana's time there was no change in formation of government. Government was monarchical. Appeal court of king was the main court. The state was very small in that time also, because there was no gradation of court. The formation of king's court was almost same.

The king was the chief judge. King cannot proceed to do any work without the help and advice of the brahmins. Sabhāsad was always present in the court as a right hand of the king. The presence of sabhāsad was first noticed in Baudhāyanadharmaśāstra.

1. Baudhāyanadharmaśāstra, 1.10.18.12
There were four pādas in judicial matter. Among them only kriyāpada was in vogue. There was only one proof of witness as kriyāpada in his time, e.g., lokasamgrahanārtham yathādṛṣṭam yathāsrutam sākṣi vṛuyat.

Judicial chapter was ignored by Baudhāyana like Gautama. The eighteen vivadapādas of later ages did not materialize in Baudhāyana's time also.

In Baudhāyanadharmaśūtra regarding law of punishment significant change was noticed. So long punishment was clarified into two—legal punishment promulgated by the king and another punishment—penance, imposed by the brahmin. In the sphere of penance the brahmīns were most powerful, in a word they were lord. But in Baudhāyanadharmaśūtra just reverse was noticed. The commentator Govindasvāmi noted that "evam tāvat śaṣṭā rājā duratmanāṁ" iti matvā prāyaścittanyapi rājā kārayitvamītyarthaṁ.

1. Baudhāyanadharmaśūtra, 1.7.19.9
2. Ibid., 1.7.19.8
From this commentary it was known that king for the first time obtained the right to apply punishment of penance. This was a rather remarkable event in sūtra-era. According to Baudhāyana the standard of application of punishment will be ascertained on the basis of place, time, health. Compared to Gautama the laws of punishment was little bit changed in Baudhāyana's time. The brahmin was exempted from capital punishment. If the kṣatriyas would kill the brahmin, they were captured and they had to face capital punishment. If anybody killed the kṣatriya he had to give the king thousand cows and more than one bull to ruin the enmity with others. If the Vaiśya was killed the accused had to give one hundred bulls and if the Sudra was killed, then he had to give

1. Baudhāyanadharmaśāstra, 1.1.1.16,

śarīram vālamāyuśca vayāḥ kālam ca karma ca /
śamikṣya dharmavidvudhiyā prayāścittāni niṛdiśet //

2. Ibid., 1.7.18.19,

kṣatriyādīnām brāhmaṇavatad pradātavardhastvavaharanām ca /
kṣatriyāvadhe gosahārasvavaiśkādānīm rajāṇa utṣṛṣedvair-
niryātanārtham //
ten bulls. All these laws were promulgated for the welfare of the king. One person was imposed at the same time by both punishment i.e., of penance punishment and legal punishment for same crime. Baudhāyana said, in the chapter of prāyaścitta that if the Kṣatriya was killed, the accused had to observe nine years of oblation of brahmahatya. If the Vaiśya was killed he had to observe the rules and regulations of brahmacarya - 'tisro vaiśyasya'.

We can come to a conclusion that by the application of two types of punishment to one person for the same crime, the law of promulgation of punishment was very severe and strict in Baudhāyana's time. Mass could not be relieved from anyone for their crimes. Penance was imposed on person for moral rectification. Legal punishment was imposed upon those persons, so that he could not involve himself again in any crime.

Vyavahāra was divided into two-civil and criminal, that has already been discussed in previous chapter. Daya and inheritance are included under civil laws. Criminal laws were

1. Baudhāyanadharmasūtra,

\[\text{satam vaisye dasa śudra ṛṣabhaścaātṛadhiḥkāh}\]

2. Ibid., 2.1.1.8, navasama ṛṣajanyasya

3. Ibid., 2.1.1.9
absolutely ignored by Baudhāyaṇa. Baudhāyaṇa did not prescribe any new laws or dharmas regarding dāya and inheritance. In this matter he was much influenced by the ancient Sutrakāras.

The following criteria demand discussion in the matter of division of ancestral property and inheritance. These are - the time of division, general rule or dharma of dāya, gradation of inheritance among savarṇa and asavarṇa sons, and uddhāra of eldest son.

Regarding the time of division of property all the Dharmasūtrakāras had prescribed the same rules - these were - after the death of father, if the father desires and after the cessation on puberty of mother, property would be divided.

Baudhāyaṇa, just like Gautama has mentioned eleven types of sons. Moreover he has stated two types of more sons - first Niṣāda - the twice born-pravara and Pārasāva. Niṣāda and Pārasāva are almost the same class of son. The only difference lies between them is that, the birth of son, Pārasāva is illegal whereas the birth of son, Niṣāda is legal. According to Baudhāyaṇa the first seven sons are known as ṛkthabhāja i.e. owner of inheritance and rest are gotrabhāja i.e. owner of title.
According to Baudhāyana all sons are equal co-sharer of property

Regarding the division of property Baudhāyana prescribes that the whole property should be divided into ten parts. Out of that ten parts four, three, two, and one part should be divided among brahmin, Kṣatriya, Vaiśya and Śudra respectively. Aurasason who is born of same caste will get one third of the property. But if Kṣatriya-son is more qualified than brahmin-son then he will get the part of elder son. This law in regard to partition of property reveals that in time of Baudhāyana, supremacy of the brahmin has been to some extent decreased, because much importance was given the qualification of Kṣatriya-son. Besides that, this law of partition framed by Baudhāyana hints at the law of primogeniture.

1. Baudhāyanadharmaśāstra, 2.2.8.3
2. Ibid., 2.2.3.10,

3. Ibid., 2.2.3.11, aurase tuṭpanne savargaśātriyaṃsāharāḥ
4. Ibid., 2.2.3.12, svavarnaṣputraṇantarāputrayorantāṣputraśced
gunavan sa jyesthāṃsāṃ haret
Baudhayana’s law of dāya in regard to Nīśāda-putra is also significant. Firstly he has included Nīśāda-putra among eleven types of son. Before that no Sutrakāra did so. Nīśāda was regarded as gotrabhāja for the first time, that’s why his social status had much increased. Even Nīśāda obtained the same status of the brahmin. The statement of Baudhayana regarding the origin of Nīśāda is as follows - dvijātipravarāchūdrāyām jāto nīśādhaḥ. Govindasvāmī has meant by the word ‘dvijātipravara’ Nīśāda comes from brahmin father and Sudra mother. If Nīśāda is gotrabhāja he will belong to brahmin’s gotra. For that reason Nīśāda had obtained the same social status of the brahmin. So improvement of high social status of Nīśāda is another remarkable event in the period of Baudhayana.

It is well-known that ancestral property will be divided among the sons. But in absence of son, the ancestral property will be divided among sapinda, in absence of sapinda among sakulya, in absence of them, among the teachers, in absence of them among the disciples and in absence of them among rtvik. In absence of them king will divide the property among the brahmins who are learned in the Vedas.

1. Baudhāyanadharmaśūtra, 2.2.3.29
According to Baudhāyana the daughters cannot inherit property under any circumstance. In connection with udbhāra, Baudhāyana says that the eldest son will inherit one part of the whole property.

Baudhāyana did not discuss in detail about strīdhana. Baudhāyana divided strīdhana into two parts, i.e. communal and not communal. The communal-strīdhana will go to daughters only - maturālāṃkāraṃ duhitassampradāyikāṃ labheranyadvā. Regarding marriage Baudhāyana prescribed eight kinds of marriage like his predecessor Gautama. But Baudhāyana sanctioned marriage between higher caste and lower caste. It was legally approved in his time and it is also another significant event in Baudhāyana's time which was not approved before. In this regard Baudhāyana's outlook was more broad and modern than Gautama. Baudhāyana's another new contribution regarding the marriage of the Vaiśya and Śūdra, has showed his broader outlook when he says - 'ayantritakalatā hi vaiśyasūdrā bhavanti' the meaning is the wife of Vaiśya and Śūdra is uncontrolled. It was supposed that when the two castes came in contact in commercial affair, marriage between two castes came in vogue.

1. Baudhāyanadharmaśāstra, 2.2.3-44
Treasury was the main source of income of the country. The king enjoyed from the subjects one-sixth part of his produced commodity. The inherited property whose owner was lost was another source of collection of money for the king. Besides that, commercial tax is another source of income for treasury.

The king's duty was to protect the property of minors till they will be sixteen years old.

Sutrakāra has arranged to protect and rear the disable person with the help of the state. In Baudhayana's time state would provide food and lodging for the blind, crippled, impotent, sick, discouraged those who were addicted to vices when they overcame the age of minority.

Baudhayana was always careful to maintain old tradition and it can be concluded that no originality was noticed in social and political policy of Baudhayana. The marriage between higher caste and lower caste, complete prohibition of niyoga-system — these are the new contributions of Baudhayana. Upliftment of social status of Nisāda is another new contribution of Baudhayana. But still it can be held that the Baudhayana-dharmasūtra is nothing but resonance or echo of Gautamadharmasūtra. No revolutionary change or establishment of new dharma was noticed in Baudhayana-dharmasūtra.
Apastambadharmasūtra was composed just after Baudhāyana-dharmasūtra. Kane remarked that according to Śabarā, Apastambadharmasūtra was the best authentic book in Śruti-sastra. In Apastambadharmasūtra the influence of Hinduism was found, no other religion like Buddhism, Jainism, Saivism etc. were noticed. Most probably it was composed in the period of Jaimini. The influence of Jaimini was noticed in many sūtras of Apastamba. It was supposed that the Apastambadharmasūtra was composed between 6th cen. B.C. to 3rd cen. B.C.

The Apastambakalpasūtra of the Taittirīya-Sākhā of the Black Yajurveda is divided into 30 praśnas. The first 24 praśnas contain the treatment of Śrauta sacrifices; the 25th contains paribhaṣās, pravārakhaṇḍa, and Hautrakā prayers to be recited by Hotr priests; 26th and 27th praśnas constitute the Grhyasūtra, the 28th and 29th Dharmasūtra and the 30th praśna is the Sulvasūtra.

According to the Caranaṇāyuka, Āpastamba is one of the five sub-divisions of the Khaṇḍikīya school of the Taittirīya Sākhā of the Black Yajurveda. Whether the author of the Āpastambiya Śrauta, Grhya and Dharma sūtras is the same, is difficult to determine. One sūtra in the Āpastambadhāma is the same as Āpastamba-Srauta. Oldenberg does not subscribe to Bühler's view.
that the author is of the Āpastambasūtra and dharmasūtra were identical and gives it as his own view that another person of the same school might have imitated the style of the other of the Śrauta. Whatever may be said of the identity of the authorship of the Śrauta and Dharma sūtras, the Grhya and Dharma seem to be very closely related and both seem to be the compositions of the same author. The Āpastamba-Gṛhya-sūtra, as compared with the Āśvalāyana-grhya or Gobhilagṛhya, is extremely brief and leaves out many rules that are given in other Gṛhya works. For example, about the choice of a girl Āpastambagṛhya gives only a single rule. While it is the Dharmasūtra that tells us that the bride must not be sāgotra nor sapinda. The Āpastambagṛhya is silent about the forms of marriage, about holidays, about the duties of brahmācarins and such other subjects which are generally treated of in other Gṛhya sūtras. These subjects are dealt with in the Āpastambadhatmasūtra and there are several places where the Dharmasūtra presupposes the existence of the Gṛhya and refers to it. All these facts make it highly probable, if not certain, that the Gṛhya and Dharmasūtras were composed by the same author and that the details of certain topics were purposely omitted in the Gṛhya to avoid repetition. The Smṛticandrika distinctly asserts that the author of the Dharmasūtra and the Gṛhya-sūtra was the same.

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

Each of the two prasnas of the Āpastambaḥarmasūtra
is divided into eleven patalas, there being 32 and 29 khandikās
in the two patalas respectively. The Dharmaṣūtra is written in
a more concise and compact style than that of Baudhāyana and
has more archaic and un-Pāṇinean forms than any other extant
Dharmaṣūtra. Though the Āpastambaḥarmasūtra is mainly in prose,
there are verses here and there. Some of the verses are expressly
stated to be taken from other sources by being introduced with
the word 'udāharanti' or with "athāpyudāharanti". Besides these
there are several isolated verses, most of which seem to be
quotations, though not introduced with words like "udāharanti".
Some of these verses are defective in metre, there being nine
syllables in one anuśṭubh pada. One of the verses is in the
classical Upaṭṭi metre, while another closely approaches that
metre. Thus in all there are about twenty verses, of which at
least six occur in Baudhāyana. Besides these there are several
verses in the patalas dealing with metaphysics that are pieced
together largely from Upaniṣad passages. Āpastamba in several
places employs the first person plural about himself; Haradatta
points out that in his day there was difference in the text as
handed down in northern and in southern India.
Apastamba quotes, besides the Samhitās, the Brāhmaṇas very frequently. He quotes the Vājasaneyaka and the Vājasaneyī-brāhmaṇa. He speaks of the Upaniṣads. His quotations from the Tāittirīya Aranyaka agree, according to Bühlcr, with the text current in the Andhra country. He speaks of the six angas of the Veda and in the next sūtra enumerates Chandas, Kalpaṅk grammar, Jyotiṣa, Nirukta, Śikṣā, (phonetics) and Chandovīcīti (metrics), which are seven (Śikṣā being probably intended to be included in grammar). There are passages in Apastamba which agree with the Nirukta, e.g. the definition of ācārya. He quotes the views of ten writers on dharma by name, viz. Eka, Kārya, Kūnika, Kutsa, Kautsa, Puṣkarasādi, Vārṣyaṇa, Śvetaketu, Harīta. Some of the names (viz. Kautsa, Vārṣyaṇa, and Puṣkarasādi) occur in the Nirukta. He quotes the view of Śvetaketu in Śvetaketu's own words that even a married man should every year stay with his teacher for two months to refresh his studies and gives it as his own opinion that Śvetaketu's view is opposed to the Sāstras (the Vedas). In another place he speaks of Śvetaketu as an avara (a person belonging to later ages) and as one who on account of the remnant of his meritorious actions done in a former life or lives was able to grasp the four Vedas in a short time. It is usual to see in this a reference to Śvetaketu in the Chandogya Upaniṣad where it is stated that Śvetaketu mastered all the Vedas in twelve years. But this identification is somewhat of doubtful value. Apastamba quotes Śvetaketu as a teacher
of dharma. The quotation from Śvetaketu given by Āpastamba has nothing corresponding to it in the Upaniṣad. Besides the Chāndogya Upaniṣad appears to make a distinction between two Śvetaketu's one being called Āruṇeya and the other Āruṇi (son of Aruṇa). Harīta, whose views are cited so frequently, is quoted by Baudhāyana and also by Vasiṣṭha. It has been shown above that there are close parallels in thought and expression between Baudhāyana and Āpastamba. In several places Āpastamba seems to be controvering the views of Baudhāyana or similar views held by others. Āpastamba condemns the view of giving the paternal wealth to the eldest son as opposed to the Vedas and explains the Vedic text about the eldest son being endowed with all wealth as a mere anuvāda and not a vidhi. Baudhāyana cites both the texts of the Taittirīya sūhītsa about equal division among sons and about the eldest son's larger share and seems to favour the latter view by putting it last. Similarly the discussion in Āpastamba about a Brahma-carin eating the leavings (ucchīṣṭa) of his guru, provided the things are not directly forbidden by śruti, seems to be directed against Baudhāyana. Although Āpasṭamba does not expressly quote Gautama, he appears to have had before him the Gautamadharmaśūtra. He speaks of a smṛti that lays down that upanayana confers adhikāra on a man for śāstric actions and that before upanayana one is free to do anything and to eat anything. This, as interpreted by Haradatta, refers to Gautama.
There are striking coincidences between Gautama and Āpastamba, Āpastamba frequently refers to the views of his predecessors in the words 'eke', and 'aparam'. It is somewhat remarkable than in many of these cases (where 'eke' occurs), the views are those either held by Gautama or ascribed by him also to others. Āpastamba twice quotes verses from a Purāṇa and in one place gives in prose the view of a Purāṇa. Āpastamba speaks of the view of a Bhavīṣyatpurāṇa (about creation of the world after a periodic dissolution). In one place Āpastamba says that 'the knowledge that exists (traditionally) among women and śūdras is the furthest limit of vidyā and it is said to be a supplement of the Atharvaveda. Here he probably refers to Arthaśāstra, which according to the caraṇavyūha, is the Upaveda of the Atharvaveda. Āpastamba refers to Manu as founder of the institution of śrāddha. But this appears to be a reference to Manu, the mythical progenitor of mankind and not to the Manusmṛti. It is noteworthy that Āpastamba quotes a verse, which is the same as Anuśāsanaparva.

The Āpastamba-dharmasūtra stands in a peculiar relation to the Purvamīmāṃsā. It is the only extant Dharmasūtra that contains many of the technical terms and doctrines of the Mīmāṃsā. He says 'a positive Vedic text is more cogent than an usage which merely leads to an inference. This refers to Jaimini’s rule "if there is a conflict between an express Vedic text and Smṛti,"
the latter is to be disregarded; but if there be no conflict
an inference may be made that the Smrti is based upon some
Sruti". In another place Āpastamba says 'where an action is
done on account of finding pleasure therefrom there is no
(inference of its being based on) Sastra'. This is the same
as Jaimini's teaching. He speaks of the convention (samaya) of
those know Nyāya (i.e. Mīmāṃsā) that āngas (such as the
Kalpasūtras are) cannot be designated the Vedas (which are
the principal), which is clearly a reference to Pūrvamīmāṃsā
and he says that those who know Nyāya lay down that a mere
anuvāda (affirming or reciting) of what is well-known to all
is not a positive rule (a vidhi), which is similar to Jaimini's
rule. The dictum of Āpastamba that the word "sale" (kryā)
applied to a bride in some Vedic texts is merely figurative
closely resembles Jaimini's remarks on the same point. The
remark of Āpastamba that the rules of anadhyāya only apply to
Vedic study and not to the recital of mantras at sacrifices
corresponds to a rule in Jaimini almost in the same words.
These example show that in Āpastamba's day Mīmāṃsā doctrines
had been far & advanced and that works existed that dealt with
Mīmāṃsā topics (Nyāyas). The correspondence in language with
the Pūrvamīmāṃsā-sūtra is so close that one is tempted to advance
the view that Āpastamba knew the extant Mīmāṃsā-sūtra or an
earlier version of it that contained almost the same expressions.
It cannot be said that all these passages are later interpolations. They have all been explained by Haradatta and one of the śūtras referring to Mīmāṃsā topics occurs in so early a work as the commentary of Viśvarūpa who quotes "brāhmaṇoktavidhayaḥ".

The Dharmaśūtra of Āpastamba has been quoted from very ancient times as authoritative. Śabara in his bhāṣya on Jaimini quotes one śūtra of Āpastamba and a paraphrase of another. The Tantravārttika refers to the śūtras of Āpastamba about local and family usages, about drinking wine and about the conflict between the views of Baudhāyana and Āpastamba. Sāṅkaraśārya in his bhāṣya on Brahmaśūtra quotes Āpastamba (about the planting of trees for fruit as a meritorious act and the collateral benefits of shade and fragrance). He also cites about the supreme soul a half verse from Āpastamba. The two pātālas of Āpastamba dealing with adhyātma (philosophy) were commented upon by Sāṅkaraśārya, who, from the general style and method of the commentary seems to be the same as the great acārya. Viśvarūpa quotes in his commentary on Yājñavalkya (acāra and vyavahāra only) Āpastamba's śūtras about twenty times. The quotations show that the text of Āpastamba was identical with the one printed, barring a few variations that are no more than mere slips on the part of the scribes of manuscripts. In his
commentary on Yājñavalkya Viśvarūpa quotes eighteen sūtras of Āpastamba consecutively which are the same as those in the printed text. The Mitākṣara has several quotations and Aparārka contains about two hundred sūtras of Āpastamba, though rather in a mutilated form. But it is not necessary to refer to these and other later works in detail, since Haradatta's commentary, as will be shown later on, was written about the time of Aparārka. Thus from the days of Śabara (500 A.D. at the latest to 1100 A.D.) we have a host of writers who vouch for the authenticity of the extant text of Āpastamba.

About the home and personal history of Āpastamba little is known. Āpastamba is not an ancient name. It does not occur in the Vedic texts. It occurs in the gaṇa "Biddādi" in Pāṇini. He speaks of himself as belonging to later ages (āvāra). In the tarpāṇa he is generally mentioned after Baudhāyana and before Satyaśādha Hiranyakesin. Therefore according to tradition his school was elder or more authoritative than that of Hiranyakesin. In one place Āpastamba refers to a peculiar śrāddha usage of the udīcyas. Āpastamba must be supposed to have embodied in his work the usages of his own country. If he specially mentions the usages of a particular locality, it would follow that he did not hail from that locality. But the exact meaning of "udīcyā" is doubtful. Haradatta quotes a verse of the grammarians,
according to which the country north of the Saravatī was called "Udīcyā". According to the Mahāravā quoted in the commentary on the caraṇavyūha the Āpastambīyas were to be found to the south of the Narmada, in the south-east, that is, in Andhra and the territory about the mouth of the Godavari. Therefore it is natural to suppose that Āpastamba's school had its origin in the south and probably in Andhra. The Pallavas made land grants to Āpastambīyas.

The age of the Āpastambadharmaśūtra can be settled within only approximate limits. It is probably later than the Gautama-
dharmaśūtra and also the Baudhāyanadharmaśūtra and before 500 A.D. it was an authoritative Smṛti work according to Sabara. Āpastamba is enumerated by Yājñavalkya as a writer on dharma and by Sankha-Likhita. Its style and grammar (which is un Paninian in the extreme) entitle it to great antiquity. There is no clear reference to Buddhism and other schisms anywhere. It appears to look upon Śvetaketu as not far removed from its own epoch. It was probably written at a time when Jaimini had founded his school. Hence we shall not be far wrong if we assign it to some period between 600-300 B.C. On several points his views are opposed to those of his predecessors, e.g. he rejects secondary sons, condemns niyoga, does not admit Paiśāca and Prājēpatya as valid forms of marriage. There are other points also wherein Āpastamba differs from Gautama and the other
Sutrakaras. Gautama and Baudhāyana give long lists of mixed castes and Gautama includes Yavana among them. Āpastamba is silent on this point. But this has hardly any bearing on chronology. Even the Vedic works mention the Niṣāda and the Purvamīmāṁsāsūtra has a special adhikaraṇa devoted to him; the Brahmaṇi Upaniṣad mentions such castes as Cāndala, and the Gīta mentions the Svapaka. The Āpastamba Śrāuta speaks of the Niṣāda. The Āpastamba-dharmasūtra mentions Cāndala, Paulkasa and Vaiṇa. Gautama forbids the eating of the flesh of cows and bulls, while Āpastamba seems to allow it and cites the Vaiṣaṇeya for support. In this connection it has to be noted that Vaiśeṣika also has a similar sūtra. Āpastamba prescribes a penance for one who practices usury and lays down that one should not eat at the usurer’s while Gautama appears to allow usury to a Brahmāṇa as a calling if done through an agent. Baudhāyana, on the other hand, quotes verses that condemn usury in strong language as even worse than brahmahatya, holds that a Brahmāṇa who is a usurer should be treated as a Śūdra and allows the first two castes to practise usury only towards atheists, Śūdras and such like persons. So these differences of Āpastamba from others are hardly conclusive as to his chronological position.

The commentary of Haradatta called Ujjvala-वृत्ति is the only one so far recovered. The Śrutaśāstra quotes a passage
from the bāṣya of Āpastamba and in another place it quotes the explanation of the bāṣyakāra on Āpastamba. Both these passages are not found in the commentary of Haradatta, though in the latter case, Haradatta holds the same view as that of the bāṣyakāra. Similarly the Viramitrodaya quotes the bāṣyakāra of Āpastamba, but that quotation does not agree with Haradatta. Haradatta himself does not call his work bāṣya, but vr̥tti. Haradatta himself cites sometimes two or three other interpretations of the same sūtra. So the bāṣyakāra was probably one of his predecessors.

In Aparārka, Haradatta, Smṛticandrika and other works three are numerous quotations in verse ascribed to Āpastamba. These quotations are concerned with topics of Āhniκa, Śrāddha, and Prāyaścitta. The Smṛticandrika quotes a Stotra Āpastamba. Haradatta on Gautama quotes several verses on prāyaścitta from Āpastamba. Three of these verses are found in the Āpastambasmṛti in verse. The Smṛti printed by Jivanānda contains about 207 verses in ten chapters on prāyaścitta and purifications. But the quotations from the Smṛticandrika and Aparārka show that the verse Āpastamba was a much larger work and since they regarded the versified work as equally authoritative with the sūtra work, the versified Smṛti must have been comparatively an ancient work.
According to Max Müller, Apastamba is younger than Baudhāyana. This may be made very probably by the following considerations. First, Baudhāyana's and Apastamba's works on dharma have a considerable number of sūtras in common. Thus in the chapter on penances not less than seven consecutive sūtras, prescribing the manner in which outcasts are to live and to obtain readmission into the brahmanical community for their children, occur in both treatises. Besides this passage, there are a number of single sūtras which agree literally. Taken by itself, this agreement does not prove much, as it may be explained in various ways. It may show either that Baudhāyana is older than Apastamba, and that the latter borrowed from the former, or that the reverse was the case. It may also indicate that both authors drew from one common source. But if it is taken together with two other facts, it gains a considerable importance. First, Apastamba holds in several cases doctrines which are of a later origin than those held by Baudhāyana. With respect to this point the puritan opinions which Apastamba puts forward regarding the substitutes for legitimate sons and regarding the appointment of widows (niyoga), and his restriction of the number of marriage-rites, may be adduced as examples. Like many other ancient teachers, Baudhāyana permits childless Aryans to satisfy their craving for representatives bearing their name, and to allay their fears of falling after death into the regions of torment through a failure
of the funeral oblations, by the affiliation of eleven kinds of substitutes for a legitimate son. Illegitimate sons of wives, the legitimate and illegitimate offspring of daughters, and the children of relatives, or even of strangers who may be solemnly adopted, or received as members of the family without any ceremony, or be acquired by purchase, are all allowed to take the place and the rights of legitimate sons. Apastamba declares his dissent from this doctrine. He allows legitimate sons alone to inherit their father's estate and to follow the occupations of his caste, and he explicitly forbids the sale and gift of children.

In like manner he protests against the custom of making over childless widows to brothers-in-law or other near relatives in order to obtain sons who are to offer the funeral oblations to the deceased husband's manes, while Baudhāyana has as yet no scruple on the subject. Finally, he omits from his list of the marriage-rites the Paisaca-vivaha, where the bride is obtained by fraud; though it is reluctantly admitted by Baudhāyana and other ancient teachers. There can be no doubt that the law which placed the regular continuance of the funeral oblations above all other considerations, and which allowed, in order to secure this object, even a violation of the sanctity of the marriage-tie
and other breaches of the principles of morality, belongs to an older order of ideas than the stricter views of Āpastamba. It is true that, according to Baudhāyana’s own statement, before his time an ancient sage named Aupajanghāni, who is also mentioned in the Śatapatha-brāhmaṇa, had opposed the old practice of taking substitutes for a legitimate son. It is also very probable that for a long time the opinions of the Brāhmaṇa teachers, who lived in different parts of India and belonged to different schools, may have been divided on this subject. Still it seems very improbable that of two authors who both belong to the same Veda and to the same school, the earlier one should hold the later doctrine, and the later one the earlier opinion. The contrary appears to be the more probable assumption. The same remarks apply to the cases of the Niyoga and of the Paisāca marriage.

The second fact, which bears on the question how the identity of so many sūtras in the two Dharmasūtras is to be explained, affords a still stronger proof of Āpastamba’s posteriority to Baudhāyana. For on several occasions, it appears, Āpastamba controverts opinions which Baudhāyana holds, or which may be defended with the help of the latter’s sūtras. The clearest case of this kind occurs in the chapter on inheritance, where the treatment of the eldest son on the division of the estate by the father is discussed. There Āpastamba gives it as his own opinion.
that the father should make an equal division of his property 'after having gladdened the eldest son by some (choice portion of his) wealth', i.e. after making him a present which should have some value, but should not be so valuable as to materially affect the equality of the shares. Further on he notices the opinions of other teachers on this subject, and states that the practice advocated by some, of allowing the eldest alone to inherit, as well as the custom prevailing in some countries, of allotting to the eldest all the father's gold, or the black cows, or the black iron and grain, is not in accordance with the precepts of the Vedas. In order to prove the latter assertion he quotes a passage of the Taittirīya Samhitā, in which it is declared that 'Manu divided his wealth among his sons', and no difference in the treatment of the eldest son is prescribed. He adds that a second passage occurs in the same Veda, which declares that 'they distinguish the eldest son by (a larger portion of) the heritage', and which thus apparently countenances the partiality for the first-born. But this second passage, he contends, appealing to the opinion of the Mīmāṃsākās, is, like many similar ones, merely a statement of a fact which has not the authority of an injunction. If we now turn to Baudhāyana, we find that he allows of three different methods for the distribution of the paternal estate. According to him, either an equal share may be given to each son, or the eldest may receive the best part of the wealth, or, also, a preferential
share of one tenth of the whole property. He further alleges that the cows, horses, goats, and sheep respectively go to the eldest sons of Brāhmaṇas, Kṣatriyas, Vaiśyas and Śūdras. As authority for the equal division he gives the first of the two Vedic passages quoted above; and for the doctrine that the oldest is to receive the best part of the estate, he quotes the second passage which Āpastamba considers to be without the force of injunction. The fact that the two authors' opinions clash is manifest, and the manner in which Āpastamba tries to show that the second Vedic passage possesses no authority, clearly indicates that before his time it had been held to contain an injunction. As no other author of a Dharmasūtra but Baudhāyana is known to have quoted it, the conclusion is that Āpastamba's remarks are directed against him. If Āpastamba does not mention Baudhāyana by name, the reason probably is that in olden times, just as in the present day, Brahmanical etiquette forbade a direct opposition against doctrines propounded by an old teacher who belongs to the same spiritual family (vidyāvamsa) as oneself.

A similar case occurs in the chapter on studentship, where Āpastamba, again appealing to the Mīmāṃsakas, combats the doctrine that pupils may eat forbidden food, such as honey, meat, and pungent condiments, if it is given to them as leavings
by their teacher. Baudhāyana gives no explicit rule on this point, but the wording of his sūtras is not opposed to the doctrine and practice, to which Āpastamba objects. Baudhāyana says that students shall avoid honey, meat, pungent condiments, etc.; he further enjoins that pupils are to obey their teachers except when ordered to commit crimes which cause loss of caste (pataniya) and he finally directs them to eat the fragments of food given to them by their teachers. As the eating of honey and other forbidden substances is not a crime causing loss of caste, it is possible that Baudhāyana himself may have considered it the duty of a pupil to eat any kind of food given by the teacher, even honey and meat. At all events the practice and doctrine which Āpastamba blames, may have been defended by the wording of Baudhāyana's rules.

The three points which have been just discussed, viz., the identity of a number of sūtras in the works of the two authors, the fact that Āpastamba advocates on some points more refined or puritan opinions, and, especially, that he labours to controvert doctrines contained in Baudhāyana's sūtras, give a powerful support to the traditional statement that he is younger than that teacher. It is, however, difficult to say how great the distance between the two really is.
The origin of the Āpastamba school falls in the middle of the sūtra period of the Black Yajurveda, and that its sūtras belong to the later, though not to be latest products of Vedic literature, are fully confirmed by an examination of the quotations from and references to Vedic and other books contained in Āpastamba's sūtras, and especially in the Dharmasūtra. We find that all the four Vedas are quoted or referred to. The three old ones, the Rķ, Yajus, and Sāman, are mentioned both separately and collectively by the name trayī vidyā, i.e. three-fold sacred science, and the fourth is called not Atharvāngirasah, as is done in most ancient sūtras, but Atharvaveda. The quotations from the Rķ and Sāman are not very numerous.

There is yet another point on which Āpastamba shows a remarkable agreement with a theory which is prevalent in later Sanskrit literature. He says, "The knowledge which Śudras and women possess, is the completion of all study", and 'they declare that this knowledge is a supplement of the Atharvaveda'. The commentator remarks with reference to these two sūtras, that 'the knowledge which Śudras and women possess', is the knowledge of dancing, acting, music, and other branches of the so-called Arthaśāstra, the science of useful arts and of trades, and that the object of the sūtras is to forbid the study of such matters before the acquisition of sacred learning. His interpretation is,
without doubt, correct, as similar sentiments are expressed by other teachers in parallel passages. But, if it is accepted, Āpastamba’s remark that ‘the knowledge of Šudras and women is a supplement of the Atharvaveda’, proves that he knew the division of Hindu learning which is taught in Madhusūdana Sarasvatī’s Prasthānabheda. For Madhusūdana allots to each Veda an upa-veda or supplementary Veda, and asserts that the Upa-veda of the Atharvaveda is the Arthaśāstra. The agreement of Āpastamba with the modern writers on this point, furnishes, an additional argument that he belongs to the later Vedic schoolmen.

According to the Brahmanical tradition, which is supported by a hint contained in the Dharmasūtra and by information derivable from inscriptions and the actual state of things in modern India, the Āpastambīyas belong to southern India and their founder probably was a native of or resided in the Andhra country.

The author did not follow Pāṇini’s grammar, and makes it very unlikely that he knew it at all. If the anomalous forms used by Āpastamba all agreed with the usage of the other Sūtra-kāras, known to us, it might be contended that, though acquainted with the rules of the great grammarian, he had elected to adopt by preference the language of the Vedic schools. But this is
by no means the case. The majority of the irregular forms are peculiar to Āpastamba. As it is thus not probable that Āpastamba employed his peculiar expressions in obedience to the tradition of the Vedic schools or of his particular school, he must have either been unacquainted with Pāṇini or have considered, his teachings of no great importance. In other word he must either have lived earlier than Pāṇini or before Pāṇini’s grammar had acquired general fame throughout India, and become the standard authority for Sanskrit authors. In either case so late a date as 150 B.C. or the first century B.C. would not fit. For Patanjali’s Mahābhāṣya furnishes abundant proof that at the time of its composition, in the second century B.C., Pāṇini’s grammar occupied a position similar to that which it holds now, and has held since the beginning of our era in the estimation of the learned of India. On linguistic grounds it seems that Āpastamba cannot be placed later than the third century B.C., and if his statement regarding Śvetaketu is taken into account, the lower limit for the composition of his śūtras must be put further back by 150-200 years.

Āpastamba expressly sanctions local usages, opposed to the teaching of the Vedas, for the natives of those districts where they had prevailed since ancient times. Now, that is just an opinion, which our Dharmasūtra declares to be wrong and refutes repeatedly.
It appears that Āpastamba did not ascertain the limited span of dharma. The main speciality of the dharma is to maintain consistency with time. The time and age are always progressive. The change and advancement of dharma are certain when it keeps symmetry with the progress of country, age and person, simultaneously we cannot refuse the difference of idealism in dharma. In sutra-age Gautama, Baudhāyana, Āpastamba, Vasiṣṭha, Visṇu etc. composed Dharma-sūtras. But difference of time among them was much limited. During this limited period a few change and evolution were noticed, but that was also very limited and scanty. The scholars who were learned in the Veda had advanced on the basis of some eternal truth. Where the society and the country were initiated with the idealism of the Veda and non-Vedic and anti-Vedic activities were strictly forbidden and hated by the society, there any revolutionary change was beyond imagination. Āpastamba had interpolated only on the statement of Gautama and Baudhāyana. A few changes took place during the short interval of time. Significant individuality was noticed in Āpastambadharma-sūtra compared to Gautama and Baudhāyanadharma-sūtra. As for instance, Āpastamba had rejected the secondary sons and the system of niyoga. He rejected paisāca and prajāpatya type of marriage among eight kinds of marriages. He was completely silent about mixed caste. The most significant event is that during his time eating of beef was approved by society which was condemned before. In this regard Āpastamba was more liberal.
as he says (but the meat) of milch cows and oxen may be eaten (dhenvandurbhaksyam) and the Vājasaneyaka declares "bull's flesh is fit for offerings" e.g. medhyasyanaduha vājaseneyakam. But in other aspects Āpastamba was more strict and conservative, compared to his predecessors. Gautama and Baudhāyana accepted the occupation of money-lender for the brahmins in special case, but Āpastamba fully condemned this custom. He even declared severe punishment for the money-lender-brahmin and eating in the house of those brahmins was not permissible by śāstras. Moreover he condemned the custom of acceptance of the occupation of the Kṣatriyas for the brahmins.

Āpastamba, like Gautama has stressed upon the conventional laws (śamayācārika-dharma) as he says 'athātassamayācārikāndharmān vyakhyasyāmaḥ. Maxmuller explains the sutra as: now, therefore, we will declare the acts productive of merit which form part of the customs of daily life, as they have been settled by the agreement (of those who know the law).

1. Āpastambadharmasutra, 1.5.17.30
2. Ibid., 1.5.17.31
3. Ibid., 1.1.1.1.
Samaya 'agreement, decision', is three fold. It includes injunction, restriction and prohibition. Dharma, 'acts productive of merit', usually translated by 'duty or law', is more accurately explained as an act which produces the quality of the soul called apūrva, the cause of heavenly bliss and of final liberation.

Apastamba, further opines that 'dharmanjna samayāḥ prāmaṇam', 'vedāśca'¹ - i.e. the authority (for these duties) is the agreement of those who know the law, (and the authorities for the latter are) the Vedas only. The commentary explains the sūtra as dharma-jye manvādayasteṣām samayāḥ prāmaṇam dharma-dharmayoh. Apastamba like other sūtrakāras accepts the Veda as the main source of dharma and he further states that the Veda is much authoritative than customs (ācāra) and inference (anumāna). As he says - 'srutirhi valiyaśeṣaṃ anumānikiāna-cārāt'². Maxmuller translates the sūtra as 'for (explicit) revealed texts have greater force than custom from which (the existence of a permissive passage revelation) may be inferred.'

1. Āpastambadharmasūtra, 1.1.1.2-3
2. Ibid., 1.1.4.8
Haradatta opines that Ānumanika means "proper to be inferred from*. For the existence of the text of the revelation or tradition (smṛti) is inferred from custom. A visible text of the revelation is (however) of greater weight than a custom from which the existence of a text may be inferred. It is impossible to infer (the existence of a text) which is opposed to such (a visible text), on account of the maxim 'an inference (can be made only, if it is) not opposed (by ocular proof)".

Āpastamba by speaking thus ("for revealed texts", etc.) shows that the rule forbidding a student to eat pungent condiments, salt, etc. is based on the existing text of a Brāhmaṇa.

Āpastamba other than the Veda accepts also the conduct of the countries which are recognised by the main three twice-born-caste as the sources of dharma. Maxmuller explains Āpastamba's statement as (the indications for these doubtful cases are) 'he shall regulate his course of action according to the conduct which is unanimously recognised in all countries by men of the three twice-born-castes, who have been properly obedient (to their teachers), who are aged, of subdued senses, neither given to avarice, nor hypocrites. Acting thus he will gain both worlds¹. Here by the word 'men of the three twice-born-castes', much broader outlook of Āpastamba is noticed.

¹. Āpastambadharmasūtra, 2.11.29.15 - sarvajanapadesvēkānta
samāhitamāryaṇāṃ vṛttam samyagvinītanāṃ vyddhanām ātmavatam
alolupānām adāmbhikānāṃ vṛttasādṛṣyam bhajeta evam ubhau
lokāvabhijayati
Recognition of three twice-born-caste in the sphere of acceptance of conduct of countries as dharma had never been accepted as authoritative by previous Dharmasūtrakāras. The laws (dharma) established by the brahmīns, who are virtuous and learned in the Vedas had always been recognised as authoritative. In Āpastambadharmasūtra the Kṣatriyas and the Vaiśyas who are virtuous were uplifted. This idea of Āpastamba is really novel in sūtra literature.

Society was almost the same. It evolved on the basis of the system four-castes; four orders of life and the religion of the Veda. The social status of the brahmīn, the Kṣatriyas and the Vaiśya was the same. But the change of social status of the Sudras during his time was a significant factor. So long the Sudras were regarded as hatred, outcaste and non-aryans, but during the period of Āpastamba the upliftment of social-status of the Sudras was a remarkable and most important event.

First, the practice of the Veda by the Sudras was noticed in the third chapter of first prasāna of his book. This arrangement for the Sudras in the sūtra-period was brought in not only for the first time but the idea is also novel. The truth of this arrangement can be proved by the statement of Āpastamba. It is
as follows - * antardhāne va śūdrasya* remnants of food should be bestowed to brahmacārī-śūdra. Maxmuller translated this statement in a following manner - 'Or (he may put it down) near a Śūdra (belonging to his teacher)'. In connection with rules and regulation of the brahmacārī prescribed by Āpastamba this statement was noticed. Haradatta had commented in this manner "ācāryadāsāya va śūdrāya paryavadadayāt". So from the commentary of Haradatta and translation of Bühler it clearly reveals that the practice of studying of the Veda for the Śūdra was in vogue in the period of Āpastamba. Another statement of Āpastamba was significant when he said in connection with rules of brahmacharya - e.g. viṣamagate tvācārya ugrataśūdrato va āharet² i.e. in time of difficulty the teacher will accept money from Ugra and the Śūdra. Although bowing down to teachers of the Śūdra class in time of difficulty was not so much an important factor but in later ages when Āpastamba established a dharma which was absolutely legal - that dharma was most important in sūtra era. The statement is - "sarvadā śūdrato ugrato va'ācāryārthaśāharaṇam dhārmam ityēke"³ i.e. according to many scholars, collection of money by ācārya-

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1. Āpastambadharmaśūtra, 1.1.3.41
2. Ibid., 1.2.7.20
3. Ibid., 1.2.7.21
father from the Sudra and Ugra was legally approved. Untouchability of the Sudra much decreased during the period of Apastamba. The Sudra had cooked with the aryan – that was also noticed in Apastambadharmasutra. As he said ‘aryādhiṣṭhita vā śūdrāssam-kartāraḥ syuh’. It was found in Apastambadharmasutra that even the food cooked by the Sudras has been bestowed to Gods. Maxmuller translates the sutra as or Sudra may prepare the food, under the superintendence of men of the first three castes. It was noticed in Apastambadharmasutra that the Sudra was honoured just like guest dasa vā rajakulādahpbyātithivadochudram pujayeyuh, i.e. the servant of the brahmin will worship the Sudra just like guest bringing rice from the royal store. Thus Apastamba’s idea and view regarding the Sudra was more enlightened as compared to previous Sutrakāras. The upliftment of social status of the Sudra was remarkable event in the system of four-caste. Apastamba did not recognise legally, acceptance of weapon, exchange of agricultural commodities for the brahmins. Apastamba clearly stated the following in connection with the right of commerce for the

1. Apastambadharmasutra, 2.2.3.4
2. Ibid., 2.2.4.20
for the brahmins - avihita brahmaśasya vanijya\(^1\) but he recognised purchase and sale of commodities for the brahmins in time of distress - e.g. āpadi vyavahāreta panyānām apanyāni vyudasyan\(^2\). Āpastamba declared that exchange with same commodities must be prohibited. That is why he said that - 'avihitascāiteśam mitho vinimayah.' Āpastamba has declared that exchange of rice with rice, person with a person, juice with juice, perfumes with perfumes, learning with learning is absolutely illegal\(^4\).

Regarding the occupation of the brahmins, a few changes have been noticed in Āpastamba. Besides studying, teaching, sacrifice conducting the sacrifice, gift and acceptance he has prescribed two more occupations for the brahmins - e.g. acceptance of daya and production of agricultural grains in the field e.g. 'dayadyam śilocchah.'

Moreover he has prescribed for the brahmins for other means of livelihood e.h. anyaccā'parigrhitam\(^6\) i.e. and he may live by taking other things which belong to nobody.

1. Āpastambadharmasūtra, 1.7.20.11
2. Ibid., 1.7.20.12
3. Ibid., 1.7.20.14
4. Ibid., 1.7.21.15, annena ca'mnasya manusyaña ca manusya'ī rasānām ca rasa'īrghañām ca gandhairvidyā'ī ca vidyā'īm
5. Ibid., 2.5.10.5
6. Ibid., 2.5.10.6
The meaning is - the brahmin can accept the occupation of the things belong to others, those have no owner.

The framing of laws regarding the four-caste-system and commercial affairs show the individuality and speciality of Āpastambadharmasūtra.

Āpastamba admits no absolute finality in law or morality. It is clear that there was no permanent, universal law. It varied from time to time and doubtless, from place to place.

In time of Āpastamba the Government was monarchical. During this period a few new assemblies and the post of new administrators came into being. The king administered the country with the help of the brahmins who are learned in the Vedas and purohita. The duty of local assemblies was to control the local problems. Two new administrator named 'Grāmadhyakṣa' and 'purādhyakṣa' came into being in Āpastamba's time. In this context Āpastamba said that 'grāmeṣu nagareṣu cārthādhucūn satyasilān prayāguptaye nidadh yat'\(^1\) i.e. the king shall appoint men of the first three castes, who are pure and truthful, over villages and towns for the protection of people. The duty of purādhyakṣa is to protect the thieves within the sphere of one yojana and the duty of grāmadhyakṣa was to protect those within the sphere of one kroṣa.

\(^{1}\) Āpastambadharmasūtra, 2.10.26.4
In this context Āpastamba said "sarvato yo jornaṃ nagaraṃ taskarebhyo rakṣyamā kroṣo grāmebhhyāḥ". Generally these officials were appointed from the castes the brahmin, the kṣatriya and the vaiśya. If in those localities, something was stolen, those officials were bound to give penalty to the king.

In Āpastambadharmasūtra one new proof named 'daiva-pramāṇa' first appears other than the proof of witness. The statement of Āpastamba can be noted here "suvicitaṁ vicityā daiva śaksibhyo rāja daṇḍam praśipadyeta". The king will apply punishment after judging the matter with the help of daiva and sākśi or witness-proof. Moreover another proof named anumāna is also noticed in Āpastambadharmasūtra. He clearly refers in his statement sandehe liṅgato daiveneti vicityā the king will take his decision in doubtful matter with the help of daiva (ordeal) and anumāna-proof (inference) and the like means.

1. Āpastambadharmasūtra, 2.10.26.6-7
2. Ibid., 2.10.26.8, tatra yanmuṣyate taistat pratidāpyam
3. Ibid., 2.5.11.3.
4. Ibid., 2.10.29.6
No new contribution is noticed in respect of revenue-system in Āpastambadharmasūtra. Only he has prescribed the names of the persons who need not pay any tax. The persons are as follows - 'śrotriya-brahmin, women minor, student, sage, blind, dumb, deaf, sick and the Śūdras. This maxim may be based partly on facts.

Āpastamba has framed a law in respect of the landowners which was not introduced before. The cultivators who did not cultivate in his own land, his all lands were seized. If the landowner was rich, he had to give the value of the amount of corn produced in his land, to the state. If anybody showed any negligence to the work of land, he was punished. A few rules have been prescribed in Āpastambadharmasūtra regarding paśu and svāmīpāla-vivāda. It seems that the detail description of this vivādapada which was one of the eighteen vivādapada is introduced in Āpastambadharmasūtra. Āpastamba has prescribed some new rules

1. Āpastambadharmasūtra, 2.10.29.6
2. Ibid., 2.11.28.1,
   kṣetram pratīghṛyoṇābhāvāt phatābhāve yasmṛddhassa
   bhāvi tadapāhāryaḥ
3. Ibid., 2.11.28.2. avaśīnāḥ kīnāsasya karmāyāse daṇḍataṇānam
about the judicial matter named pasūpāla. If any herds of beasts
are confined to anybody, those can be freed or released from
him⁠¹. The herdman could cultivate the land by confined beasts⁠².

That is why Maxmuller says the aryans forbid the slaughter
of those who have laid down their arms, of those who (beg for
mercy) with flying hair or joined hands and of fugitives⁠³.

In ethic of war no new contribution is noticed. The
persons who were stooped down in war, were always pardonable.
Apastamba promulgates a law about the women who are raped. If
any woman was forcibly raped, king would take all the responsi-
bilities of her maintenance.

In Apastambadharmasūtra, the method of judgement of
litigation by the brahmins are to be noted. He says if any
person when he devoted himself in any activities which were
to be performed by the injunctions of śāstras, involved himself

1. Apastambadharmasūtra, 2.11.28.4, avarodharmaḥ caṣya paśunām
2. Ibid., 2.11.28.5, hitvā vṛajam āditaḥ karsaṃy et paśun
3. Ibid., 2.5.10.12,
nyāstāyudha prakīrṇakeṣa ṣapāṇjaliparaḥbhāvṛttanāmāryaśvadham
paricaksate.
in any immoral activities due to passion, he had to force the punishment of penance according to sāstras. The accused had to stoop down to the punishment imposed by the ācārya-brahmin. If the accused did not obey him he was to be present towards king. The king then will present him to the efficient purohita who was expert in Dharmasastra and Arthaśāstra. Then purohita will appoint the brahmins for them. If it fails also he will be physically tortured. But application or imposition of slavery and capital punishment were forbidden for the brahmins. It is to be noted here that all these laws were applicable only for the brahmins. He has prescribed separate rules for other three castes. The king can apply capital punishment on the three castes after judging their crimes.

1. Āpastambadharmasūtra, 2.5.10.13,

śāstraṁ adhyatānam indriya daurvalyad vipatipannanāṁ
śāsta nirvesaṁ upadised yathākarma yathoktam

2. Ibid., 2.5.10.14, tasya cecchastramatipravartan-rajanāṁ gamayet

3. Ibid., 2.5.10.5, rājā purohitam dharmarthasukalām

4. Ibid., 2.5.10.16, sa brahmaṇāṁ niyūṇijyat

5. Ibid., 2.5.10.17, valavisesaṇa vadhadasyavarjam nīyamair upaśoṣayet

6. Ibid., 2.5.10.18, itaresam vṛñaṇāṁ āprāṇaviprayogat samaveksya
teseṁ karmāṇi rājā dandam pranayet
There were two types of punishments in time of Apastamba also - i.e. legal punishment imposed by king and penance imposed by the brahmins.

The most remarkable event in Apastambadharmasūtra is that the brahmin, for the first time was punished by the king. The statement of Apastamba is to be noted here i.e. cakṣūnirodhastetvēṣu brahmaṇasya i.e. if any offences committed by a brahmin, he shall be made blind. In the history of Sūtra literature this arrangement for the brahmins is most significant. It won't be exaggerated if it is said that it is an introduction of novel and new era of Sūtra literature.

The application of penance by Apastamba differs from other Sūtrakāras. As for instance if the Kṣatriya was killed the accused had to give one thousand cows to the brahmins. If the Vaiśya was killed, he had to give one hundred cows and if

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1. Apastambadharmasūtra, 2.10.21.11.
2. Ibid., 1.9.24.1, kṣatriyam hatva gavāṁ sahasram varīrāyanartham dadyat
3. Ibid., 1.9.24.2, śatam vaiśya
In civil law a few changes had been noticed. Āpastamba had rejected the marriage of prājāpatya and paisāca among eight types of marriages. The second time of marriage had been approved by Āpastamba for the first time.

Āpastamba hated the custom of adoption. His hatred feeling is clearly revealed in following statement e.g. - dānam krayadharmaśca'patyasya na vidyate i.e. the gift and purchase and sell of son was strictly forbidden. Haradatta in his commentary by the word 'dāna' has meant 'vikraya' i.e. sell. As Āpastamba, like other Śutrakārās did not mention twelve kinds of sons, that is why Haradatta opines that his arrangement of dharma will be applicable in case of eldest son, only son of wife.

About dāya and partition of property Āpastamba opines that a father during his life time will divide his property among the sons equally, rejecting impotent, lunatic and out-caste - e.g. "jīvan putrebhyo dāyam vibhajet samam klīvam unmattapatitam ca parihaṇipyāa". The significant law on regard to inheritance made by Āpastamba is the admittance of right of inheritance of daughters. In respect of inheritance property will be divided among sapinda, if there is no son. In absence

1. Āpastambadharmasūtra, 2.6.13.10
of sapinda to acarya, and in absence of acarya, among disciples -
the property will be divided. In absence of disciples the
property will be kept for expense of virtuous activities. After
that he prescribes the right of inheritance for daughters -
\[\text{duhita va}\]_1. If there is no daughter, the king will accept all
the properties - sarvabhave rājā dāyam haret\(^2\).

Another important matter which is noticeable in
Dharmasūtra of Āpastamba is that he did not say anything about
the uddhāra. He was impartial to the eldest son as he says
preference of the eldest son is forbidden by the śāstras\(^3\).
Even most uncommon thing is noticed from the right of inheritance
e.g. yastvadharmaṇa dravyāṇi pratiṣṭhāyati jeṣṭho'pi tama
bhāgam kurvīta\(^4\). According to Āpastamba all sons will inherit
equally. But Āpastamba has allocated to some special things
for eldest sons. The Veda declares also in confirmity with (rule
in favour of the eldest son) alone, they distinguish the eldest
by (a larger share of) the heritage, e.g., tasmāj jyēṣṭhaṃ putram
dhanena niravāṣayaṇaṃ tyekavacchr uyatē\(^5\).

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1. Āpastambadharmasūtra, 2.6.14.4
2. Ibid., 2.6.14.5
3. Ibid., 2.6.14.10, tatochāstair vipratividdham
4. Ibid., 2.6.14.6
5. Ibid., 2.6.14.11
About strīdhana Āpastamba did not mention any new law. Only he had prescribed that the ornaments of women will be regarded as kinsmen's property e.g. 'jñatidhanam cetyeke'\(^1\).

In short Āpastambadharmasūtra has advanced one step more as compared to Baudhāyanadharmaśutra. Āpastamba showed broader outlook than previous Sutrakāras. The dissimilarity of Āpastamba with Baudhāyana in certain matter was remarkable. As for instances Āpastamba did not give importance on the matter of twelve kinds of son, eight kinds of marriages and imposition of tax. Āpastamba did not accept the views of Baudhāyana regarding four-caste-system. The change of occupation of the brahmin in Āpastambadharmasūtra is also another significant matter. Āpastambadharmasūtra claims its originality in the laws regarding the system of commercial policy. Origin of post of new officials in administration and origin of proof of daiva and anumāna in judicial affairs proves the progress of time and age. The rules and regulations in respect of landowners claim the speciality of Āpastamba. The method of judgement in litigation made by the brahmins claims his fine judicious gesture. The imposition of legal punishment on the brahmmins occurs for the first time in Āpastamba. The right of inheritance of daughter in ancestral property is another significant aspect during the period of Āpastamba. Just the reverse

\(^1\) Āpastambadharmasūtra, 2.6.14.9
policy of this dharma has been upheld in Baudhāyana-dharmasūtra. So it seems that the progress in some spheres was unimpaired during the period of Āpastamba. The size of state enlarged, complications of the state much increased. The laws of penance clearly reveals that the rigidity of brahmanical supremacy has increased much more. Moreover, the originality of Āpastamba has been established in philosophy and Mimamsā-section. This is an additional cap on the head of Āpastamba.

The Dharmasutra of Vasiṣṭha was specially studied by the students of the Rgveda, but that along with other Dharmasūtras it is authoritative for all carāṇas. No Śrauta and Grhya sūtras of Vasiṣṭha, if they ever existed, have come down to us. We have therefore to fall back upon one of two hypotheses, viz. either the Dharmasūtra of Vasiṣṭha is the solitary remnant of a school that might have once possessed a complete kalpa or that it was composed as an independent work on dharma and was subsequently taken up by the students of the Rgveda, who had only Śrauta and Grhya sūtras of Āśvalāyana. The Dharmasūtra of Vasiṣṭha cites quotations from all Vedas and beyond the name Vasiṣṭha there is hardly anything special in the Dharmasūtra to connect it with the Rgveda. It is true that in the 17th chapter several verses of the Rgveda and several passages from the story of Śunaḥsēpa in the Aitareyabrāhmaṇa and quoted by the sūtra and that several hymns of the Rgveda, such as the asyavāmīya, havispāntiya,
aṣṭama are referred to in the 26th chapter. But there is nothing remarkable in this as some of the verses and sūktas are mentioned in the Baudhāyanadharmaśūtra also. Besides the Vasiṣṭhadharmaśūtra quotes several passages from the Taittirīyaśamhitā.

The contents of the Vasiṣṭhadharmaśūtra are:

I. Definition of dharma, limits of Āryavarta, who are sinners, the mortal sins, a Brāhmaṇa can marry a girl of any of the three higher castes, six forms of marriage, the king was to regulate the conduct of people and to take the sixth part of wealth as a tax; II. The four varṇas, the greatness of ācārya, before upanayana there is no authority for religious rites, the privileges and duties of the four castes, in distress a Brāhmaṇa could subsist by resorting to the calling of a Kṣatriya or Vaiśya, a Brāhmaṇa was forbidden to sell certain things, usury condemned, rates of interest allowed; III. Censure of illiterate Brāhmaṇa, rules on finding treasure-trove, who are atatāyins, when they could be killed in self-defence, who are panktipāvanas, constitution of a parisad, rules about ācamana, śauca and purification of various substances; IV. The constitution of the four castes is based upon birth and the performance of samskaras, the duties common to all castes, honouring guests, madhuparka,
impurity on birth and death; V. Dependence of women, rules of conduct for a rajasvāla; VI. Usage is transcendental dharma, praise of ācāra, rules about answering calls of nature, moral characteristics of a Brahmāṇa and the peculiar characteristics of a Śūdra, censure of partaking food at the houses of Śūdras, rules of etiquette and good breeding; VII. The four āśramas, and the duties of a student; VIII. Duties of the householders honouring guests; IX. Rules for forest hermits; X. Rules for sannyāsins; XI. Six persons who deserve special honour, viz. the priests at the sacrifice, son-in-law, king, paternal and maternal uncles and a snātaka; order of precedence in serving food, guests, rules about śāddha, times for it, the Brahmāṇas to be invited at it, rules about agnihotra, upanayana, the proper time, staff, girdle etc. for it; method of begging for alms, pṛāyaścītta for those whose upanayana is not performed; XII. Rules of conduct for a snātaka; XIII. Rules about the beginning of Vedic study, rules about holidays for Vedic studies, rules about falling at the feet of the guru and others, guiding principles in precedence as regards respect (learning, wealth, age, relationship, avocation, each prior deserving more consideration than each succeeding one), rule of the road; XVI. Rules about forbidden and permitted food, rules about the flesh of certain animals; XV. Rules of adoption, about communication of those who revile the Vedas or perform sacrifices of Śūdras.
and for other sins; XVI. About administration of justice, king as guardian of minors, three fold pramanas, viz. documents, witnesses and possession; rules about adverse possession and about king's advisers; qualifications of witnesses; perjury condemned in certain cases; XVII. Praise of aurasa son; conflicting views about ksetraja son, viz. whether he belongs to the begetter or to him on whose wife he is begotten; twelve kinds of sons; partition between brothers, grounds of exclusion from partition, rules of niyoga, rules about grown-up unmarried girl, rules of inheritance, king as ultimate heir; XVIII. Pratiloma castes such as caṇḍāla, no Vedic studies for Śudras or in their presence; XIX. King's duty to protect and to punish; importance of purohita; XX. About prāyaścittas for various acts unknowingly or knowingly done; XXI. Prāyaścitta for adultery by Śudra and others with women of the Brahmeṇa caste or for cow-killing; XXII. Prāyaścitta for eating forbidden food and sacred texts that purify in case of sins; XXIII. Penances for BrahmaCarin having sexual intercourse, for drinking wine etc.; XXIV. Kṛcohra and Atikṛcohra; XXV. Secret penances and penances for lesser sins; XXVI-VII. Virtues of prāṇāyāma, Vedic hymns of Gayatri as purifiers; XXVIII. Praise of women, eulogy of Vedic mantras like aghamarṣaṇa and of gifts; XXIX. Rewards of gifts, brahmacarya, tapas etc.; XXX. Eulogy of dharma, truth and Brahmeṇa.
The Vasisthadharmasutra resembles in several respects the other Dharmasutras described above. It contains almost the same subjects and is similarly composed in prose interspersed with verses. The Vasisthadharmasutra is in style like the Gautama-dharmasutra and has many sutras identical with or closely resembling those of the latter. It has also several sutras closely corresponding with the sutras of Baudhāyana. Grave doubts have been entertained about the authenticity of the whole of the text of the Vasisthadharmasutra as the mss. contain varying numbers of chapters from 6 to 30, and as the text is hopelessly corrupt in several places. The Vasisthadharmasutra contains many verses which bear the impress of a comparatively late age. Chapters 25-28 are entirely in verse, while there are other chapters which contain many verses interposed between prose passages. In this respect Vasishtha's work is on a par with Baudhāyana's, in the fourth praṇa of which there are chapters entirely consisting of verses. It has therefore been argued that the text of Vasistha was tampered with freely, particularly as regards the chapters at the end. But as shown below it will have to be admitted that the interpolations, whatever they may be, were made at a very early period. The Mitakṣarā quotes Vasistha by name about 80 times and the quotations are taken from almost every chapter from the first to the last. Even
Medhātithi quotes Vasistha over twenty times. Visvarūpa, who flourished about the first quarter of the 9th century quotes Vasistha about thirty times in his commentary on the ācāra and vyavahāra sections of Yajñavalkya. These quotations hardly differ in any respect from the text of Dr. Max Müller's edition and are scattered over almost all chapters from the 1st to the 17th, six quotations being taken from chapters 3 and 17 each. In the prayascitta section Visvarūpa quotes Vasistha even more frequently. The Vasisthadharmasūtra quotes numerous verses preceded by the words 'athaapyudāhārenti', which is the case with Baudhāyana also. Several verses occur without these words being prefixed, but most of them seem to be quotations. Some of these verses introduced with the words 'atha'pi' etc. as well as some of those not so introduced are in the regular classical Upajīti, Upendravajra or Indravajra. Some of the verses are in the ancient Trīṣṭubh form there are a few up-Pāṇīnean forms like 'vivadānti'.

The Vasisthadharmasūtra quotes largely from the Rgveda and other Vedic Saṃhitās. Among the Brahmaṇas, the Aitareya and Satapatha are frequently cited. The Vājasaneyaka and the Kāthaka are mentioned by name. The Taittirīya Āraṇyaka is quoted in Vasistha. The Upanisada and Vādanta occur in Vasisthadharmasūtra. Vasistha quotes a gāthā of the Bhallavins from their Nidāna work about the extent of the home of Brahmaṇism, which is quoted by Baudhāyana also. He speaks of the angas of the Veda and gives their number
as six. Itihāsa and Purāṇa are mentioned. The science of words (grammar), of omens and portents and of astrology and astronomy (naksatradhyā) are referred to. He prohibits the learning of the language of the Mlecchas. Vasiṣṭha quotes a verse that states that the view holding the apramāṇya of the Vedas leads to perdition. In Vasiṣṭha occurs the Vidyaśākta in four verses that we meet with in the Nirukta. Vasiṣṭha calls his own work Dharmaśāstra and probably refers to other works on dharma in the words 'one who studies dharma'. The study of Dharmaśāstra as a penance for even mortal sins is spoken of. Vasiṣṭha quotes several authors on Dharmaśāstra. He quotes a verse from Harita which occurs in Baudhāyana also with slight variations though without the author's name. The two halves of this verse are almost the same as the latter halves of Manu. Bühler is therefore not quite accurate when he says without qualification that the verse attributed to Harita occurs in Manu. Vasiṣṭha quotes Gautama twice about impurity on death, the first corresponding to Gautama while there is nothing is Gautama to correspond to the second. Vasiṣṭha quotes a verse which mentions Yama by name and embodies the latter's views. Vasiṣṭha quotes three slokas sung by Yama, one of which is the same as Manu and another is very similar to Manu. Another sloka of Yama is quoted by Vasiṣṭha which is almost the same as Manu. From these facts and others, Bühler draws the conclusion that verses were taken from the Manavadharmaśātra, which occupied
the same position in Vasistha's day as the Manuśmṛti does at present. Vasistha quotes ślokas of Prajāpati, the first of which mentions Yama by name. It is remarkable that the Vasistha-dharmasūtra cites Vasistha himself with great reverence (as bhagavan) in (about the rate of interest), (about kṛcchra penance). In numerous places the Vasisthadharmasūtra either refers to Manu by name or quotes the views of Manu (under the form 'iti mānavam') or a śloka of Manu (with the words 'mānavam ślokam'). All these passages have an important bearing on the age of the Manuśmṛti and on the supposed existence of a Manavadharmasūtra. They therefore deserve to be carefully examined. Vasistha is in prose (about local, family or caste usages) and summarises the views of Manu. The absence of the word 'iti' before 'abravin' manuḥ and the form of the sūtra itself clearly establishes that Vasistha is not directly quoting a sūtra of Manu. That sūtra is only a summary of our Manu.

Vasistha 4-5 is in prose and cites the view of Manu that animals may be sacrificed only for worshipping and honouring the manes, deities and guests. There is hardly anything to show that it is a direct quotation from Manu and not a summary of Manu's views. It is to be noted that the same verse occurs in the Dharmasūtra of Viṣṇu which reads 'nānyatreti kathācana' for 'nānyathetyabravin manuḥ'. This change appears to have been purposely made to keep
up the impression that the Visnudharmasutra emanated from Viṣṇu himself and so could not have borrowed from a human author.

There are only two places in Vasiṣṭha where the name of Manu occurs for which it is not possible to point out a corresponding verse in the Manusmṛti. The latter is cited as a Mānavasloka and is in the Upajāti metre. Because this is not found in our Manu, Bühler and other western scholars seem to think that the verse is taken from the Mānavadharmasutra which once existed in mixed prose and verse and is now lost. But as will be shown elsewhere this hypothesis is based, to say the least, on very slender foundations. Besides these two that are not found in our Manu, there are about forty verses that are common to the Vasiṣṭha-dharmasutra and the Manusmṛti and about a dozen verses which, though not strictly identical, are more or less similar. There are several prose sūtras of Vasiṣṭha which correspond to the verses of Manu almost word for word. The hypothesis that commends itself is that Vasiṣṭha contains borrowings from the Manusmṛti or its purer ancient original in verse.

In the words 'Īrāmaṇaṇaṁgāṁ adhāya' the sūtra of Vikhanas seems to be referred to. Gautama contains the same words. Vasiṣṭha's 22nd chapter is the same as Gautama's 19th and Baudhāyana's 10th in the 3rd prāśna and seems to have been borrowed from Gautama. Vasiṣṭha refers to the views of others in the words 'eke' or 'anye'. Dr. Jolly thinks that Vasiṣṭha 28, 10-15 and
18-22 are borrowed from the Visnudharmasūtra chapter LXI and LXXXVII or its original the Kaṭhakādharmanasūtra. Dr. Jolly is not right with regard to both the places. Bühler has already pointed out his mistake as to the second passage. Vasistha 28.11 occurs in Baudhāyanadharmanasūtra IV. 3.7. Hence it is hardly proper for any scholar to make the dogmatic assertion that one particular smṛti must have borrowed from any other.

Bühler is of opinion that the home of the school to which the Vasisthadharmasūtra belonged lay to the north of the Narmada and the Vindhya. When it is extremely problematical whether the Vasisthadharmasūtra was the product of a school, it is idle to speculate as to the home of the Vasisthadharmasūtra. Bühler’s is no more than a mere conjecture and it is better to admit that we know nothing positive at present on the point.

The earliest work to refer to Vasiṣṭha as an authority on dharma is our Manu saying that Vasiṣṭha allowed 1/80th of the principal as interest per month. We saw that Vasiṣṭha borrows from the Manusmrṭi, which in its turn quotes a rule of Vasiṣṭha. The explanation of this is two-fold. Both the Manusmrṭi and Vasiṣṭha have received later additions and further it is possible that the present Vasiṣṭhadharmasūtra is the work of some one who had received the teachings of Vasiṣṭha through a succession of
teachers and disciples. Jāṇāvalkya mentions Vasiṣṭha as a writer on dharma. The Tantravārtika remarks that the Vasiṣṭha-dharmasūtra was studied by Ṛgvedins. The same work when speaking of works on dharma puts Manu, Gautama and Vasiṣṭha in the forefront. Viśvarūpa, Medhātithi and other early commentators largely quote from Vasiṣṭha. The verse 'agnerapatyaṁ' occurs in the Ragim copper plate of Tīvra-deva of the last quarter of the 8th century. Therefore the existence of a work of Vasiṣṭha on dharma at least in the first centuries of the Christian era is vouched for with certainty and the authenticity of its text is supported by eminent writers from the 7th century downwards. Aparārka quotes passages from the Bhaviṣyapurāṇa which have in view the present text of Vasiṣṭha. Some of the views held by Vasiṣṭha are very ancient. For example, he speaks of the twelve secondary sons, assigns a very inferior position to the Dattaka son, allows niyoga and the re-marriage of child widows; like Āpastamba he mentions only six forms of marriage brahma, daiva, ārṣa, gandharva, kṣātra and mānuṣa. In some respects his views are different from those of early writers like Gautama and Baudhāyana. He prohibits the marriage of a Brahmaṇa with a Śūdra woman. He elaborates rules of adoption which are not found in Gautama or Baudhāyana or Āpastamba. He speaks of documents as one of the three means of proof while Gautama, Āpastamba and Baudhāyana are silent on the point, though in Gautama there appears to be a reference to
document. Taking all these things into consideration it may be said that Vasiṣṭha is later than Gautama, Āpastamba and Baudhāyana, but much earlier than the beginnings of the Christian era and may tentatively be assigned to the period between 300-100 B.C. It has been asserted by an eminent authority¹ that Vasiṣṭha (vaisyena brahmānyam-utpanno rāmako bhavatītyāhuh) probably contains a reference to the Romans. This assumption is gratuitous and does not deserve serious consideration. The reading Romaka (on which the learned writer relies) is not supported by the best mss. and it is most hazardous to seize with avidity on a variant reading and to build on imposing structure of chronology thereon. The offspring of a Vaiśya male from a Brāhmaṇa woman is designated Rāmaka by Vasiṣṭha, while Gautama calls him Kṛta and Baudhāyanadharmaśūtra calls such an offspring Vaidehaka; so Rāmaka has as much to with the Romans as with Rameses. In the nibandhas there are several quotations ascribed to Vasiṣṭha which are not found in the printed Dharmaśūtra.

So early a writer as Viśvarūpa cites the views of a writer called Vṛddhavasiṣṭha. The Mitakṣarā on Yajñavalkya quotes

the definition of jayapatra (judgement) from Vṛddhavasiṣṭha and on III. 20 quotes him about impurity on miscarriage. The Śmṛti-
candrika quotes about 20 verses from Vṛddhavasiṣṭha on āhnika
and śrāddha; Bhaṭṭoji in his gloss on the Caturvimsātimata
seems to quote a prose passage from Vṛddhavasiṣṭha. From the
above it follows that Vṛddhavasiṣṭha was on early compilation
and dealt with almost all such topics (including vyavahāra) as
are dealt with by Yājñavalkya. The Mitakṣara also quotes a few
verses from a Jyotirvāsiṣṭha. The 1.0 catalogue (No. 1339
p.392) speaks of a Vāsiṣṭhaśmrțī in ten adhyāyas about the
religious observances and duties enjoined on devotees of Viṣṇu.

That Yajnavāmin wrote a commentary on the Vāsiṣṭha-
dharmasūtra follows from Govindaśvamin’s comment on Baudhāyana-
dharmasūtra where he quotes Vasiṣṭha 21.13 and Yajnavāmin’s
comment thereon 1.

Maxmuller says that Vasiṣṭha mentions written documents
as a means of legal proof, in order to establish the ‘comparatively
late’ date of the sūtra. For though the other Dharmasūtras do not

give any hint that the art of writing was known or in common use in their times, still the state of society which they describe is so advanced that people could not have got on without writing, and the proofs for the antiquity of the Indian alphabets are now much stronger than they were even a short time ago. The silence of Āpastamba and the other sūtrakāras regarding written documents is probably due to their strict adherence to a general principle underlying the composition of the Dharmasūtras. Those points only fall primarily within the scope of the Dharmasūtras which have some immediate, close connexion with the dharma, the acquisition of spiritual merit. Hence it sufficed to give some general maxims for the fulfilment of the guṇadhārma of kings, the impartial administration of justice, and to give fuller rules regarding the half-religious ceremony of the searing in and the examination of witnesses. Judicial technicalities, like the determination of the legal value of written documents, had less importance in their eyes, and were left either to the desācara, the custom of the country, or to the Niti and Arthaśāstras, the Institutes of Polity and of the Arts of common life. It would, also, be easy to rebut attempts at assigning the Vasisthādharmaśūtra to what is usually 'a comparatively late period' by other pieces of so-called internal evidence tending to show that it is an ancient work. Some of the doctrines of the Sūtra undoubtedly belong to an ancient order of ideas. This is particularly observable in the rules regarding
the subsidiary sons, which place the offspring even of illicit unions in the class of heirs and members of the family, while adopted sons are relegated to the division of members of the family excluded from inheritance. The same remark applies to the exclusion of all females, with the exception of putrikās or appointed daughters, from the succession to the property of males, to the permission to re-marry infant widows, and to the law of the niyoga or the appointment of adult widows, which Vasiṣṭha allows without hesitation, and even extends to the wives of emigrants. But as most of these opinions occur also in some of the decidedly later metrical smṛtis, and disputes on these subjects seem to have existed among the various brahmanical schools down to a late period, it would be hazardous to use them as arguments for the antiquity of the āutra.

Similarity between Vasiṣṭhadharmasūtra and Baudhāyana-dharmasūtra is palpable. In Vasiṣṭhadharmasūtra same topics were discussed. As for instance he first prescribed two proofs viz. lekhya and bhukti other than sākṣi and daiva-proof. A new advisor named grāmavṛddha came into being for the first time. His main duty was to solve the problem of local disputes. These grāmavṛddhas had thorough knowledge about the theory of jury system. That is why in sūtra-literature their importance was undeniable. Moreover Vasiṣṭha has discussed more vivādapadas
among eighteen vivādapadas which took full form in later smṛti literature than Gautama, Baudhāyana and Āpastamba. As for instance rādāna, ādhi, nikśepa, upanidhi, śimāvivāda, vākpā-rūṣya, danda-pāruṣya and steya have been added. Moreover Vasiṣṭha first ascertained the fixed rate of tax on different commodities. He first composed a separate chapter on the custom of adoption and he elaborated the chapter on adoption in detail.

Vasiṣṭha strictly condemned the language of barbarians (mlečcha). It seems that during the period of Vasiṣṭha or before, the language and religion of barbarians (mlečcha) were in vogue.

No change was noticed in the four-caste-system during the period of Vasiṣṭha. A few new mixed castes as for instance Vaiṇa and Ramaka came into being in his society. Vaiṇa originates from Sudra-father and brahmin-mother. On the other hand Ramaka originates from Vaiśya-father and brahmin-mother. Both of them belong to the branch of pratiloma. It was also noticed that although the origin of mixed-castes was always the same, they were regarded in different names in different time. From this it can easily be cognized that the main criterion of naming of mixed castes was their individual occupation. Sometimes the occupation of mixed caste has been changed and simultaneously their names also were changed.
The customs of the four-castes were the same and there was unanimity between Vasîṣṭha and Baudhāyana regarding the occupation of the brahmin and the Kṣatriyas. The brahmin and Kṣatriya in time of necessity accepted the occupation of sell, exchange and money-lending other than their respective duties.

In this respect Vasîṣṭha states - 'kāman vā-svayam kṛṣyotpadya tīlāṁ vikriniran' i.e. (If the brahmin and the Kṣatriya) desire, they can sell the sesame (til) which they have produced themselves. In connection with the matter of exchange of commodities, Vasîṣṭha said that the things of perfumes could never be exchanged with salt whether it might be valuable or not. Vasîṣṭha prescribed that sesame, rice, cooked-rice, learning and man could be exchanged with each other. In connection with the business of money-lending Vasîṣṭha opines that the brahmin and the Kṣatriya if they desire, can lend money to the mischievous person and the person who entirely neglects his sacred duties e.g. 'kāman vā pariluptakṛtyāya papiyase dadyatām'.

1. Vasîṣṭhadharmaśutra, 2.16
2. Ibid., 2.42-43
3. Ibid., 2.36
The customs of Vaisya and Sudra were more or less the same. Although the upliftment of Sudra was noticed in Apastamba's time, but during the period of Vasistha the sole occupation of Sudra, i.e., nursing of the twice-born-caste was the only ultimatum, no other new occupation was prescribed for them.

In social-administration it was noticed that the eating of beef was much favoured by all, which was in vogue first in time of Apastamba. But the remarkable speciality, found in the period of Vasistha is that not only the eating of beef, but by the beef and meat of hen, even sacrifice was performed and also the guests were entertained.

Vasistha also accepted the Veda and sishtacara as source of dharma, just like his previous predecessors. Moreover he accepted the customs and usages of country, of nation and of

1. Vasishthadharma Sutra, 14.15,
"agastyo varsasahasrike satre, mrgayam caacara tasyasamstara samayah purodasa mrgapaksinam prasastanam" "athapi brahmana vah rajanyaya vabhyagataya mahoksamam vah mahajam"
family as the sources of dharma. Vasistha, at the time of stating as Veda is the main source of dharma, says - 'āruti-smṛtivihito dharmah'\(^1\). Moreover Vasistha has defined dharma in a different way. He says that 'āgṛhyanākāraṇo dharmah' i.e. the result of the causes which are unknown will be regarded as dharma. Dharma is 'adrṣṭa' and apūrva. The influence of Mīmāṃsā-śāstra was clearly revealed on the above mentioned sūtra.

By the statement 'āruti-smṛtivihito dharmah' Vasistha means to say that dharma is ascertained by Sruti and Smrti. In absence of them, the second authentic proof is sistācāra - i.e. tadālabbe sistācāra pramanam\(^2\). Vasistha has given much importance to ācāra or usage as authentic proof. Vasistha, in 6th chapter of his book enumerates, that 'ācāraḥ paramo dharmah sarveṣām iti niscayah'\(^3\) i.e. ācāra is the essential dharma of all. Vasistha has ascertained the limit of ācāra or custom. He says that the dharma and ācāra which prevail in the southern part of the Himalayas and northern part of the Vindhya will be regarded as dharma, but not those dharmas which originate from pratiloma e.g. daksinena himavataḥ uttareṇa vindhyasya ye dharmā ye caçārāste sarve pratyetavyāḥ na tvanye pratilomakalpadharmāḥ\(^4\).

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1. Vasisthadharmasutra, 1.3
2. Ibid., 1.4
3. Ibid., 6.1
4. Ibid., 1.5
Although the whole state was initiated by the norm of the Veda, the responsibility of conducting the administration of the state was absolutely under the king and the brahmins learned in the Vedas. Monarchical government prevailed in time of Vasistha also. The king administered the country with the help of purohita because it was referred to in the Veda, the state will be prosperous in which state the brahmin learned in Veda and purohita exist. The king's main duty was to observe whether the customs of country, nation and family were obeyed by all or not. Severe punishment for serious crime and light punishment for lesser crime were in vogue during the period of Vasistha. The standard of punishment was ascertained on the basis of country, time, religion, age and learning for the accused persons who were involved in the crimes of the type of jealousy and of malice. The cutting of the tree which bears flower and fruits was strictly forbidden in time of Vasistha. From this it can easily be realised that the strictness on regularity and discipline much developed during the period.

1. Vasiṣṭhadharmasūtra, 19.3, brahmanapurohitam rāstrarādhmoṣṭi
2. Ibid., 19.6
3. Ibid., 19.7
In the matter of jurisdiction the help and advice of ministers were sought often. A new official named nāgara came into being for the first time in Vasiṣṭhadharmasūtra. But epoch-making event in the time of Vasiṣṭha was the establishment of importance of Kṣatriya dharma than the dharma of the brahmin. In this context Vasiṣṭha said - "vedhaso vā rājā sreyān gṛḍhraparivārāṃ syat gṛḍhraparivārāṃ vā rājā sreyān"¹ d.e. the king who is surrounded by honest and intelligent ministers who are keen-eyed like vultures is superior to the brahmins. In Vasiṣṭhadharmasūtra the place and position of king was placed in so high status, rank and position, as was not found in any Dharmasūtras before. The upliftment of position of Kṣatriya then the brahmin hints that the society is advancing and progressing. Vasiṣṭha did not accept the eternal thought of ancient Sutrakāras.

The administration of the country cannot be maintained or continued without amatyas. Besides the king and the brahmin, the neighbours and local old people could solve the problem of

¹. Vasiṣṭhadharmasūtra, 16.16-17
disputes sometimes or in time of necessity. Among them officials like śāmanta, grāmavṛddha and classes of nāgaravṛddha are to be notified. The śāmantas were liable to solve the problem which arises in connection with home and agricultural field. If the śāmantas were not eligible to solve the problem, then by the proof of document the dispute would be solved, But if there is any controversy in documents then grāmavṛddha and nāgaravṛddha took part. The origin and development of these officials with regard to local disputes were noticed for the first time in Vasiṃṭhadharmasūtra.

Vasiṃṭha's contribution in regard to litigation was to establish two new proofs viz. lekhya and bhukti by which the action of litigation was executed. These two types of proofs appeared first in Vasiṃṭhadharmasūtra.¹

¹ Vasiṃṭhadharmasūtra, 16.7,
likhitam sākṣino bhuktih pramanam trividham smrtam /
dhanasvīkarāṇam pūrvam dhanī dhanam avāpnuat iti //
Vasistha did not mention the number of sākṣi (witness). He gave much importance upon the conduct of witnesses than the numbers.

He prescribed that, in want of qualified witness, the witness can be selected from common people. Vasistha instructed that in the litigation, concerning women, brahmins and Śūdras witness of women, brahmins and Śūdras will be accepted. Although Vasistha condemned false witness, he had instructed to accept false witness in following subjects -

udvāhakāle ratisamprayoge prāṇātyaye sarvadhanāpahāre /
viprasya cārthe hyanrtam vadeyuh pañcāṇrtānyāhurāpatakāni///2

The meaning is false witness is not sinful in five cases i.e., in the time of marriage, inter-course, possibility of death, theft of all properties and for the brahmins.

1. Vasisthadharmasūtra, 16.19,
   śrotriyo rūpavāṃśilavāṃpunyavāṃsatvāvāṃsākṣiṇāḥ sarvesu sarva eva vā

2. Ibid., 16.26
The judicial aspect in Vasisthadharmasutra obtained much importance than previous Dharmasutras. He discussed more vivadapadas e.g. ādhi, nikṣepa, upamidhi, sīmāvivāda, mādāna, daṇḍaparūṣya, vākparūṣya and steya. But the descriptions of all vivadapadas were not placed in an orderly manner, on the other hand these were scattered in different chapters of books here and there. From this it can easily be realized that during the period of Vasiṣṭha, the subject-matter judicial administration was not regarded as an important matter. The theory of adverse possession has been accepted in Vasiṣṭhadharmasutra. In this respect Vasiṣṭha said that if any person enjoys ancestral property, sold-things, mortgaged-property, any property which was obtained by woman from her husband i.e. anvādheya, any gift, acceptance, any property which is gained from sacrifice, property of samsṛṣṭa and anybody's wages for 10 years, all these properties will go to the enjoyer not to the owner.¹

¹ Vasiṣṭhadharmasutra, 16.10-11.
The ownership of some commodities will never be lost or destroyed e.g. ādhi, sima, property of minors, open deposit (nikṣepa), sealed deposit (upanidhi). Women, the property of king and the commodities of the brahmans who are attached to the study of the Vedas. The property whose owner has lost will be obtained by the king.

About rādāna Vasistha prescribed that the son will clear the loan of father. But the loan concerned on surety, loan of unnecessary gift, loan of dice-playing, loan of drum and danda-tax will never be cleared by the son.

The policy of revenue-system was remarkable in Vasisthadharmasutra. Vasistha instructed the farmers to pay land-tax and commercial-tax in every month. River, apartment or chamber (room), forest and mountain will be regarded as tax-free land. But the persons who will enjoy those lands will have to pay something to the king.

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1. Vasisthadharmasutra, 16.13, ādhiḥ simāvaladhano nikṣepopanidhiḥ striyāḥ rājasvam srotiyadra vyām na sambhogena hiyate
2. Ibid., 16.14, grhināṁ dravyāṁ rāja gaṁini bhavanti
3. Ibid., 16.21
4. Ibid., 19.14
Vasistha prescribes that king's duty was to look after the impotent and lunatic, and he could accept their property also. The ancestral property belongs to the king (in absence of the persons prescribed in śastras)\(^1\). Rearing and protection of queen's paternal-uncle, her relatives and others was first said in Vasisthadharmasūtra\(^2\). Vasishtha mentioned more persons who were exempted from taxes than Īpastamba, e.g. the brahmins who are attached to Vedic studies, the prince, the wife of prince, young student, old persons, maid, widow and the persons who have no shelter.

The economic policy of Vasiṣṭha claims his originality as a law maker. Vasiṣṭha first introduced the fixed rate of interest on every commodity. In this context it can be remarked that perhaps from the rates of interest given by Vasiṣṭha, the subsequent writers were led to think that it was Vasiṣṭha who was responsible for the enunciation of the rate of interest at 15% per annum. But might not have been the original profounder of the rate of interest.

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1. Vasisthadharmasutra, 17.63-65
2. Ibid., 19.21
Vasistha instructed the sinner and usurer to pay the interest of double of gold and triple of paddy. According to the rate of interest of paddy the increase of rate of interest was ascertained of juice, flowers, roots and fruits, increase of rate of interest of those commodities which were exchanged by weight was eight per cent. In case of necessity, according to the order of king sometimes, paying of interests ceased. The following sutra in this connection is noted below -

\[
\text{raj\text{-}numatabh\text{-}avena dravyavrddhim vin\text{-}sayet} / \\
pun\text{-}ar\text{-}uj\text{-}abhisek\text{-}ena dravyavrddhim ca varjayet //
\]

The meaning is - according to desire of the king the interest of commodity stopped and when new king was coronated, the increase of interest ceased\(^1\).

According to the gradation of caste the rate of interest differs e.g.

\(^1\) Vasisthadharmasutra, 19.53
The increase of rate of interest (vrddhi) should be taken from four castes as 2, 3, 4 and 5 parts respectively from each hundred every month.

Vasiśtha has fixed up the rate of interest of usurer. He has instructed to pay five māsā of increment on every twenties.

From this we may come to a conclusion that Vasiśtha has showed much far-sightedness in economic policy as compared to his predecessors. After fixing up the rate of interest on each and every commodity he has improved the way of commercial transaction or exchange.

Regarding marriage-law Vasiśtha has followed the footsteps of his predecessors. Vasiśtha, just like Āpastamba has accepted six kinds of marriage. Vasiśtha has named

1. Vasiśṭhadharmaśūtra, 19.54
2. Ibid., 1.29,
   brahma daiva arṣo gandharvah kṣatro manusāceti
Vasistha also accepted marriage between higher caste and lower caste. In this respect there was an unanimity between Vasistha and Baudhāyana. But whereas Baudhāyana allowed marriage between the brahmin and the Śūdra, Vasistha did not accept that idea. Not only for the brahmins, Vasistha has forbidden marriage for Kṣatriyas and Vaiśyas with Śūdras. In this matter Vasistha was much conservative as compared to Baudhāyana.

Vasistha has mentioned twelve kinds of sons. He has included a kind of son named Sudrāputra among twelve kinds of sons. This was not noticed before or later.

Among twelve kinds of sons e.g. svayamutpādita, ksetraja, putrikā, paunarbhaba, kanīna, gūḍha - these six could inherit but rests sahoḍha, dattaka, kṛīta, svayamupāgata, apaviddha and Sudrāputra could not inherit. He also instructed that in absence of first six kinds of sons, the rest six kinds of sons would inherit.

1. Vasisthadharmasutra, 17.12
dvādasā ityeva putrapuruṇadṛṣṭaḥ
Śudrāputra eva sāstha bhavatītyahuh

2. Ibid., 17.35
Regarding the son kanīna Vasistha differs with Baudhāyana. Baudhāyana said that the son kanīna will inherit the property of his legal father. Vasistha holds just the opposite view. According to him, kanīna-son will inherit the property of grand-father, i.e. father of mother but not of his legal father. Svayamutpādita will obtain two parts of share. Ksetraja or niyoga-son will get the property of niyogī.

There is controversy among scholars regarding the ownership of sudrāputra. According to some they will share one part of property and according to others they will be deprived of ownership. The sudrāputra is born of ksatriya-father and sudra-mother. Their main occupation was fighting, fishing and hunting. As they were low-caste, they were deprived of ownership. Long ago the sudrāputra came from brahmin-father and sudra-mother. Then their social status was also different. Vasistha, just like Apastamba admitted the ownership of uddhāra part of property for the eldest sons. He said that "dvyaṃśam jyeṣṭho haret", i.e. the eldest son will inherit two parts of property.

Vasistha accepted the same idea of his predecessors about partition of property in absence of sons.  

1. Vasisthadharmasūtra, 17.72-75
Although the king could accept the ancestral property in absence of sons he could never accept the property of the brahmins. According to Vasistha the hermits, impotent, lunatic and outcaste will be deprived of ownership.

Vasistha did not have any new idea about strīdhana. He only mentioned one type of strīdhana viz. pārineya which will be obtained by only daughters.1

Vasistha claims his originality in respect of the policy of adoption. He has composed a separate adhikaranā on the rules of adoption and also has discussed adoption in details. According to Vasistha only son cannot be given or accepted.2 Women will never give or accept son without the permission of her husband.3 After the acceptance of dattaka-son, if aurasa-son is born the adopted son will obtain the fourth part of property.4

1. Vasisthadharmasūtra, 17.43, matuh pārineyam striyo vibhajeran
2. Ibid., 15.3, na tu ekam putram dadyat pratigrhiyadāvā
3. Ibid., 15.5
4. Ibid., 15.9, tasmimsct pratigrhiṭa aurasaḥ putra utpadyeta, caturthbhāgabhāgī syaddattakah
Vasistha also showed his originality by framing a few more new laws concerning civil laws. Vasistha has instructed to construct road leaving more space for good transport. Moreover Vasistha has instructed to leave three feet of road in side and in breadth of each house in time of construction. The influence of Indus-valley civilisation was clearly noticed here. In sutra-literature it was not only novel but also claims his extreme modern outlook.

Ultimately it is possible to conclude that Vasistha established his own way of thinking by following Baudhayana and Āpastamba to some extent. Baudhayana and Āpastamba were mainly responsible for his ideas or thoughts. In a word Vasisthādharmasūtra was an echo of Baudhayana and Āpastamba-dharmasūtra. Although he has followed his two predecessors but in some cases his originality is undeniable. As for instance in his time two mixed castes viz. vāiṇa and rāmaka came into being for the first time. In the sphere of administration a few posts of new officers were noticed and in the sphere of jurisdiction two new proofs viz. lekhyā and bhukti were established. In commercial and economical affairs his contribution is undeniable. Fixing up of the rate of interest on every commodity has created significant and most important section in sūtra-literature. Vasistha for the first time has given the
right of inheritance to those sons (adāyāda) who were so long deprived of inheritance. Establishment of law for the customs of adoption, has created a new era in sūtra literature. The above mentioned discussion clearly reveals that Vāsiṣṭhādharma-sūtra claims the advancement and progress of society as compared to Āpastamba. Vāsiṣṭha could not deny the advancement of time and progressive society. That is why he has followed the norm of his predecessors and also he has accepted the eternal truth, vice versa he has kept his eyes on the upliftment and advancement of society and for that reason he has changed the established norms and rules to some extent when he feels its necessity.

The Vīṣṇudharma-sūtra contains one hundred chapters. Though the number of chapters is so large, the sūtra is not very extensive. There are several chapters such as 40, 42 and 76 that contain only one sūtra and one verse. The first chapter and the last two are entirely in verse; the remaining chapters are in mixed prose and verse, the versified portion being generally at the end of each chapter. As pointed out by the Vaijayantī the sūtra is in close relation to one of the oldest schools of the Yajurveda, viz. Katha. It also stands in a peculiar relation to the extant Manusmṛti. According to the Carṇāvyuha, Katha and Carāyāniya are two of the twelve
sub-divisions of Caraka-śākha of the Yajurveda. Jolly says that the Viṣṇudharmasūtra has four chapters (21, 67, 73 and 86) in common with the Kāṭhakagṛhya (except the final parts in 21, 67, 86) and that both drew from a common source. Bühler points out that the Kāṭhakagṛhya found in Kashmir agreed closely with the Dharmasūtra of Viṣṇu and the mantras in the latter agree with the Kāṭhaka recension of the Yajurveda. But the Viṣṇudharmasūtra is not the work of the same author that composed the Kāṭhaka Śrauta or Gṛhya sūtras, nor does it appear that it formed part of the Kāṭhaka Kalpa. Jolly says that Govindarāja in his Smṛtimeṇjari cites a passage in prose from a Kāṭhasūtrakṛt on the penance for Brāhmaṇa murder which is wanting in our Viṣṇusmṛti.

The contents of the Viṣṇudharmasūtra are:—

1. The earth being lifted out of the surging ocean by the great Boar, went to Kaśyapa to inquire as to who would support her thereafter, and was sent by him to Viṣṇu who told her that those who would follow the duties of varṇas and āśramas would be her support, whereupon the earth pressed the great God to impart to her their duties; 2. the four varṇas and their dharma; 3. the duties of kings (rājadharmaḥ); 4. the Kārṣapāṇa and smaller measures; 5. punishments for various offences; 6. debtors and creditors, rates of interest, sureties;
7. three kinds of documents; 8. witnesses; 9. general rules about ordeals; 10-14. ordeals of balance, fire, water, poison and holy water (kosa); 15. twelve kinds of sons, exclusion from inheritance, eulogy of sons; 16. offspring of mixed marriages, and mixed castes; 17. partition, joint family and rules of inheritance to one dying sonless, re-union, strīdhana; 18. partition among sons of a man from wives of different castes; 19. carrying the dead body for cremation, impurity on death, praise of Brāhmaṇas; 20. the duration of the four Yugas, Manvantara, Kalpa, Mahākalpa, passages inclining that one should not grieve too much for the departed; 21. the rites for the dead after period of mourning, monthly śrāddha, sapīṇḍa-karaṇa; 22. periods of impurity on death for sapīṇḍas, rules of conduct in mourning, impurity on birth, and rules about impurity on touching various persons and objects; 23. purification of one's body and of various substances; 24. marriage, forms of marriage, inter-marriages, guardians for marriage; 25. the dharms of women; 26. precedence among wives of different castes; 27. the sāṃskāras, garbhdhāna and others; 28. the rules for brahmacārins; 29. eulogy of ācārya; 30. time for the starting of Vedic study and holidays; 31. father, mother and ācārya deserve the highest reverence; 32. other persons deserving of respect; 33. the three sources of sin, viz. passion, anger, greed; 34. kinds of atipātakas, deadliest sins;
35. five mahāpātakas; 36. anupātakas, that are as deadly as the mahāpātakas; 37. numerous upātakas; 38-42. other lesser sins; 43. the twenty one hells and the duration of hell torments for various sinners; 44. the various low births to which sinners are consigned for various sins; 45. the various diseases suffered by sinners and the low pursuits they have to follow by way of retribution; 46-48. various kinds of krocharas (penances), sāntāpana, cāndrayaṇa, prasṛti-yāvaka; 49. actions prescribed for a devotee of Vāsudeva and the rewards thereof; 50. ṭhāṣcitta for killing a Brāhmaṇa and other human beings, for killing cows and other animals; 51-53. ṭhāṣcittas for drinking wine and other forbidden substances, for theft of gold and other articles, for incest and sexual intercourse of other kinds; 54. ṭhāṣcittas for miscellaneous acts; 55. secret penances; 56. holy hymns like Aghamarsana that purge sin; 57. whose society should be avoided, Vṛtyas, unrepentant sinners, avoiding gifts; 58. the pure, variegated (mixed) and dark kinds of wealth; 59. the duties of house-holders, pākayajñas, the five daily mahāyajñas, honouring guests; 60. the daily conduct of a house-holder and good breeding; 61-62. rules about brushing the teeth, ācamana; 63. means of livelihood for a house-holder, rules for guidance, good and evil omens on starting on journey, rule of the road; 64. bathing and tarpāna of
The Visnudharmasutra somewhat resembles the Dharmasutra of Vasistha. Like the latter it is full of verses. But one
feature which is peculiar to the Viṣṇudharmasūtra is that it professes to be a revelation by the Supreme Being. None of the other Dharmasūtras so far described assumes this role. The style of the Viṣṇudharmasūtra is easy and somewhat diffuse. It presents hardly any ungrammatical forms. The printed text is corrupt only in a few cases; the verses occur generally at the end of chapters. Sometimes the number of verses in a chapter is very large.

In determining the age of the Viṣṇudharmasūtra one is confronted with a difficult problem. Some of the chapters undoubtedly contain material which is comparatively old and on a level with the ancient Dharmasūtras of Gautama and Āpastamba. Such are the chapters about Rajadharma and punishments (3 and 5), the rules about twelve sons and the mixed castes (15-16), funeral rites and mourning (21 and 22). But there are very large portions of the work that bear a clear impress of a later date. The Viṣṇudharmasūtra and the Manusmṛti have at least 160 identical verses. But this is not all. There are hundreds of sutras which are merely the prose equivalents of verses from the Manusmṛti. The verses that are identical in both are found in all the chapters of the Manusmṛti from the second to the last, the largest number (about 47) occurring in the 5th and chapters eleven, two, and three respectively.
contributing 25, 24 and 19 verses. Therefore the question whether the extant Viśnudharmasūtra borrows from Manu or vice versa or whether both borrow from a common original assumes very great importance. As the correspondence extends over several hundred verses of the Manusmṛti, the last hypothesis of borrowing from a common original is probably not correct. No such common source is known to have existed and to say that there were hundreds of floating popular verses whose authorship was unknown and which were drawn upon by both works appears to be an extremely gratuitous and unsatisfactory assumption. It is the extant Viśnudharmasūtra that borrowed the verses ad-hoc or adapted them from the Manusmṛti. There are several lines of reasoning that strengthen this hypothesis. There are some verses that are identical in both, in which the name of Manu occurs, which the Viśnudharmasūtra omits by making slight verbal changes. For example, Viṣṇu substitutes 'tat parikīrtitam' for 'Manur-abravit'. The reason for these changes is obvious. The Viśnudharmasūtra professes to be a direct revelation from Viṣṇu and it is in keeping with this assumed role that not one human author is mentioned by name in the Sūtra. Therefore where the

1. Manusamhitā, 5.131
name of Manu occurred in any verse, it was purposely omitted. Another reason why the sūtra must be presumed to be the borrower is the character of the extant work itself. It is a kind of hotchpotch and contains verses that are identical with those of other works. For example, several verses of the Bhāgavadgītā occur in the Viṣṇudharmasūtra. Viṣṇu 20, 48-49 and 51-52 are the same as Gītā 2.13, 23, 24, 28. Several verses of the Yājñavalkya-smṛti are identical with those of the Viṣṇudharmasūtra. Besides these there are hundreds of prose sūtras that are identical with passages of Yājñavalkya. Jolly thinks that Yājñavalkya borrows from Viṣṇu the whole of the anatomical section. Kane differs from this opinion. There is nothing to show that the anatomical details were first given to the world by Viṣṇu. They must have first been embodied in works on medicine such as those of Caraka and Suṣruta and were probably copied by Dharmasūtra writers. But if there is any borrowing between Viṣṇu and Yājñavalkya from the character of the Viṣṇudharmasūtra it may be presumed that it is the sūtra that must be regarded as borrowing from Yājñavalkya. There are

1. cf. Viṣṇudharmasūtra, 6.41, 8.38 with Yājñavalkyasmṛti, 2.53, 2.79 respectively.
several matters in the extant Viṣṇudharmasūtra which are wanting in Yājñavalkya, viz. the name 'jaiva' for Thursday, the long list of tīrthas which include Śrīparvata and the five rivers of the south called southern Pañcanada, the importance of the conjunction of the moon and Jupiter on a full moon day, the vague definition of Āryavarta. The verse in Viṣṇu (about half prāyaścitta for boys and old men) is ascribed to Āṅgiras by the Mitākṣarā.

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

The above conclusion is further strengthened by certain other considerations. The Manusmr̥ti has been quoted with utmost reverence by a host of writers from the fifth century downwards, such as Śabara, Kumarila and Sankaraśārya. Yājñavalkya was commented upon by Viśvarūpa in the first half of the 9th century. Viśvarūpa in his commentary quotes scores of sūtras from Gautama, Āpastamba, Baudhāyana, Vasiṣṭha, Śāṅkha and Harita. But it is significant that Viśvarūpa in his commentary
on Yājñavalkya does not quote even a single sutra of Viśn̄u by name. It is true that Viśvarūpa says that the four forms of asceticism (parivrajya) should be understood from other smṛtis like those of Viśn̄u. The Mitākṣarā mentions Viśn̄u about thirty times. But it is a remarkable fact that not one of the verses in the extant Viṣṇudharmasūtra is cited as Viśn̄u's in the Mitākṣarā. A few verses that are quoted as Viśn̄u's in the Mitākṣarā could not be traced in the extant Dharmasūtra. It is not unlikely that the sūtra first contained most prose sūtras based on Manu and the Kāṭhakagṛhya and verses were tacked on later. Among later writers of nibandhas Aparakṣa quotes Viṣṇu most profusely and the Śrṣtiśandrika also quotes Viṣṇu about 225 times.

The Viṣṇudharmasūtra contains quotations from all the Vedic samhitas and from the Aitareya-brāhmaṇa. It mentions the Vedāṅgas very frequently, it speaks of Vyākaraṇa, of itihāsa, of Dharmāśastras and of Purāṇa. The sūtra quotes several verses (called gāthās) and says they were sung by pitrs. The Viṣṇusūrti enumerates twentyone hells which are almost the same as Yājñavalkya’s. It mentions the names of the seven days of the week Thursday being called jaiva, while Yājñavalkya mentions only the seven planets in the same order.
It recommends the practice of sati speaks of pustakas, a word which is not used by the other Dharmasūtras so far described. It gives a long list of good and evil omens at the time of starting on a journey. Among evil omens it includes the sight of yellow-robed ascetics and Kapālikas. It prohibits speech with Mlecchas, Antyajas and journeys to Mleccha countries. It contains special directions about the worship of Vasudeva and speaks of Svetadvīpa as the reward of devotion to Vasudeva. Here and there, there are eulogies of Vasudeva. It speaks of the four vyūhas of Vasudeva and of the Varāha incarnation. It gives a vague location of Aryāvarta as a country where the four varṇas exist. It enumerates numerous sacred places among which Śripārvata, Saptārṣa, Godāvari and southern Pañcanada deserve to be specially noted. Though it does not specifically enumerate the eighteen titles of law just as Yājñavalkya does not, yet it contains rules (in chapter 5–6) on almost all of them.

As Yājñavalkya enumerates Viṣṇu among the propounders of Dharmasastras, it follows that a work of Viṣṇu existed in comparatively early times. What matters that work embraced it is difficult to say. It probably contained the topics found in the works of Gautama, Apastamba and others. It may have
included portions borrowed from the Kathakagrhya. When Jolly says that certain chapters of Visnu agree closely with the Kathakagrhya, all that is meant is that some of the sutras of Visnu are the same or almost the same as those of the Kathakagrhya. But in all these places Visnu contains more details than the Kathakagrhya. It may however be noted that in a few cases the views of the Kathakagrhya differ from those of Visnu. For example, Visnu speaks of Vedic studies for 4½ months only in the year when once they are started on the full-moon day of Sravana or Bhadrapada, while the Kathakagrhya gives three alternatives, viz. 4½, 5 or 5½ months; Visnu prescribes that the proper year for the upanayana of a Kṣatriya is the 11th from conception while the Kathaka prescribes the 9th, without specifying whether it is from conception or birth; Visnu enumerates eight forms of marriage, while the Kathaka speaks of only two, Brahma and Āsura, and is silent about the rest; Visnu defines Santapana and Mahāsantapana differently from the Kathaka, but agrees with Yajñavalkya. As it used Kathaka mantras borrowed from the Kathakagrhya, the Dharmasūtra may have been a text-book of the Kathaka school and probably originated in Kashmir and Punjab which is the home of the Kathas. The date of the older portion of Visnu may be placed between 300 B.C. to 100 B.C. But this is no more than a mere conjecture. It is to be noted that Kumārila does not mention
the Visnudharmasūtra among the sutras studied by particular schools. Then several centuries later on the whole of the sutra was recast from the Vaiśṇavite point of view and received large additions both in prose and verse. When these additions were made we have no exact means of determining. It is probably that they were not made very long before Visvarūpa. At all events the additions were made long after the Yajnavalkyasmarțī and after the 3rd century. The mention of the week days makes the sutra comparatively a late work. The earliest epigraphic mention of a week day is in the Brahm inscription of 484 A.D. and Varāhamihira (6th century) knew the week days well. The Brahmapurāṇa mentions Sunday and the Padmapurāṇa mentions Thursday. The Surya-siddhānta speaks of the lords of days. Thus although the extant Visnudharmasūtra is a late recast, it contains a few doctrines that were held in ancient times. For example it allows a Brāhmaṇa to marry a girl of anyone of the four castes and does not inveigh against niyoga as Manu does.

A few of the sutras agree closely with Nārada e.g. madana verses 136-137.

The Mitākṣara quotes all the prose passages of
chapters 35-42 and ascribes them to Brhadvisnu. The Mitaksara quotes a verse of Vṛddha-Visṇu which summarizes some sūtras of Visṇu.

In the Ānandasrama collection of smṛtis there is a Laghu-Visṇusmrți in five chapters and 114 verses dealing with the duties of the varṇas and the four āśramas. Aparārka in his commentary on Yājñavalkya quotes four verses from Laghu-Visṇu, which are not found in the Ānandasrama text. So Aparārka used some other work or perhaps a larger work. The Parāśara-Mādhaviya often quotes gadya-Visṇu and padya-Visṇu. The former from a quotation seems to be the Visṇudharmasūtra itself. In the Sarasvatīvilāsa numerous sūtras of Visṇu with the explanations of Bhāruci thereon are quoted, which are not found in the printed Visṇu.

The Visṇudharmasūtra was commented upon by Nandapaṇḍita, author of several works on Dharmaśāstra, who wrote at Benaras the commentary called Vaijayanti (according to certain mss.) in 1679 (i.e. 1622-23 A.D.) of the Vikrama era. Jolly publishes extracts from this commentary in his edition of the sūtra.
From the fact that the Sarasvativilāsa quotes several times the sūtras of Viśṇu with Bharuci's explanation, it looks probable that Bharuci commented upon the Viśṇudharmasūtra.

According to Maxmuller some of those rules in which the posteriority of the Yajñāvalkyasamṛti to other law-books exhibits itself, do occur in the Viśnusūtra, but without the same marks of modern age. Thus the former has two slokas concerning the punishment of forgery in which coined money is referred to by the term nānaka; the Viśnusūtra has the identical rule but the word nānaka does not occur in it. Yajñāvalkya, in speaking of the number of wives which a member of the three higher castes may marry advocates the Puritan view, that no Śudra wife must be among these; this work has analogous rules in which, however, such marriages are expressly allowed. The comparative priority of all those sūtras of Viṣṇu, to which similar slokas of Yajñāvalkya correspond, appears probable on general grounds, which are furnished by the course of development in this as in other branches of Indian literature; and to this it may be added,

1. cf. P.V. Kane, History of Dharmaśāstra, Vol.I, pp.60-70
as far as the civil and criminal laws are concerned, that
the former enumerates them quite promiscuously, just like the
other Dharmasūtras, with which he agrees besides in sāma
separating the law of inheritance from the body of the laws,
whereas Yājñavalkya enumerates all the laws in the order of
the eighteen 'titles of law' of Manu and the more recent law­
books, though he does not mention the titles of law by name.

However much the Visṇusūtra may have in common with
the Yājñavalkyasūtras, there is no other law-book with which
it agrees so closely as with the code of Manu. This fact
may be established by a mere glance at the references in
the foot-notes to this translation, in which Manu makes his
appearance far more frequently and constantly than any other
author, and the case becomes the stronger, the more the
nature of these analogies is inquired into. Of slokas alone
Visṇu has upwards of 160 in common with Manu and in a far
greater number of cases still his sutras agree nearly word
for word with the corresponding rules of Manu. The latter
also, though he concurs in a very great number of points
with the other law authors as well, agrees with none of them
so thoroughly as with Visṇu. All the Sūtras of Āpastamba,
Baudhāyana, Vasiṣṭha, Yājñavalkya, and Narada contain,
according to an approximate calculation, no more than about
130 ślokas, that are found in the code of Manu as well. The latter author and Viṣṇu differ of course on a great many minor points, and an exhaustive discussion of this subject would fill a treatise; which are particularly important for deciding the relative priority of the one work before the other. In a number of ślokas Manu's readings are decidedly older and better than Viṣṇu's.

The relative antiquity of Viṣṇu's prose rules, as compared to the numerous corresponding ślokas of Manu, may be proved by arguments precisely similar to those which Maxmuller has adduced above in speaking of the Yājñavalkyaśmṛti. As regards those points in the code of Manu, which are usually considered as marks of the comparatively late date of its composition, it will suffice to mention, that the Viṣṇusūtra nowhere refers to South Indian nations such as the Drāvidas and Andhras, or to the Yavanas; that it shows no distinct traces of an acquaintance with the tenets of any other school of philosophy except the Yoga and Sāmkhya systems.

It is true, on the other hand, that in many cases Viṣṇu's rules have a less archaic character than the corresponding precepts of Manu, not only in the ślokas, but in the sūtra part as well. Thus written documents and ordeals are barely mentioned in the code of Manu; Viṣṇu on the other hand,
besides referring in divers places to royal grants and edicts, to written receipts and other private documents, and to books, devotes to writings (lekhya) an entire chapter, in which he makes mention of the caste of Kayasthas, "scribes," and he lays down elaborate rules for the performance of five species or ordeals, to which recourse should be had, according to him, in all suits of some importance. But in nearly all such cases the antiquity of Visnu's rules is warranted to a certain extent by corresponding rules occurring in the Smritis of Yajnavalkya and Narada; and the evidence for the modifications and entire transformations, which the code of Manu must have undergone in a number of successive periods, is so abundant, that the archaic character of many of its rules cannot be considered to constitute a sufficient proof of the priority of the whole code before other codes which contain some rules of a comparatively modern character. To this it must be added that the Narada-smriti, though taken as a whole it is decidedly posterior to the code of Manu, is designated by tradition as an epitome from another and more bulky recension of the code of Manu than the one which we now possess; and if this statement may be credited, which is indeed rather doubtful, the very particular resemblance between both works in the law of evidence and in the rules regarding property can only tend to corroborate the assumption that the Visnusūtra and the Manusmṛti must have been closely connected from the first.
Much dissimilarity was noticed between Visnu-smṛti and his predecessors. Revolutionary change has been noticed in social and political administration. Visnu has advanced much more steps as compared to his predecessors. All the Dharmasūtrakāras, before Visnu gave much importance the religion of custom, usage and penance. They were absolutely aloof towards the legal administration. In all their discussions, explanations the influence of religion played the most important role. On the other hand Visnu, following Manu, Kautilya and others had given much importance on legal administration, i.e. judicial-world and simultaneously on the religion of ācāra and prayāścittta both side by side.

During the period of Visnu no stir was brought in the world of religion. Society was based upon the Veda and four castes. The occupation of four-castes was not changed. In previous Dharmasūtras, other occupations were also prescribed for higher three castes, but in Visnusmṛti instances of those occupations were not noticed. No new mixed caste came into existence in this period.

The remarkable thing in Visnusmṛti is expansion and importance of administration. The size and population of the
state increased more and more. Only the king and amatyas could not control the administration. New administrator and many posts of divisional officers were created. In this respect it won't be exaggerated, if it is said that Visnu was not only maker of dharma, on the other hand he was the builder of society.

Visnu has given much importance on the selection of place for the construction of palace. The king will build up the palace in such a place where the land will be plain and fit for cultivation and huge amount of production can be expected from that hand.

During this period some important factors were noticed in political affairs. State was formed by seven features. They were king, minister, fort, treasury, punishment, state and friend. The king established peace with enemy, friend, aloof-person and middle enemy on the basis of four doctrines i.e. sama, dana, bheda and danda. In time of necessity the king had to take the help of six doctrines, e.g. sandhi, vigraha, yana, asana, samyrya and dvaidhibhava.

1. Visnudharmasutra, 3.17, svamyamatyadurgakosadandarastramitrani prakrtayah
2. Ibid., 3.21
3. Ibid., 3.39
The most important thing during the period of Viṣṇu was noticed in the addition and alteration. Reshuffle in political administration took place. The responsibility of administration was not under the control of definite class or definite group of people, but it expanded to a collective group of persons. During this period many posts of chief officers of different department were created. Different posts of administrators by different names were also noticed. Among these officers grāmādhipa, daśādhyakṣa, śatādhyakṣa, deśādhyakṣa are to be noted. Grāmādhipa was appointed for each and every village. In village if any person was involved in any crime, an officer grāmādhyakṣa by name took the responsibility of judgement. Daśādhyakṣa was appointed for ten villages. If grāmādhyakṣa could not solve the problem, then the duty of daśādhyakṣa was to solve the problem. Śatādhyakṣa was appointed for hundred villages. If daśādhyakṣa was unable to solve the problem, śatādhyakṣa's duty was to solve it.

1. Viṣṇusmṛti, 3.7, 3.11
   tatra sva-sva-grāmādhipān kuryāt grāmadośaṇām
   grāmādhyakṣaḥ pariḥāraṁ kuryāt
2. Ibid., 3.12 asākto daśagrāmādhyaksāya nivedayet
3. Ibid., 3.13 sō'pyaśaktah śatādhyaksāya
Dasādhyakṣa was appointed for the whole country. If satādhyakṣa was unable in judgement then dasādhyakṣa tried utmost to remove all problems. After dasādhyakṣa no new post of officer was created.

Moreover the king created many chief departmental officers. Superintendent was appointed for each and every department e.g, the department of mine, taxation etc. To give rent to the pedlar’s boat one elephant was appointed. For the supervision of the forest department one superintendent was also appointed.

One religious-minded man was appointed to look after the virtuous duties. One efficient person was appointed to look after the economical affairs. One hero was appointed for war and one strict person was appointed to solve the

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1. Viṣṇusmrṭi, 3.14-15, so'pyasaktō desādhyakṣāya desādhyākṣop'pi sarvātmanā doṣaṃucchindyaṅāt
2. Ibid., 3.6 akaraśukatāraṇāgavaneśvaptaniyūṇjīta
3. Viṣṇudharmasūtra, 3.17-18,
   dharmiṣṭhān dharmakāryeṣu nipuṇānarthakāryeṣu
4. Ibid., 3.19, śūrāṃ samgrāmakaṃkurmasu
problem of difficult job. One eunuch was appointed for the protection of women. The espionage-system was first introduced in this period. To collect the message of his own country and of foreign country was the duty of messenger.

As the responsibility of administration was entrusted to different departmental officers and administrators, the duty of king and work of administration were executed in a disciplined manner.

In time of Visnu, the importance of judicial-world was heightened and developed. It won't be exaggerated if it is said that Visnusmrty was the follower of Kautilya who also created many departmental officers.

The commercial laws framed by Vasistha brought a stir in sūtra-literature, in time of Visnu it expanded more and more and obtained much more importance than Vasistha.

1. Vīṣṇudharmasūtra, 3.20, ugrauганgreseṣu
2. Ibid., 3.21, saṇḍan striṣu
3. Ibid., 3.35, svastrastrapararastrayosca caracaksuḥ syat
One-sixth tax was collected from the subjects of his production. Visṇu instructed to collect one-sixth tax from all produced things.

The king collected ten per cent of custom or duties (sulka) from the commodity-produced in his own country and twenty per cent duties from the commodity-produced in foreign country. During the period of Visṇu the system of collection of taxes was so strict, if any seller or buyer could not give tax in proper time, his all belongings were seized.

The prosperity of the state depends upon the improvement of treasure-trove. The sources of income of king increased more. The king obtained the full ownership of the commodity that produced in mine. The half share of the sealed deposit belongs

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1. Viṣṇudharmasūtra, 3.22, praṇabhyo vāyartham saṃvatsareṇa dhānyataḥ saṣṭhamāṃsāmadādyat
2. Ibid., 3.23, sarvasasyeṇyebhyasca
3. Viṣṇusmṛti, 3.28, svadēsāpanyācā saṃkāmsām daśāmadādyat
4. Ibid., 3.30 paradesāpanyācā viṃsatitamam
5. Ibid., 3.55 ākarebhyaḥ sarvamāmadādyat
to the brahmin and the rest half was deposited in treasure-
trove. One-fourth part of sealed deposit obtained by ksatriyas
belongs to king, another one-fourth belongs to the brahmin
and the rest half share belongs to the ksatriyas\textsuperscript{1}. Thus the
fourth part of sealed deposit obtained by the Vaiśyas belongs
to the king and fifth part of sealed deposit obtained by the
Sudra belongs to the king. If the sealed deposit of much
ancient time was found out then the king had to give twelfth
part to each caste.

Visṇu formulated a few new laws regarding ethic of
war just like other sutrakaras. Visṇu instructed for the
journey of war in the month of Caitra.

Foreign policy of Visṇu was remarkable. Visṇu said
that after the victory of other countries, the prescribed
manners and customs, practices and usages of those countries
should not be disturbed. The king had to keep his stern eyes

\textsuperscript{1} Visṇusmrți, 3.53,
ksatriyas caturthamamsam rājē'pare
caturthamamsam brahmebhyo' dharmadadyāt
to this important matter. The persons of those countries who come of from royal dynasty were to be coronated in proper honour. These views of Viṣṇu claim his originality in foreign policy.

The standard of punishment depends upon the nature of crime. The difference of punishment varies with the nature and volume of crimes. Capital punishment was forbidden for the brahmins in Viṣṇusmṛti. Dishonest administrators and cunning writers of forged documents received capital punishment. Thus the giver of poison, giver of fire, dacoits, women and the assassin of boys and male persons were punished in the same manner.

1. Viṣṇusmṛti, 3.42,
   parādesavāptan taddeśadharmaṁ nacchhindyāt
2. Ibid., 3.91, aparādhānurūpam ca dāṇḍam dāṇḍyeṣu dāpayet
3. Ibid., 5.2, na sāriro brahmaṇasya dāṇḍah
4. Ibid., 5.9-10,
   kutaśasānakaṁ Sa raja hanyāt, kutalekhyakārāṁśca
5. Ibid., 5.11,
   garadagniprasahyatakarāṁ strivalapurusa ghnātinaṁśca
The person who stole more than 10 jars of paddy and sold gold and silver in process i.e. more than one hundred of māśa in weight, got capital punishment. The persons born of lower caste expected the attainment of kingdom and the persons who are involved in crime of destroying of bridge got same type of punishment. The policy of restraining the dasyus (robbers), in Viṣṇusmr̥ti is worth of mention. If the king could not protect his subjects from the dasyus (robbers), he pacified the dasyus in a peculiar way. The king restrained them by giving food and shelter. This example claims his amazing power of diplomacy.

The Vivadapada viz. strīsgrahaṇa is found in connection with another to vivadapada viz. 'dattādana'. If anybody had intercourse with the women of lower caste he got

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1. Viṣṇusmr̥ti, 5.12-13,
   ya ca dhān̄yam dasābhyaḥ kumbhebhyaḥ dhīkam
   apahareyuh dharimayena satadabhyadhikam
2. Ibid., 5.14, ye cakulīnā rājyaamabhīkamayeyuh
3. Ibid., 16-17
   prasahyataškarāpam cāvakāsabhaktapradāmśca anyatra rājasakteḥ
middle type of punishment, and with women of other castes, the accused obtained capital punishment. If anybody pollutes Kṣatriyas he is given half sāhasa punishment, and for the Vaiśya less than half sāhasa punishment and for the Śudras he was given first-sāhasa punishment. If any buyer was unwilling to buy anything and if the thing which was bought is afterwards lost, the loss would have to be encountered by the buyer. As for the Svāmipāladaśa Viṣṇu remarks that if any beast was attacked with the tiger or any ferocious animal and if that was not noticed by the herdsman, that is called 'paladosa'. In this circumstance the herdsman had to pay the value of dead beast to Svāmipāla. Viṣṇu has differentiated the rate of fine according to the type of beasts.

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1. Viṣṇuśmṛti, 5.41, hinavarnagamane madhyamam
2. Ibid., 5.43, antyagamane vadhyah
3. Ibid., 5.101, ksatriyam duṣayitustadardham, vaiśyam duṣayitustadardhamapi, śudram duṣayitupatham sahasa
4. Ibid., 5.129
5. Ibid., 5.137, diva pasūnum vrkadyupaghate pāle tvaṇāyati paladosaḥ
6. Ibid., 5.138, vinastapasumūlyaṃ ca svāmine dadyat
In connection with Śimēvivāda, Viṣṇu said that the person who cross over the boundary would be punished of uttama-sāhasa-daṇḍa, and he had to draw the line of marking of boundary again.

The remarkable outlook of the writer of Viṣṇusmṛti has specifically brought to light in the fifth chapter of his book where he maintains that the murder of the brāhmins learned in the Veda, was not a crime. The statement of Viṣṇu is as follows - if any person murders acārya, oldman, young brāhmin or the brāhmin learned in the Veda, he would not be accused. This law has introduced a new era or chapter in sūtra-literature.

The Vivādapada viz. ṛṇādana was discussed in details in Viṣṇusmṛti. The main criterion of the ṛṇādana was that the money-lender would collect his borrowed-money from the borrower. The similarity noticed between Viṣṇusmṛti and Vasistha-smṛti is that the difference of rate of interest depends upon the difference of caste. The borrower of any caste have to clear his promised-loan by paying interest according to his desire.

1. Viṣṇusmṛti, 5.172, simabhettāramuttamasāhasam daṇḍayitvā punah simāṃ lingānvitaṃ kārayet
2. Ibid., 6.2, dvikām trikām catuṣkām pañcakaṃ ca śatāṃ varṇānukrameṇa pratimasam
Generally, collection of legitimate money depended upon by three proofs - viz. likhita, saksi, and samaya-kriya. A few laws established by Visnu regarding loan of father are to be notified. After borrowing money, if father dies, or he accepts the religion of sannyasa (renunciation) and he stays in foreign country for twenty years, his borrowed money will have to be paid by his sons or grandsons.  

In connection with madana, the wife was not bound to clear the loan made latter by husband or son. Again husband or son were not compelled to pay the loan made by wife. Father was not liable to pay the loan of his son. In circumstance of undivided property, the ancestral loan was to be cleared by brother or son. If borrower cannot clear the loan, the responsibility of a surety (pratibhū) is to clear all loans.

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1. Visnusmṛti, 5.27, dhanagrāhiṇī prete pavrajīte dvīdasa
   samāṇa prāvasite va tatputraautrerdhanam deyam
2. Ibid., 6.31, na stri patiputakṛtam
3. Ibid., 6.32, na strikṛtam patiputrau
4. Ibid., 6.33, na pita putakṛtam
5. Ibid., 3.35, paitṛkamṇamavibhaktānām bhṛatrānām
Visṇu has enumerated the Vivādapada viz. avikreya-vikreya in seventeenth chapter of his book.

Besides sākṣi, lekhya and bhukti, Visṇu has mentioned the five types of divya-proof e.g. tula, (weighing balance), dhāta (measuring instrument), agni (fire), udaka (water), poison (viṣa), and kośa (sun, monkey).

These types of proofs were first noticed in Viṣṇusmṛti. He also classified the proof of Likhita (written) e.g. rāja-sākṣika, saśākṣika, and asākṣika. After that other 'likhita' proofs are baseless. If there is no deed of money-lender, borrower, sākṣi or writer and if the owner of the deed dies, then by hand-writing the authority of deed of those persons will be granted.

Visṇu has first classified the kinds of sākṣi in two. One is by act of seeing and two is by hearing.

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1. Viṣṇusmṛti, 7.2-5
2. Ibid., 8.13 samaksadarsanat sākṣi śravanādva
The qualifications were the main criteria of the witnesses. If there is only one witness, and he is qualified, he will be acceptable. In some Vivādapadas viz. steyā, sāhasa, vākparuṣya, daṇḍaparuoṣya and samgrahaṇa the qualifications of witness were negligible. In one litigation many witnesses can be accepted. If there is any dispute among the witnesses, after accepting many witnesses and also by accepting witness from most qualified twice-born-caste problems must be solved. No woman witness was allowed in Viṣṇu-smṛti.

In time of Viṣṇu the proof of divya (ordeal) would be applied on rājadroha, steyā, nikṣepa and sāhasa. The proof of dhaṭa (measuring instrument) was applied on women, the brahmin, spastic, disabled and sick. The proof of agni (fire) was applied to blacksmith, spastic and disabled persons. The proof of udaka was applied to sick, distressed and the persons who lived by water. Viṣa (poison) and koṣa (sun) can never be applied on the brahmin and on believer of Gods.

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1. Viṣṇusmrṭi, 8.6,

2. Ibid., 9.2-3
After Vasistha, Visnu has accepted the idea of acceptance of ownership by enjoyment (occupation). If father or grandfather enjoys any land legally after the death of father, the son will get the ownership automatically. If any land is occupied by three generations consecutively or continuously, the ownership of fourth generation will be granted without the proof of lekhya.

In connection with partition among the sons, Visnu enumerates a very important principle according to which where there are sons of many brothers, the sons will inherit the ancestral property through their respective fathers, i.e. they will inherit per strips and not per capita.

In connection with the division of acquired property of oneself, the acquired property will be divided among sons according to the desire of father. Father and son will inherit equal share of grandfather.

Some originality was noticed in Visnusmrta regarding the ownership of property in absence of sons. The widow will inherit the property of husband who is sonless.

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1. Visnusmrta, 17.1, pita cet putrau vibhajet tasya svecchasvayamuparjite'rthe
In absence of wife, the ownership will be acquired by daughter, after that the father, after that the mother (the mother of a person who is sonless), in absence of that his brother, after that brother's son, after that his friends, after that śakulya, in absence of that sahādhyāyi and in absence of that property will be inherited by the king. But the property of the brahmans will never go to king. According to Viṣṇu, only the property of ascetics will be inherited by acāryas and in absence of them by disciples.

According to Viṣṇu out-caste, impotent, sick, blind, deaf, dumb and lunatic cannot get any part of property. But the sons born of them can inherit. The anuloma-son will belong to the same caste of mother. 1

Viṣṇu has discussed in details on the division of property among sons born of wives of different twice-born-castes. According to Viṣṇu mother and unmarried daughter will inherit equal share of property just like sons. Viṣṇu's individuality is noticeable in this respect as compared to his predecessors. It shows the broader outlook towards the class of woman by Viṣṇu and vice versa. It also reminds of the idealism of Manu who also showed much broader outlook to women.

1. Viṣṇuśmrī, 16.2, anulomasa matraśaṃkarṣaṇah
2. Viṣṇuśmrī, 18.34-35, matarrāḥ putrabhagāṇusāreṇa bhāgahārīṇyāḥ anudhāśca duhitaraṇ
During this period, the acquirement of ancestral property by daughters was first promulgated by Visnu. It will not be exaggerated if it is said that the establishment of this law has introduced a new chapter in sutra-literature.

Regarding strīdhana Visnu enumerates if any woman's marriage is performed by the most superior type of marriage like brahma etc., then her property will be inherited by her husband and if the marriage is performed by rest four kinds of marriage, then the property will be attained by her father. The property of mother will only be obtained by daughters.

According to Visnu garments, ornaments, women, sacrificial-property, ponds etc. are not to be divided.

The law adopted by Visnu in respect of mixed castes are to be notified. Visnu first clearly ascertained the occupation of mixed castes, e.g. the occupation of Ayogava was arts and dance, the occupation of Pulkasa was wrestling. The occupation of Sūta was charioteering of horses, and the occupation of Māgadha was singing in praise and the occupation of Vaidehaka was protection of women. The establishment of relation of marriage or any other relation perhaps was performed only among the mixed castes. The law of inheritance of mixed castes was similar with the law of four-castes.

1. Visṇusmrțī, 16.14, sarvesāṁ samanajātibhirvyahāraḥ
2. Ibid., 16.16, svapitrvittanuharanam ca
Regarding the law of punishment, Visnu has enumerated the same laws like other Sutrakaras. But in one point he has said something new as compared to his predecessors. As for instance he has prescribed for the first time many types of punishment for one person only for one crime. The person who murders the brahmin has to undergo to perform like the āśvamedha-sacrifice, visit to holy places, reading the whole text of the Mahābhārata. He has to be scared of seeing the hell of being attacked of the disease like tuberculosis. Visnu also mentions that one person gets both type of punishment viz. legal punishment and moral punishment at a time for his crime. As for instance person's whole property was seized for his false witness, this is a legal punishment and the person had to perform 'mahāvrata-sacrifice' for his false witness. Visnu has cited many examples of these kinds of crimes.

Visnu disregarded the custom of the brahmins who accepted the occupation of lower castes. He prescribed meditation-sacrifice, for those brahmins so that they can be purified.

In time of Visnu there was existence of lower court other than king's court. An assembly viz. pūga came into existence. Visnu says in sūtra - 'traividyavrddhanām kṣepe jatipūgaṇām ca'.

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Thus it seems clear that Viṣṇu's society has advanced more as compared to previous Sūtrakāras. There had been much additions and alteration in social and political administration. The administration of the state was conducted smoothly and in a disciplined way as many types of posts of departmental officers were created. The judicial administration was a primary and most important subject matter in time of Viṣṇu, on the other hand it was a secondary matter in previous Dharmasūtras. Most of the Vivādapadas among eighteen types of Vivādapadas came into being in time of Viṣṇu. The presence of many other varieties of proofs other than, sākṣi, likhita and bhukti enhanced the importance of judicial-administration. From all these discussion we can conclude that in time of Viṣṇu the size of the state enlarged and many other complications took place in society. To solve the problems of all types of complications, the importance of legislature is undeniable. Viṣṇu as a law-maker realized that and that is why he formulated certain principles which have been accepted and followed by other scholars of later ages. We may submit without a fear of contradiction that the Viṣṇusmṛti is such a text where the importance of judicial and administration was accepted as primary subject of Dharmasāstras.