THE DHARMASUTRAS
AND
THE DHARMASAstras

(Lectures delivered at the First Session
of the Summer School of Hindu Religion in 1949)

BY

Dewan Bahadur K. S. RAMASWAMI SASTRI, B.A., B.L.
Retired District and Sessions Judge

PUBLISHED UNDER THE AUTHORITY OF
SRI C. ANNA RAO, B.A.
EXECUTIVE OFFICER
T. T. Devasthanams on behalf of the Board of Trustees

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T. T. Devasthanams, Tirupati
INTRODUCTION

Under the auspices of the Sri Venkatesvara Oriental Institute the Tirumala-Tirupati Devasthanams have been conducting a Summer School of Hindu Religion for four weeks in May every year since 1949 for the benefit of teachers working in the Devasthanam Educational institutions. The object of the School is to impart a correct knowledge of the doctrines of our religion to the teachers and the creation of a religious and moral atmosphere in Schools and Colleges. Distinguished scholars are being invited from different parts of our state to deliver lectures on important topics of our religion. Dewan Bahadur K. S. Ramaswami Sastri, B.A., B.L., Retired District and Sessions Judge, had been invited in 1949 to deliver three lectures on the Dharmasūtras and the Dharmaśastras. The text of his lectures is given in the following pages. Our best thanks are due to him not only for delivering the lectures but also for permitting the Institute to publish his lectures under its auspices.

TIRUPATI  
11-3-1952

P. V. RAMANUJASWAMI,  
Director.
Dharmasutras and Dharmasastras

CHAPTER I

Their Origin and Growth

Two famous verses in *Manu Dharma Śāstra* give us in clear terms the priorities in respect of authoritativeness as among the various sources of Dharma.

“The entire Veda is the primary source of Dharma. Then come the Smṛti and the character and the conduct of those who are knowers of the Vedas. Last comes the inner joy of the virtuous persons.”

Thus the Smṛti is authoritative as being based on the Veda. Further, it is not the impulse or whim of any man that can be a source of Dharma; and such conduct as pleases the soul of a good man can be an authoritative source of Dharma only when the more authoritative sources are silent or when two sources of action are open.

1. वेदांतमाला धर्मसूत्रं स्मृतिशैले च तविष्णुः ||
   आचारयेव यादृशातात्मत्वमस्तुपिरेव च || (Manu I. 6)

2. वेदः स्मृतः सदाचारः लघु च यथामात्मनः च
   प्रत्यवाच्यां च शास्त्रसात्माविशेषतः शक्षणाम् || (Manu I. 12)

Manu then proceeds to declare that Śruti is Veda and that Smṛti is Dharma Śāstra and that they could not be challenged because they alone reveal the entire Dharma. Achara can never be placed on the same level as they.

The Vedas are not attributed to any human authors. They are believed to be eternal and it is said that the
inspired sages visualise them in their super-conscious state and reveal them to the world. That is why Swami Vivekananda calls them the eternal treasury of the eternal spiritual laws. Smṛtis, Itihasas, Purāṇas, Āgamas etc. have human authors although these are Rṣis.

1. श्रवणं प्रचरितम सृजन: स्मरन्ति च तथा विधिम्।
2. श्रुतेः सुरिंद्रय श्वास्तिरन्वयन्ति।

But they are of authority and validity when they are in consonance with the Vedas. Thus it is right to say that unlike historical world-religions Hinduism is a world-religion without a founder. While elsewhere in the world the laws were given by individual law-givers, in India the Veda is believed to be the ultimate source of all law and ethics and metaphysics.

Weber says as follows in his famous *History of Indian Literature* about the Sutras: "Diffuse discussion of the details had to be replaced by the concise summaries of them. The utmost brevity was, however, requisite in condensing this great mass, in order to avoid overburdening the memory; and this brevity ultimately led to a remarkably compressed and enigmatical style, which was more and more cultivated as the literature of the sutras became more independent and in proportion as the resulting advantages became apparent. Thus the more ancient a sūtra, the more intelligible it is; the more enigmatic it is, the more modern will it prove."

(page 16). One derivation of Sūtra is सूचनात्म सूत्रम्. Another aspect of its meaning is expressed by Sri Śankara’s definition of Sūtra in his Bhaṣya on Brahma-
sutras वेदान्तवाक्यः कसुसम्बन्धतत्वान् सूत्राणं, वेदान्तवाक्यानि हि सूचनात्म मित्र विचारिते।

A well-known verse says

कल्पनाकृष्णसन्दिग्धं सारविद्यमानं सुखं।
अलोक्मनवच्छ पूर्वं सुन्तिते विचु।।
Thus the Sūtra literature came into existence out of a desire to convey in a brief form the matters to be remembered in regard to Vedic lore and usage, rituals and rules of conduct. They were very brief and were meant to be committed to memory. The generic name is Kalpasūtras. These are Śrauta Sūtras and Gṛhyasūtras and Dharma or Sāmayācārika Sūtras. I shall deal with them in detail later on. One view is that Śrauta Sūtras must have come into existence first and then Gṛhya Sūtras and later yet the Dharma Sūtras were imposed. Another view is that there was no such inevitable priority. The Sūtras which are the Kalpa Sūtras proper deal with the Vedic sacrifices and form as it were a guide to the Brāhmaṇas. Kalpa is one of the six Vedaṅgas. Each Charana or sect had its special Sūtra. The principal Śrauta Sūtras were composed by Āpastamba Nalayana, Bōdhāyana, Kātyāyana, Śānkha-yana, Latayana, Drāhyāyana and Satyāśādha. The Gṛhya Sūtras deal with the Vedic ritual which has to be performed in each family with oblations in the Gṛhya Agni (family fire). They deal with domestic ceremonies, i.e., those celebrated at birth and even before it, at marriage, as well as at death and after it. Both the Gṛhya Sūtras and the Dharma Sūtras are regarded as Smṛti i.e. sacred tradition which is of inferior validity compared to Śruti and which is declared to be based on some unknown Śruti. The traditional view is that some sages viz. Śānkha-yana, Āśvalāyana, Bōdhāyana, Hiraṇyakasim, Āpastamba and a few others composed both Śrauta Sūtras and Gṛhya Sūtras whereas the Gṛhya Sūtras which form the appendix to Kātyāyana’s Śrauta Sūtra were composed by Paraskara and the Gṛhya Sūtras which form the appendix of the Śrauta Sūtras of Kātyā- yana and Drāhyāyana were composed by Gohilā and
Khādira. Hermann Gladenberg accepts the later tradition but doubts the former. I see no reason for such a doubt. The Āśvalāyana Grhyā Sūtra has been published by the Adyar Library with the Bhāṣya of Devasvāmin.

Coming now to the Dharma or Sāmayācārika Sūtras proper, we see that they take a wider range. "Samaya" means what is agreed upon and conformed to by men. These Sutras touch upon the Grhyā ceremonies but their main aim is to give us a set of rules for the guidance of our temporal life in general. In some cases the same sage has composed all the three kinds of Sūtras whereas in some instances he has composed only one set of sūtras or two sets of sūtras alone. The Dharma Sūtras and later yet the Dharma Śastras must have been composed at a time when the Aryans had settled down and evolved a stable and simples and highly developed and civilised life which needed settled rules of law in regard to intra-personal relations and intra-group relations.

We have not got any Mānava Dharma Sūtras though Mānava Dharma Śāstra exists. The Dharma Sūtras which are now available in their entirety or in fragments are:

1. Vasishta Dharma Sūtra (belonging to the Rg Veda)
2. Bodhāyana, Apastamba, Satyāsādha, Hiranya-kesin, Drahyāyana. (belonging to the Kṛṣṇa Yajur Veda.
3. Viṣṇu .... belonging to the Katha School of the Yajur Veda.
4. Gautama .... belonging to Śāma Veda.

In the Smṛtīratnākara we find a text of the Rṣi Agnivēsa who refers to nine Purva Sutras and
nine Apara Sūtras. The Pūrva Sūtras are said to be Baudhāyana, Āpastamba, Satyāśādha, Drāhyāyana, Agastya, Śākalya, Āśvalāyana, Savaniya and Kātyāyana. The Apara Sūtras are said to be Vaikhānasa, Saunakīya, Bhāradvāja, Agnivesya, Jaiminīya, Vādhula, Mādhyanḍina, Kauṇḍinya and Kausitaka. In the above lists the names of Gautama and Vaisiṣṭa are not found.

Professor Max Muller says that the Sūtra period was one and the same for all the Vedas and fixes its limits as being between 600 B.C. and 200 B.C. But it seems to me that such a late date is no longer tenable. In his introduction to Āpastamba, (Sacred Books of the East Vol. II pp. xviii, xix), Dr. Buhler says: “Whether we assume with Professor Max Muller that the Sūtra period was one and the same for all the four Vedas and fix its limits with him between 600 and 200 B.C. or whether we believe, as I am inclined to do, that the date of the Sūtra period differed for each Veda, still the incontestable conclusion is that the origin of the Āpastamba school cannot be placed in the early times of the Vedic period and probably falls in the last six or seven centuries before the beginning of the Christian era.” Dr. Buhler is of opinion that Āpastamba belonged to South India which came late within the pale of Vedic civilisation. I shall consider presently the vexed question of priority as among Gautama and Bōdhāyana and Āpastamba. Mr. R. N. Suryanarayana assigns in his Āpastamba Dharma Sūtra Manjari the 10th Century B.C. as the date of Āpastamba.

Dr. Bühler says that Gautama preceded Bōdhāyana and that Bōdhāyana preceded Āpastamba as Āpastamba refers to Bōdhāyana. But the Bōdhāyana Sūtras as translated in the Sacred Books of the East Series refer
to Āpastamba and Satyāsaṅgha Hiranyakēśin as two of the sages to whom libations of water should be made (page 255)

(\textit{Gautama's Dharma Sūtra, Praśna II, Khand a 9, Sūtra 14})

Dr. Bhandarkar refers also to the fact that tarpana to various puranic Gods is stated by Bodhāyana but not by Āpastamba. He is therefore of opinion that Bodhāyana was later than Āpastamba and Bhāradvāja. The western indologists try to fix the priorities of the Sūtrakārās by saying that the society as described by one of them was more complex than that described by another. But this seems to be a more or less unsafe ground for the determination of priorities in point of time. As the followers of Āpastamba are mostly found in South India, some scholars think that he belonged to South India and probably to Andhra Desa. Haradatta’s Ujjvala is the famous commentary on Āpastamba’s Dhārma Sūtras.

There are in my opinion, certain grounds for holding that Āpastamba was prior in date to Gautama and Bhāradvāja. Bódhāyana refers to Gautama. I have already mentioned his reference to Āpastamba. Further, Āpastamba says that a Brahman should never take up arms even for the sake of a trial. \textit{परिश्रयेत्वाय ब्राह्मण आयुर्व नागदैत} I Gautama modifies this rule and Bodhāyana permits the bearing of arms by Brahmins. Further, Āpastamba says in I, 5, 4 that rṣis are not born in the later ages owing to lack of spiritual discipline. He thus refers to the era of great sages as a past era. It is hence
likely that the Sutrakāras were later than the Vedic sages and than even Vālmīki and Vyāsa. It is to be noted also that while Āpastamba does not refer to mixed castes Bodhāyana does so. Āpastamba’s rules of inheritance are very simple. But Bodhāyana refers to twelve kinds of sonship and to Sapiṇḍas and Sakulyas. Further, Āpastamba when dealing with the Vaiśvadeva ceremony allows the food to be prepared by a Śūdra living in the same compound as the higher castes.

Very little is known about the time of Vasiṣṭha Sūtras. Vasiṣṭha refers to Gautama. He refers also to Manu (इति मानव). Very possibly this passage refers to the lost Mānava Sūtras. Professor Buhler states, “It is probable that the work referred to by Vasiṣṭha is the lost Dharma Sūtra of the Mānava Śākha which is a sub-division of the Maitrāyaniyas and on which the famous metrical Mānava Dharma Śāstra is based.” In Manu (VIII, 140) there is a reference to Vasiṣṭha. On this ground Mr. Mandlik says in his Hindu law at Pp. 328, 329 that the Vasiṣṭha Samhita as we now have it was composed before the present compilation of Manu’s Institutes by Brigu. In I. L. R. Allahabad 67 (Beni Prasad V. Hardai Bibi) at page 76 Edge C. J. referring to the abovesaid view of Mr. Mandlik, observes: “Vasiṣṭha was undoubtedly one of the Rṣis and his texts are of very great authority as presenting divine precepts recorded from memory or tradition.” We have not got any traditions as to the authorship of Viṣṇu Sūtras. A manuscript of Hārīta was got sometime ago at Nasik.

In my recent work, Studies in the Rāmāyana, I have given my reasons for fixing the traditional date
(about 3000 B.C.) for the Mahābhārata and for assigning the Rāmāyaṇa to 5000 to 6000 B.C. and the Vedas to 10,000 to 8,000 B.C. I am not inclined to bring down the date of the Sūtrakāras to 600 B.C. to 200 B.C. as stated by Max Muller. Winternitz would assign even the Rāmāyaṇa to the third century B.C., while Keith would ascribe it to the sixth century B.C. and Jacobi would ascribe it to the 6th or 8th century B.C., and Count Björnstjerna would assign it to 2000 B.C. The society described by the Sūtras and the Dharma Śāstras was certainly long anterior to the era of Buddha. On the whole it seems to me, that in the present state of the Indian chronology and having regard to the reasons given above, the period of the Sūtras and the metrical Smṛtis might be fixed at 2000 B.C. to 1000 B.C.

The modern western Indologists and many Indian scholars following in their wake are of opinion that the Dharma Sūtras which are in prose must have preceded the Dharma Śāstras which are in verse and that the latter are generally metrical reductions of the former. Dr. Buhler says: "It would seem probable that Dharma Śāstras, like that ascribed to Manu and Yājñavalkya are versifications of older Sūtras, though they in their turn may be older than some of the Śūtra works which have come down to our times". (West and Buhler's Digest, page 42). It is said that Mānava Dharma Sūtras existed but have been lost. The Manu Dharma Śāstra as it exists now is undoubtedly a work of great antiquity. All the Hindu sages and commentators treated the work as being of supreme and paramount authority. The age of the work is placed by Sir William Jones at 1280 B.C., by Schlegel at about 1000 B.C., by Mr. Elephinstone at about 900 B.C., and by Professor Williams at about the 5th Century B.C. Professor Max Muller assigns
to it a date not earlier than 300 B.C. We find references to a Vṛddha (old) Manu and a Bṛhat (Great) Manu. Manu is referred to in the Mahābhārata. It is thus clear that of all the Dharma Śāstras Manu is probably of the greatest antiquity.

The existing Manu Dharma Śāstra is stated in it to be a condensation by the sage Bhṛgu of the original amplified work. The Skanda Purāṇa says that Manu’s work was condensed by four sages viz. Bhṛgu, Nārada, Bṛhaspati and Aṅgiras. The antiquity of Manu is attested by the mention of his name in the Veda which says “whatever was said by Manu is medicine” (यहैं विश्व मनुरावमन ् वर्णे ।) Mr. J. D. Mayne says: “Of its antiquity and of its pre-eminence among the Hindus there can be no doubt. The commentaries of Medhātithi and Kulluka on Manu are treated by the Hindu as being entitled to great weight.

The Dharma Śāstra that comes next to Manu in importance and authority is that of Yājñavalkya. The Mitāksāra is a famous commentary on it. Parāśara Smṛti has got a famous commentary by Mādhava. There are also the Smṛtis of Nārada and Bṛhaspati. Other Dharmaśāstras are those of Hārīta, Usanās, Aṅgiras, Yama, Atri, Samvarta, Kātyāyana, Dakṣa, Śatātapa, Gautama, Āpastamba, Vasiṣṭha, Vyāsa, Viśu, Devala, Prajāpati, Vyāghrapāda and Sānkhya Likhita. Vaidyanātha Dikṣitīyam and Kṛtya Kalpataru are digests of various Smṛtis.

As stated above the paramountcy of Manu is accepted on all hands. The Bṛhaspati Smṛti says:

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\end{align*}\]
As the same time it is equally well accepted that Parāśara Smṛti is pre-eminently the Smṛti for the Kali age.

हूँस्वत दुः मानचो धर्मेश्लाताया गोतमः स्मृतः।
ढापरे शानुदिलिती कलो पाराशारः स्मृतः।। (Parāśarasmrṭi)

The portion relating to law in Parāśara Smṛti has disappeared. I may point out here that many modern leaders of thought have spoken in the highest terms about Manu’s Code. Sir William Jones says: “The laws of Manu very probably were considerably older than those of Solomon or even of Lycurgus, although the promulgation of them before they were reduced to writing might have been coeval with the first monarchies established in Egypt and India.” Dr. Robertson says: “With respect to the number and variety of points the Hindu Code considers, it will bear a comparison with the celebrated Digest of Justinian or with the systems of jurisprudence in nations most highly civilised. The articles of which the Hindu Code is composed are arranged in natural and luminous order. Whoever examines the whole work cannot entertain a doubt of its containing the jurisprudence of an enlightened and commercial people. Whoever looks into any particular title will be surprised with a minuteness of detail and nicety of distinction which, in many instances, seem to go beyond the attention of European legislation.” Coleman says: “The style of it (Manu) has a certain austere majesty that sounds like the language of legislation and extorts a respectful awe. The sentiments of independence of all beings but God and the harsh administrations even to kings are truly noble, and the many panegyrics on the Gāyatri prove the author to have adored that divine incomparably greater light which illumines all and delights all, from which all proceed, to
which all must return and which can alone irradiate our intellect.” (Mythology of the Hindus, page 8).

It is not proper or possible to bring the commentaries on the Smṛtis within the scope of these lectures. The weightiest of all of them is the Mitākṣara of Vijñānēśvara. It is supreme in India except in Bengal where it is modified by the Dāyabhāga of Jīmūtavāhana. Other authoritative digestes in South India are the Smṛti Candrika, the Dāya Vibhāga, the Sarasvati Vilasa, and the Vyavahāra Nirṇaya. Messrs. K. V. Rangaswamy Iyengar and A. N. Krishna Iyengar have recently brought out a very accurate and scholarly edition of Vyavahāra Nirnaya through the Adyar Library. In his introduction to the work Mr. K. V. Rangaswamy Iyengar says it cannot be later than 1250 A. D. and that its upper limit must be the middle of the 12th Century A. D. Vyavahāra Mayūkha and Vīramitrōdaya are supplementary to the Mitākṣara in Western India. Vivādacintāmaṇi and Vyavahāracintāmaṇi are supplementary to the Mitākṣhara in Mithila. Dattaka Chandrikā and Dattaka Mīmāmsa are authorities on the law of adoption. It is not necessary to refer to the other works of this kind here.
CHAPTER II

Their Threefold aspect.

The three general aspects of all the Dharma Sutras and Dharma Śāstras are Ācāra, Vyavahāra and Prāyāschitta (general conduct, law and ceremonial expiation). The first part deals with all the rules of conduct to be observed in personal life and in family life and in social life. There are also the rules relating to pollution on occasions of birth and death. The second part deals with all the rules of civil law and criminal law as they were in force from time to time. The third part deals with the ceremonial to be observed in regard to acts which are transgressions of the rules of conduct and which cannot come within the ambit of civil law or which even if they might come within such ambit, do not become matters for consideration in courts.

The importance of Ācāra as a purifier of the soul and as the preserver and protector of Dharma has been stressed again and again in the Dharma Śāstras.

चतुर्विंशति वर्णोन्ना माचारो धर्मपालकः।
आचारभ्रयेदाहान्तां स्वेत: धर्म: पराक्रम:॥

(Parāsara)

Manu has emphasised the importance of Ācāra in the following well-known verses.

अस्मिन धर्मोऽक्षेत्र गुणदेशी च कर्माधृ।
चतुर्विंशति वर्णोन्ना माचाराशैव शाश्त्रः॥

(अस्मिन कालयेन धर्मोऽक्षेत्र विहित-निषिद्धानमित्रानिधिपते। वर्णचतुष्ठयंशे आचारः शाश्त्रः परमर्पाधारः।
धर्मवेत्तास्यचारस्य प्राधान्यव्याप्ताय धृष्टबुद्धिनिद्रः। Kulūka Bhatta.)

आचारः परमो धर्म: श्रुत्यक्तस्यार्थ एव च।
तस्मात्स्मिन सदा युक्ते निःभय सञ्चारमवन्न हिंजः॥
The importance of the forty Samskaras in purifying the soul during its sojourn on earth has been stressed in the Dharma Sutras and Dharma Śāstras, though, as I shall show later on, a far higher place as purificatory
agencies was given to ethical qualities than to ceremonial rituals. One of the great merits of the Hindu scheme of thought and the Hindu way of life was this singular balance of ethics and rituals. In the Gītā Sri Krishna summed up all of them under the heads of Yajña, dana and tapas.

The caste-system—the Hindu name is not caste but varna, whatever be the modern western view about its origin and growth, was regarded as the ground plan of the social composition. There is a view among western scholars that there was no caste in the Rg-Vedic period and that caste came in later on. Caste is stated in the Rg Veda and is found also among the Ancient Iranians who descended from their Hindu brethren and trekked into Persiā. The caste system was thus older than that great schism. I shall not deal with it in detail here. Its essence was the division of the society into priests and rulers and distributors and producers and its economic principle was division of labour and its social principle was mutual service and interdependence (परस्पर भावना), whatever be its later degradations.

An aspect of the utmost importance in such scheme of a life of ācāra is what is called Dīna Chārya (daily duties) or Shat karma. The following verse is found in Manu, Parāsara and other smrītis.

सन्ध्या स्वामे जयो होमे देवतानां च पूजनम्।
आतिथ्य वैत्थंकत्र पद्मापुरिणं दिने दिने।॥

The supreme importance of Sandhyā is stressed by Manu thus:—

ब्रह्माय मुहूर्तं बुद्ध्येत धर्मशांचालनुचितवयेत्।
का ववहितवञ्ज तनुपद्यान्व, वेदस्त्राथ्येसे च।॥

उस्थाया विवर्धकः कुत्वा कुशले: समाहितः।
पूर्वं सन्ध्या जयस्तिक्षातः क्रोधे 'चापसं चिरपु:॥
The following verses also are important:

निन्दे स्वात्त्व शुचि: कुर्यं देवार्थिनिधिर्वर्गंः।
देवतामहायस्त्रेपं समस्तःप्रजामेव च। (Manu II, 176)

ऋषियम्म ्देवयम्म ्रूतयः च सर्वः।
सुव्यः पिन्यां च यथा ज्ञान्म ह अप्येन्। (Manu IV, 21)

Such a daily regimen of life is prescribed not only for the men of twice born castes but also for the women and for the Sudras. I learn that there is a Gayatri open to all varnas. Various Japas are open to all groups including the Harijans.

Without going into further details, we can easily see that the daily regulation of life is a vital factor in one’s own psychic purification and in the uplift of all.

A concession was made in regard to obligatory duties of all sorts if and when there was not enough strength to carry them out in full. They could then be done on a limited and minor (गौण) scale while those who had the necessary strength and conveniences to perform them in full, performed them in full (सुस्तव्य) measure. In regard to all men and all groups, though the idea of rights was known, the stress was on the concept of Rights because if our eyes are concentrated on Duties, this implies rights in others. Take care of the Duties and the Rights will take care of themselves—was the Hindu motto.

The Samskāras which have been preserved most intact are Upanayana (investiture with the sacred thread) and vivāha (marriage). The former is very important because it implies the initiation of the boy into the Gāyatri Mantra. But it is now become a formal affair
and is not followed by Adhyayana (vedic study), except in the case who seek to take up Vaidika Vṛttti (priestly Profession). Though the ancient Gurukula scheme of life and study might not be reviewed in full, yet the Gurukula spirit of purity and discipline and study is good for all and a minimum of adhyayana at least must be preserved eg. the Sooktas, Rudra and Taittirīya. In regard to marriage though possibly both post-puberty and pre-puberty marriages prevailed formerly, the sages preferred the pre-puberty marriage, possibly because it led to greater modesty and purity and chastity. Nowadays this rule is being relaxed under the pressure of modern conditions. Widow marriages were in dis-favour at one time but have now been legalised though naturally they are rare. Further, anuloma marriages were allowed and paratiloma marriages were forbidden. But even then the trend was in the direction of marriage within the caste and it is said that is the rule in the Kali age.

The Dharma Sūtras and Dharma Sāstras contain also elaborate rules about the professions (Vṛttis) to be pursued by the Various varnas (castes). The main sources of income for the Brahmins were stated to be Shat-karma i.e., six courses of life viz. यजन, याजन, अध्ययन, अध्यापन, दान प्रतियोग, अध्यापनमाध्यमने यजने याजने तथा। दाने प्रतिग्रहिते अध्यापानासमकल्पयत॥ (Manu I, 88, X-75)

But such danas (gifts) were not to be given to hypocritical and unpious Brahmins.

न बाध्यपि प्रयुक्ते बह्याल्पतिके दिदे॥
न रक्षति वि प्रे नाशदिकचिदाधिपतिसु॥
क्रिाविकतेतरु दत्ते हि क्रियन्तः जायति धनम्॥
इति विद्येतरु परर्वाच्चुः नरकान्तः॥
The professions open to the various castes underwent changes from time to time under the stress of the environment, not only by the theory of āpatdharma or change of professions due to the failure of enjoined professions but even otherwise. The Parasāra Smṛti which is said to be the Smṛti for Kaliyuga says

ceased pleading to the gods in the sacrifice

Parāśara thus allows vicarious cultivation as a means of livelihood to Brahmins while the Gītā refers only to कृपि गोरेक्ष वाणिज्ययो. For Vaisyas, Parāśara says:

He thus allows them the professions of money-lending and of jewelware. In regard to Sudras he says as follows whereas the Gītā refers only to परिवर्तत्त्व्य कृमि.

The priests — श्वेतां श्वेत्यस्य श्रवणस्वरूपेण च विक्रयम् —
Later yet Kautilya says in his *Artha Śāstra* that Sudras can resort to Vārta (agriculture and industry and commerce) and Karu Kusilava Karma (work as technicians and artisans and artists). Thus the professions open to the various groups underwent changes and amplifications from time to time.

I wish to make a passing reference here to the question of sea-voyage though it is no longer a live issue. The Hindus were adventurous traders and sailed the seas. Nau (ship) is the same word as Navy. But there was throughout the Smṛti period an admonition to the Brahmins against sea-voyage. Even there the word used is Nanyayī (a habitual sea voyager). That was not due to any dread of Kalapani but to the wholesome apprehension that Samskaras could not be properly performed outside the homeland. Even this apprehension was eliminated when in the course of the expansion of Hindu culture in South-East Asia and Indonesia there was a migration of all the social groups, thus transplanting, so to say, a portion of the homeland beyond it. Under any circumstances there would invariably be a little laxity or omission in regard to Samskaras, and for this lapse, *Setudarsana* was provided as an expiation. But under the stress of the modern rust of events this *Setudarsana* is being given up and I am afraid that the laxity abroad also is leading to laxity at home. I think that here, as in other things, the via-media of *Setudarsana* and reversion to Achara life should be adopted.

In regard to the general value of the Vyavahara portion of the Smṛtis, I may refer briefly to what
Mr. K. V. Rangaswami Iyengar says appositely in his
elegant introduction to his edition of Vyavahāra
Nirnaya. “The law of evidence is lucid and carefully
modelled to save the interests of justice and avoid hasty
judgment. Considerable psychological insight is reflected
in the law of evidence and the points for its evolution.
A trial under the rules of the Hindu code will hardly
suffer in comparison with present day trials, while it
marks a tremendous advance upon trials even in
England up to the 19th century.” I have discussed the
legal titles in the Smṛtis as well as the ancient judicial
system in my articles in The Contemporary law Review
which was published in Madras some years ago. Mr.
B. Gururaja Rao’s Ancient Hindu judicature is another
good book on the same subject. It is not necessary to
discuss the aboves and aspect in detail here, as modern
civil and criminal law in India is complex and refined
and has practically superseded the portion of the Smṛtis
relating to Vyavahāra.

I shall mention briefly here the nature of the courts
and their functions in accordance with the dictates of
the Dharma Sūtras and the Dharma Śāstras. The
ultimate source of judicial power is the King himself.

व्यवहारानु तुप: पश्चेत्तत्र नात्मकःप्रक्षणः सह ।
धर्मशास्त्रानुसारेण कोष्ठाभिषिक्त: ||   (Yajñavalkya)

The King’s court was the Supreme court in the
land. He used to appoint learned persons as Sabhyas
(members of the Judicial assembly) to advise him. These
must be at least three in number according to Manu
and five or seven according to Brhaspati. Kātyāyana
says that the King might invite to the judicial assembly
some respectable and aged merchants of good family
and wealth. If the King could not preside over the
court himself he should appoint a judge (प्राधिकारक i.e., one who hears both parties and examines the matters at issues. (पुर्णकाल सिविलस्क इति प्राधिकारक:) There were also inferior judges appointed by the King and invested with local jurisdictions over small towns or villages. In addition to these permanent courts there were also tribunals constituted by the consent of parties. These were in the nature of arbitration tribunals. They were (1) पूण (Pooga) (2) श्रेणि (Sreni) (3) कुल (Kula) in gradation of rank. Pooga is an association of persons resident in any town or village and drawn from various castes and following different professions. Sreni is an assemblage of persons of different castes or of one caste following a particular profession, such as a guild of betel sellers or weavers or shoemakers. Kula is a collection of persons who are the kinsmen of the parties. Kula was the lowest court of arbitration. Above it was the Sreni which consisted of strangers who were residents of the same locality. Above it was the Pooga which was cosmopolitan in its constitution. The King’s courts supervised the work of these arbitration courts. From the decision of each court a party could appeal to the next higher tribunal. There was no differentiation between civil courts and criminal courts. The same tribunals dealt with civil cases and criminal cases. Each tribunal had its ministerial offices such as Ganaka (accountant), the Lekhaka (the clerk who recorded the pleadings of the parties) the Sadhyapala who served the court’s summons on the parties, and others.

Each Vyavahāra (dispute) had to pass through four stages viz. प्रतिज्ञा (plaint or complaint), उच्चर (written statement), संज्ञानुपरण (weighing of evidence), and निर्णय समाप्त (final conclusion). There was no professional class of lawyers at first but advisers to the parties are referred
to in Sukraniti. The name vakil shows that such legal advisers became a regular feature during the Muslim period.

Proof (प्रमाण) was of two kinds (1) मानुष (human) (2) देवतिक (divine) such as ordeals and tests. Human proof consisted of documents (देखन) and witness (साक्षि) and possession (सुधिति). Divine proof had to be resorted to only in the absence of human proof. The period of limitation was 20 years in the case of immovable properties and ten years in the case of moveable properties.

The disputes were divided into 18 forms of legal actions.

1. ऋषणादान Debt
2. निक्षेप Bailment
3. अलामिक्रिक्ष Selling property which is not one's own
4. संभूयसमुक्ष वात Partnership
5. दुतानामकम Non completion of gift by delivery
6. चेतनादान Non payment of wages
7. संबिक्षतिक्रम: Breach of contract
8. कबिक्रम Sale and purchase
9. वाीपाविवाद: Dispute between master and servant
10. सीमाविवाद Boundary dispute
11. दण्डपापह्यम Assault
12. बांकपापह्यम Libel
13. लेंथे Theft
14. साहसम Violence
15. स्त्रीस्त्रापह्यम Abduction
16. स्त्रीपुन्नन्यम: Relation of husband and wife
17. विभाग: Partition and succession
18. चूतसमाहय: Gambling

It is not possible to go in detail here into the rules of prayaschitta (expiatory ceremonies in respect of
minor and major sins.) The word *Prayashchitta* means repentant mind. Thus repentance and contrition are a vital element in all ceremonial acts of expiation. Expiation comes in when a man fails to do obligatory acts or does forbidden acts. Manu says that all ugliness and disfigurements and disabilities of the senses and diseases are due to sins committed by us in previous births or in this birth.

अष्टक्षं विद्विविं कर्म निरावरिं च समाचरवः।
प्रस्तक्षेपित्र्याथिः प्रायशीतैव शरीरम् सरः।।

अकामतः कृत्व पापं वेदाध्यायसेन गुड़बल्नि ।
कामतिरं लले भोगानु श्राध्विभौपी: पृथिबिवैः।।

प्राप्ये नाम तपः प्रौक्क्ति निष्ठ्रव उच्चायिः
तपो निष्ठ्रवसंयुक्त माय: प्रायशीतेव नमुतम्।।

इह हुण्डवविविं केचित्तो केचित्त पूर्वक्षष्टावैः
प्राप्तु रुपनिव दुरासानो नरकाध्विविष्यवैः।।

चरितविष्तिते निष्ठ्रव प्रायशीतं विहदुः
निष्ठ्रविन्ह विकारश्च जायते निष्ठ्रविन्हानसः।।

(Manu XI. 44, 46, 47, 48, 53)

I propose to consider briefly the topics dealt with in the Dharma Sūtras of Apastamba and Gautama and Bodhayana and in the Dharma sāstra of Manu (which is the most famous and authoritative of all the Dharma Sāstras) and the Dharma Śāstra of Parāśara which is the one particularly applicable to this Kali age. I shall then make a brief reference to the other Dharma Sūtras and Dharma Śāstras as well. It is not possible to consider all of them in detail within the ambit of a single exposition but enough can be said to show how they reflected the general spirit of Indian culture and how they throw abundant light on the ideals and values of life and on the disciplines conducive to the realisation of such ideals and values as visualised and realised and promulgated by the sages and seers and saints of India.
The Apastamba Dharma Sutras consist of two Praśnas. The first Praśna describes the four castes, and the details relating to Upanayana and Veda adhyayana. Apastamba says that ṛṣis are not now born because of lack of discipline.

तस्सात् ऋषयोऽवरे न जापन्ते नियमातिकमान्।

He forbids selfpraise and blame of others by students and disciples.

आत्मप्रज्ञासां परगहोभितं च बलिवेत्।

Apastamba then deals in the first prāśna with the five mahāyajñās, Ācharana, forbidden food etc. He then describes Dharma and Āpatdharma. What is Dharma? It does not exhibit itself nor do the gods produce it before us. What the good men approve of is Dharma; and what they condemn is Adharma.

न धर्मांवयोऽरत आर्ते तः इति। न देववन्धवयः न पितर इत्याच्छ- तेत्तय धर्मांवयवयम्यथे इति। यस्तः यः क्रियावर्गे प्रज्ञान्ति सदास्तु यद्यहन्ते सोदयम्।

What is Āpatdharma? आपादि व्यवहरेत पण्यातामपण्यानि व्युद्धिन्

Haradatta says
कुलनया वैद्ययुर्वेशुपल्लक्षणसिद्धे। क्रियेविद्विशेषं द्वन्दापूर्वत्वं सिद्धा।

Apastamba then deals with the Prayaschittas and the Snātakavrata.

In the second Praśna he describes the householder’s duties Vaisvadeva, duties to atithis (guests) forms of marriage, partition of property, Sraddhas (duties of ascetics and duties of Kings. About the Sanyasis he says:

सत्यानूते सुखार्थे वेदानिमोऽर्गमणे च परिधिय आत्मामहिंसच्छेष्टा।
DHARMASUTRAS AND DHARMASAstras

In the Gautama Dharma Sūtras, the first and second Adhyayas define Dharma and describe Upa-nayana and Adhyayana.

वैदेश यथमसूरे । भिंरं । स्थ्योषितिशिले । (I, 1, 2)

About Sandhyā he says

विषेषतु पूर्वमासीस्त्रोतारो सर्वोत्तितश्चयोतिष्ठोर द्वारनातू वायवः । (II, 17)

About giving up wine he says

सर्व निलेल भ्रामणः । (II, 26)

The Maskari Bhāshya says

निंशे भागथुपमनयनात् वर्णेचन् ।

The third Adhyāya deals with the other Asramas. The fourth Adhyāya describes the various forms of marriage the various castes etc., The fifth Adhyāya describes the five Maha Yajñas the tarpāna of devas and rṣis and pitṛs, Aupāsana, Vaiśvadeva, respect for atithis (guests) etc. The 6th adhyāya deals with abhivādanam. The seventh adhyāya deals with Apatdharma. Gautama allows Brahmins to resort to arms when there is threat to life.

प्राणसंस्ये भ्रामणोपिवास्मादद्रवः । (VII, 25)

The Maskari Bhāshya says

प्राणसंस्ये भ्रामणोपिवास्मादद्रवः "प्राणाभरे वाहिकरा: "

The 8th adhyāya deals with the 40 Samskāras and the 8th Ātma Gunas. Adhyayas 9 and 10 deal with the duties of the 4 castes. Adhyaya 11 deals with Rājadharma. Adhyaya 12 and 13 deal with titles of law. The 14th Adhyaya deals with pollution. The 15th Adhyaya deals with the Shraddha ceremonies. The 16th
Adhyaya deals with upakarma and anadhyayana days. The 17th Adhyaya deals with food that may be taken and with forbidden food. The 18th Adhyaya deals with stridharma. Adhyaya 19 to 27 deal with Prayascittta. Adhyaya 28 deals with partition and parishad.

Bodhayana Dharma sutras consist of 4 prāśnas. Govindaswami has written a commentary thereon. The 1st Khanda of the first prāśna deals with the nature of Dharma.

Bodhayana says also that Prayascittta must be fixed with due regard to capacity sage etc.,

The 2nd Khanda deals with Desadharmas and defines Āryāvarta as lying between the Himalaya mountain and the Pariyatra mountain. Khanda III deals with Upanayana. Khandas V and X deal with the Snātaka. Khanda VIII deals with purity (saucha). Khandas XI to XIV deal with āsoucha and suddhi. Khanda XVI deals with the four castes. Khandas XVIII and XIX deal with Rājadharmas. Khanda XX deals with the 8 forms of marriage.

In the second Praśna, the first and second Khandas deal with Prayascitttas. The Khandas III to VI deal with the duties of the snātaka, the householder, and partition. In Khanda VII the Gāyatri japavidhi is stated thus.
Khand a VIII deals with snana (bath) and Khand a IX with Tarpaṇa and Khand a XI with the five mahā-yajñas. The later Khandas deal with the Āśramas, Śrāddha, Prayaschitta etc.,

In Manu Dharma Śāstra, Chapter I deals with cosmogony and the four social orders. Chapter II describes the duties of Brahmacharīs. Chapter III deals with the forms of marriage, the five maha yajñas etc. Chapter IV describes the duties of householders. Chapter V deals with proper food and improper food and uncleanness. Chapter VI deals with the different social orders. Chapter VII deals with the duties of Kings. Chapter VIII describes courts of Justice, the law of evidence etc. Chapter IX deals with the law of inheritance etc. Chapter X describes Āvatdharma. Chapter XI deals with Prayaschitta (expiation). Chapter XII refers to rebirth, jñāna, and self-realisation.

In Parāśara Samhitā, Chapter I deals with the rules of conduct and the legal code in the various yugas and the duties of Brahmins in this Kali age. Chapter II deals with the duties of the four castes. Chapters III to XII deal with pollution and expiatory ceremonies.

In cases not expressly provided for, Manu allows in Chapter XII resort to a Parishad for guidance. Ordinarily a Parishad should consist of 10 or at least 3 learned and pious Brahmins. We must be guided by even one Brahmin learned in the Vedas and not by the mere opinion of a majority which is not learned in the Vedas (XII, 109 to 114)

Thus the Dharma Sutras and the Dharma Śāstras deal in the main with Ācāra and Vyavahāra and Prayaschitta. They describe the four Varnās and the
four āśramas and their rights and duties. They describe the various Samskaras from Garbhādhāna to Antyeshti (the last funeral rites.) They describe the life of the Brahmacharin, the Anadhyayana days, the duties of a snātaka (who has finished Brahmacharya), the duties of married life, purity, the five daily yajñas, dāna, (gifts) the permitted food and the forbidden food, pollution (āsaucha), purification (shuddhi), śrāddha, stridharma, rājadharma, vyavahāra (judicial system) āpaddharma, prayaschitta, sānti karma etc. Though the authorities refer to Āryāvarta as being between the Himalaya and the Vindhya, the Purāṇas refer also to Bharata Varsha as stretching from the Himalaya to Kanyak Kumari (cape Comorin). The Vedas etc., contain no reference to the people having come into India from somewhere outside. The Himalaya is always referred to as the Uttara Giri (the northern mountain). In Sabara Bhasya on Jaimini’s sutras, X 1, 35 we find him saying that there was unity of language and life from the Himalaya to Cape Comorin.

Their Threefold Aspect

Some Purāṇas (Mārkandeya etc.) say that Bharata was the son of Rishabha whereas Vāyu Purāṇa says that he was the son of Duṣyanta and Sakuntala. Thus though some portions of India were at one time denounced as impure, yet the whole of India was regarded later as a land of unity and purity.

In the Cultural Heritage of India Vol. I Mr. T. R. Venkatarama Sastrī says, well: “These Smṛtis are not mere law books. There is involved in the Smṛtis much more than the civil and criminal laws and the laws of marriage and families. Every detail of the daily life of the individual is included. Social arrangements with all
the social institutions are comprehended. The King's duties in relation to the internal and external affairs of the country are included therein. It is difficult to conceive of anything bearing on the conduct of any individual or group of individuals or of society as a whole that does not fall within the regulation attempted by the Smṛtis. Worship of gods, ceremonies in commemoration of the dead, birth and death pollutions, expiatory acts, sacrifices, customs and manners of daily life and behaviour are all included, indicating thereby their all embracing character.

The period of the Smṛtis strictly so-called may cover 1500 years, but an understanding of the Smṛtis as well as of the lives lived under their influence requires that period to be extended both ways, further back into the period preceding it, and further forward almost upto the middle of the last century."
CHAPTER III

Their Present and Future

The Dharma Sūtrakaras were quite aware that eras might come into existence when the vṛthīs (professions) fixed for each caste might have to undergo alteration. Some Kṣatriya Kingdoms disappeared. Non-Kṣatriya Kingdoms arose. It happened that the Brahmīns were not able to live by Shat karma (yajana, yājana, adhyayana, adhyāpana, dāna, pratigraha) alone.

In fact in chapter xviii of the Gīta, Sri Krishna prescribed the qualities of the Brahmīns but not their professions. In Gautama Dharma Sūtras we find the following Sūtra.

आर्यानाथ्योपपृच्छेपेकर्मण्यसाम्यम साम्यम्। (X 6)

In the Maskari Bhāshya on this sūtra it is stated. व्यतिक्रेष्पे व्यतिविद्य सरपरवयंसास्य कर्मणा आचार्यम् तास्य सर्वसंभवय तयोरवणलङ्गम्। आर्यापि आधारणादि: अवार्यभागम् न शून्युण परिचरणीयः। अवार्यापि श्रृंगो एव उक्तकारी सा आद्यंकथियः। एवं च अन्यं अवार्यस्य एवम्, किंतु ज्ञातिविभाषिणे कुतसिंगं न कर्तवयम्। इतरोदपि हीनोद्वितिमिति कुस्वातन्त्रयो न कर्तवः। इति।

If this view was held by Gautama many centuries ago, where is the ground for any superiority or inferiority complexes of any sort to day? We are living in a democratic age and the tide of nationalism is flowing strong and the same right to work and service is open to all. Communalism and communal bitterness have thus no real basis at all and all the social groups can live a life of equality and interdependence and harmony. We have achieved independence but it will
be fully worthwhile only when we have also social harmony and economic freedom and justice and prosperity and aesthetical excellence and spiritual exaltation. It must be further noted that the scope of Apat Dharma was expanded so that all the castes might get a suitable and adequate living. After all in every community the producers and the distributors are indispensible, whereas the number of administrators and teachers and priests need not and could not be large. Hence in each age a certain number of Brahmins and Kshatriyas who could not live by Shat karma or by the professions of arms and administration respectively would have to take to trade and commerce or to productive work. It was not regarded as anything improper or degrading to take to such pursuits. In Chapter X of Manu it is said that if a Brahmin could not eke out his livelihood by Yajana and adhyapana and pratigraha he could, by way of Apat Dharma, take to the professions open to Kshatriya i.e., military life etc., If he could not make out his livelihood even in that manner he could take to two of the Vaisya professions viz. cattle rearing and trade. But Manu forbids him to do agricultural work because ploughing kills innumerable animalacles. If a Kshatriya cannot maintain himself by his legitimate profession he can follow the professions open to a Vaisya. If a Vaisya cannot live by his profession, he can take to the professions open to a Sudra. If a Sudra cannot live by his profession, he can be any artisan or a cook.

अजीवकथ सतोकेन ब्राह्मणः स्वेच्छ कमणः।
जीवेत्वा क्षत्रियरक्षेण सहाय्य प्रथमान्तरः॥

वमार्यामः जीवकथा कथे ब्राह्मणं जीवेत।
कृषिगोपरुषमथ जीवेत्वा जीविकाम समादृत।॥
Thei Present and Future

वैश्मोदि जीवन स्वर्गार्य गृहीत्रत्यापि वर्तित ।
अशक् कुशल सुस्वरूप गृहि केवल द्विजस्मायम् ।
पुज्याराज्यानि प्राप्यो जीवने कार्यरक्षमि ॥ (X 81, 82, 98, 99)

Karmas thus defined.

तक्षा च तन्त्रमायान्या नापितो रज्ज्वलथ ।
पञ्चमश्मेकारायं कारवं शिलिपो मतवां ॥

But as pointed out above, Parasara seems to loosen the restrictions of Manu as to agriculture.

पदरक्षसहितो विषयः कुष्ठकम् च कार्येऽत ॥
स्वयम्भूतेन तथा ध्येयं ध्यामसाधिते ।
निर्विचारः पञ्चमश्मेकारायं कार्येऽत ॥ (II, 2, 6)

क्रल्लोकेष दृष्टं कुष्ठा देवाना क्रियायं पञ्चकृते ।
वैद्यं शुद्धतः दृष्टं कुष्ठामीष्ट्यशिष्यपकम् ॥ (II, 13)

Manu says the general rule as to livelihood as follows.

वीर्य शिश्वं दृष्टं सेवा गोरस्य विषयं कुष्ठी ।
दृष्टिमं दृष्टं कुष्ठीं च दृष्टं जीवनाद्विनवां ॥ (X 146)

He states the general rule in chapter IV thus in fuller terms in regard to Brahmmins, while forbidding storage of wealth.

अद्धृते नावं भूतानां अर्पयद्विहेव च पुनः ।
या न्यातिष्ठानं समाझाय सतो जीव्येवद्विनाविनदि ॥

यात्रामात्रामाससिद्ध्वृद्धय सैं कर्मभिरघातिते ।
अद्धृतेन शरीरेऽर्जुन जार्जुन धनस्वरूपम् ॥

क्रत्ववृत्ताश्चायं जीवताः सृष्टिः प्रसृष्टेन च ।
सतायुक्ताव्रायामुपि च न स्वरूपं कहाणेन ॥

क्रत्ववृत्तिः सृष्टं प्राप्तं अर्थं स्वध्याचितम् ।
सृष्टं च प्राप्तं भैश्व मसृष्टं कर्षणं स्वरूपम् ॥

सतायुक्तं च वाणिज्यं तेन चेतापि जीव्येन ।
सेवा इत्युप्तिरहावता दस्याः परिमतितेऽत ॥ (IV, 2, to 6)
[GAHYAMB] DHARMASUTRAS AND DHARMASASTRAS

(A Brahmin with a large family resorts to six professions (क्षत्रियांतिकाश्यकथितवाच्च गुप्तगुणा)) A Brahmin with less family burdens lives by three professions (याज्ञवल्क्य प्रज्ञापन प्रतिपदा). Another lives by याज्ञवल्क्य and अध्यापन, and yet another lives by आद्यापान alone.)

So far as untouchability is concerned it is to be noted that we have no proof that there were untouchable castes as such, though the Chandogya Upanishad refers to Chandalas. The description in Brihadaranyaka Upanishad (तन्मयं ज्ञानमिव याज्ञवल्क्यनति याज्ञवल्क्य) seems to refer to Mlechchas and not to chandalas. Sankara says that what is referred to by “the end of the quarters” is the country where people dwell who are inimical to Vedic culture.

नन्दन नास्ति विद्मानानि:। कथमन्त्र हसितवाणित। उद्धयते । शैवबृहस्पतिभन्नन्तोषलिङ्गवासिद्रासाम तिरिक्षिज्ञानस्यूषित एव देवीं विद्मानानि:। देवसान्तोषलिङ्गपर्यवृत यथादिर्यांविषय:।

Manu (X, 4) and Mahabharata (Anusasananaparva, 47, 18) says that there are only four castes and that there is no fifth caste.

चर्चाम एकजातित्वूर्द्ध्रो नास्ति तु पञ्चमं:। (Manu X 4)
स्मृताभ्य चर्चामानव्रवारो पञ्चमो नासिकानमयवादिते। (Anusasana 42-18)

Panini (II, 4, 10) refers to Niravasita Sudras and Aniravasita Sudras. Patanjali says

येनेत्यक्ष: संस्करण श्रुद्ध्यति नेद्दितर्वशिष्यः।
येन येत्यक्ष: संस्करणां न श्रुद्ध्यति ते निरवशिष्यः।

Manu (X, 41) shows that the pratiloma castes are treated as Sudras. In course of time, however, untoucha-
bility came into being in Hindu Society in the case of persons with low pursuits and filthy habits, though Manu regarded the chandala alone as asprisya. In modern India untouchability has been abolished by the Indian Constitution.

Reviewing the course of development of Achara and Vyavahara and Prayashchitta as a whole, we can easily realise how many aspects of every one of them have undergone changes while the essential portions of them all have been preserved intact. Most or at least many of the sacrifices and domestic rituals have ceased to be. The Kalivariya idea itself implies the idea of change. But some of the essential samskaras such as upanayana and Vivaha etc., and the obsequial ceremonics and tarpaña and Srāddha etc., have continued fairly intact. The daily course of Shatkarma life and the scheme of Nitya and Naimittika karmas have continued to a considerable extent. But the rules about the permitted professions have mostly changed beyond recognition and all forms of national service are taken up by all the castes. The greatest changes have been in the realm of Vyavahara (law). Even before the British system of courts was established and before legislative enactments and judicial precedents began to grow in volume, many of the old rules fell into disuse. Some of the Mitakshara rules about women’s proprietary rights ceased to be alive. The Privy council validated the adoption of an only son. The Hindu law of debts underwent a change at the hands of the Judges. The various legislatures in India introduced many changes. In regard to Prayashchittas also many changes have occurred, and the old expiatory ceremonies have ceased to be performed especially after the proclamation of the perfect purificatory power of Bhakti.
Hindu Society is fully aware of the clamant demand in the modern age for liberty and equality and fraternity, of science and democracy and socialism and communism as dominant world—forces, of the four freedoms, and of the urgent need to bring itself into line with the new forces. It knows that a people without adaptability to environment is bound to perish. But it knows equally well that without loyalty to the racial vision, a race will equally perish. India will never become a mere echo of other civilisations and cultures. The has got the supreme duty of fusing Democracy with Truth and Ahimsa and also of spiritualising the petty death-girt life of man. She will preserve the essence of the spiritual and ethical and sacramental life laid down by her sages while modernising herself to the full. She will preserve the Shatkarma scheme of daily life, upanayana and vivaha, adhyayana and Japa and paryaya, tarpana and sraddha, and yoga and bhakti and jñāna while she takes her legitimate place in the unity of nations and achieves social unity and economic selfsufficiency and justice and peace in addition to political independence.

Let me take now by way of illustration the vexed questions of interdining and intermarriage. South India has been more conservative in this respect than North India where Drishti Dosham is not observed and where a differentiation is made between Pakka and Katcha food. One suggestion made by some conservative leaders who want to provide for the unity of heart engendered by a common mess is to have a common mess if vegetarian meals are cooked and served by Brahmins. The Hindu community has to consider that
via media and arrive at a successful working solution. There is no justification for marriage taboos among subcastes but some conservative leaders do not want to have a casteless and classless society of the communist type in India and do not like the Varna-samkara of the four major castes. The recent Hindu code Bill is a contentious measure and I do not propose to discuss it here. Many conservative leaders do not like to have all the proposed changes about succession or to have civil marriage and divorce thrust into the Hindu law, especially as the Civil marriage Act provides therefor in regard to the so-called “progressive Hindus”. It is upto the Hindu leaders to discuss all these vital questions and arrive at solutions consistent with the Dharmic ground-plan of Hindu life and the demands of democracy and modernism.

It must be noted that, though Dharma Sutras and Dharma Sāstras deal primarily with rules of personal conduct and rules of civil and criminal law and rules of expiation of sins (Achara, Vyavahara and Prayashchitta), yet it must not be thought those sages were deficient in knowledge of philosophy and the ultimate aims of life or in the knowledge of the lofty ethical principles which are superior to mere rules of ceremonial or rules of law or rules of expiation. The latter may, nay, will change in some respects or in many respects from age to age but the former were and are and will for ever be of perennial value and absorbing interest.

In Āpastamba, Praśna I Patala VIII Khanda XXII we find various sutras devoted to what is described as Ātmaniroopaṇa. अभ्यासितकार्योगान्तुविशेषन्त्व्याख्यातिवाद अनेककार्यरिकाणः (1)

(We must practise spiritual disciplines which arise from the negation of mentally disturbing factors (like
anger etc.,). Haradatta says in his commentary. अनेत्रारिकासः निविचारः—चित्तं बहिर्निकेते: तत्सै ये प्रभवति चोथादिवो विध्यमाणः: ते नैवारिका: त्वपतिप्रमोचात्म। अनेकोद्धिपुर सत्यचतुर्विश्वास श्रीभद्र अनन्तरालवं निष्कर्षिते बलिते। नम्नात्म तानु अनुविशिष्टे। आत्मानां वर्णसु अनोधाकार्यत्वान चित्रसामाधानसु कुर्विन्दिते। आत्मायापूर्वं विचारते। (२)

(There is nothing higher than self-attainment.) In the commentary on this Sūtra, Haradatta gives a long and beautiful exposition based on the Vedanta of Sri Sankara. क: पुनरसारात्मा। प्रामाण्या। मन्वसी सिद्धसम्; न हि तैयं-मेव हस्ताभिधो भवित। सत्यं, प्रकृतिमेधनातू वहमसामुदायगो विन्दर्क्षप इत्य भावि। प्रकृति हि नित्यसंबंधः पुरुषः। स च संबंधसंवाधिः चथार्य-स्पर्शर विचेको न ज्ञाते। अनेकोन्यन्यमार्थे अनेकनं सत्यान्वें च भय्यवाते। यथा कीर्तिः दुःः के संपूर्णे इत्यक्षीं इतुदुर्क्ष। ... ... तत्सै गतार्पक्षतः स्वप्तांम: नीपारित विशिष्य राजपुत्रः। ... ... तत्स तिर्यं श्रुते मनन ध्यानसमि।

‘यो जस्तो मननयो निद्रिष्यायात्रयु: ’ इति अवधानतः। तथा बुधे यथानिबारीः श्याबजनयं ज्ञाते। मनन्तपमप्यिनिनिन्हरणमुः। एवं भुते सतेवतामि साक्षात्कावेदुः। अविष्टामुः चेत्रसा निर्विद्याहवना ध्यामुः।)

तत्स आत्मंर्मायायां श्रोकादुर्हार्धिन्यः। (३)

पूः प्राविनः। सर्ब एव गुहास्वर्ग अहंन्यमानस्व विक्रेणसि। अच्छु च ठीकितं च वेसनुविशिष्टि ते सुतुः। (४)

(We shall here give a few verses relating to self-attainment. All things are objects of enjoyment to the self who is deathless and pure. Those who realise the changeless in the changing body become eternal.) Haradatta says in his commentary. गुहाति प्रकृतिनाम। ततः ज्ञेते। तथा सद्यन्तथगामपंचसलिप्ती गुहास्वर्ग धारिता। अहंन्यमानस्व, नान्योपी शरीरः हुमास्वर्गाधिपे हस्तेते। विक्रेणसि निर्तिठि। एवंसुप्रकृतानमः। सर्व एव अधिनः। श्रेष्ठालाभवान्। अनुतिष्ठतस्तत्संवाधिः। पू: पुरे उपमो-क्षान्तः। ततेवामुः सर्व मात्राश्रेण निश्चितं च ठीकितं, श्यान शरीरः, तद्यथा च ते वेसनुविशिष्यास्तं एवंर्षुद्धो-प्रक्षेपितं प्रतिख्यातं तेष्वार्थाः सुक्ष्म भवित।)

गदिरसमिदिद्यि ह लोकं विषयुक्तच्यते। विषयु नविवेकनुविशिष्टौ गुहा लोकं। (५)
(All objects are described as this with wonder. The wise man abandons them and seeks the Aman.)

Haradatta says in his commentary. यदिं दिव्य धारिति लिङ्गतयित्वश्रान्तेः, एवंधिति श्रवन्तं तकारस्तं दकारः। इतिशब्दः प्रसिद्धः। ह शब्द आश्रयः। इतिशब्दं उद्वेदनश्चाविद्वुः विषयेषु अवातर्प्रकारसंवेषेत। प्रतिवादित। चिप्यांप्रतिवेशितो हि चविन्ति, इति ह तत्त्वादी निश्चित्तमिव करकं। इति ह तत्त्वाः साधिष्ठोधरसिनः, इति ह तत्त्वादयो भ्रान्तिविष्णु इति। एवं विषयमात्रेश्चेदौपि ग्राह्यः। एवं विषयू गुहासः सः तत्त्वादयो सिद्धां निश्चितानिवित्तिः।

आस्मानं वाते तैतत्त्वं सेवनं नाहिं। अथान्येशु प्रतीच्छामि साखुशान् श्रान्तेनः। साखुशान्ते तेजस्तायं सर्वं निहितं प्रमुः।

(The teacher says to the pupil. Instead of attaining Him the Infinite the Glorious, the Omnipresent, in myself, I seek Him among other entities. I have found Him. Do you also seek and attain Him. Follow the good and auspicious way. Do not tread the bad and inauspicious way.)

Haradatta says in his commentary. शिष्यं प्रस्यां चर्चिते निश्चिते यभवनेत। तैं चातुः हेतु विषयाणां त्यागे, परामीतं अहितवाच। ... एवं भूतं गुरुशयं प्राविन्तं काठमहाभरणं, आस्मान्यमेष्टि शरिीः संगते अन्यान्यानेव इती योगस्मर्यभां अथान्येशु द्वमविधिव वं तं विषयं प्रतीच्छामि। तर्कोकृच्छ, प्रतीच्छामु। ह्यादीना तु तं नवनं न तथाविष्णेव्सि। तर्कमेददेवं हिंतं साखुशानं साखुशां सेवं। ना हिंतं विषयानुभावनमिति।)

सर्वन्नूपं तको नित्यो विपदिति सुरोत्सवः।
अनशमिभव्यावरोद्धर्षेव महान्य सुरि।
एव सर्व परस्कारः सर्वं वे मात्रं यथाः।

स च वैष्णवं विशुद्धं नाम ग्रामायणस्य मध्ये खाद्यं। तथथा सेवतः-रत्न मयं भवति एवस्मात्मामेव प्रथमेश प्रवति। एव यथयं वैसाहनं पूर्णं, विचिनिते-साधिष्ठोधरसिनां विभाजनं, तदेव वैभाजनं। महावदि: अनुशासितकदिश्च। चक्षा सिद्धं पुरुः तः चर्चितमिव प्राश्य: एवस्मात्मामीति।

तं यथाविष्णुस्तं सम्बं तथां चातुः स साखु चवित्ते।
दुर्गुणितपुणेऽयो च: प्रश्येत् स मोक्षेऽति मिथ्ये।
DHARMASUTRAS AND DHARMASASTRAS

(He who worships him does what is pleasing to him—him who is hard to realise and subtle,—he rejoices in Paradise. श्रीभगवानुपदेशमेछरेन)

In the next Khandika (XXIII) Apastamba describes the Atman in clear and concise and comprehensive terms and states in equally emphatic terms what are the doshas or defects which prevent self-realisation and what are the yogas which lead to it:—

अत्मन्य पदयन्य सर्वभूतिः न दृष्टिनिध्वनः कविः। अत्मानं चैव सर्वं यः पदयेत् सैव नाक्षण्णे चिरावजितः॥ (१)

Seeing all beings in self the wise man should not have any delusion. He who sees his self in all shines in the Paradise of self-glory.

Haradatta says.

सर्वाणि मूतानि अत्मनं आत्मनं शेष्येन स्थितानि पदयनं पवाबं सर्वं त्रैव शेष्येन स्थितमात्रानं पदयेत् साक्षात् कृयात्।

निपुणोंनिषेधाय विलोणाय ध्यावृत्तयः तत्त्वति वर्षयंबंग्र प्रुपिन्या ध्रुवः सर्वारथ्यं तत्त्वति । स इति रैंजेकोऽक्षणात्त्वमेव यथान्यक्षणस्य यथायत् पर-मेिषी विभाजः। तस्मात् कायः प्रभवान्ति सर्वं स पूर्वं श्रावकीयं सत्त्वम्।

Haradatta says in his commentary:

निपुणं सेवकी चित्तं किर्तिस्वरुपं विलोणाय। बिलातन्तरो रसायनं वर्णाय, वर्ण-प्यां न वृहत्। अस्य जगते यन्त्रिन्द्रवृङ्गां इन्द्रियं ज्ञाते वस्मात्, कीर्तिः। बेरात् अनन्य, पद्धतिं पश्चिम, बेरात् नीपितावश्यारुं नीरुमूतं नीपितावश्यारुं तस्मात् प्रथमात्त्वमेव इति स्त्रयः। विभवमात्रानात् देवमुख्यादिक्षर-पेषन नाना-श्रवीद्यप्रवन्दनेतिविभाजः, तस्मात् कहो नित्यमुरुतं सर्वं कायः। देवमुख्यादिक्षर-पेषनेत्र स्रवन्त भक्तिं अत्यन्ते। दोमाणू स निरादमरं योगमूत्रं इं जीवितेऽ। नित्यं भूतलाैंताय। क्षेमं गच्छि पद्धति।

(The wise man who while living, destroys by means of yogas the doshas (defects) which burn us, attains bliss)
(We shall now mention the defects which burn us).

(We shall now mention the defects which burn us).

(We shall now mention the defects which burn us).

(We shall now mention the defects which burn us).

(We shall now mention the defects which burn us).

We find an equally fine exposition of perennial value in Gautama’s Dharma Sutras. After describing the forty samskaras इत्यते चाृतार्थिनां संस्कारा। भिक्षु १९)

Gautama refers to the 8 आत्मा गुणाः अथाध्यायायार्थम्। (द्वारा सर्वभूतेऽथा श्लेष्यनुस्रावऽरूपीमनाथात्मा महाभक्तिप्रेष्यमस्मृति। (VII, 20)

(Compassion towards all, forbearance, absence of jealousy, purity non-overexertion, auspicious action, munificence and non-covetousness). In the Maskari Bhāshya the commentator states द्वारा हितचिन्तनं। सर्वस्नेहात्मो कृत्यनेति।

The Sutrakara then proceeds to say। यथैते चतुर्वृत्तं संस्कारतत्त्वात्त्वायमणानां न स त्रायस्वत्त्वत्त्वाय। सर्वात्मोक्षवर्गं च गच्छति। (२२)

यथा तु खलु संस्कारानेकदेृत्त्वात्त्वायमणानां। अथ स त्रायस्वत्त्वस्य अयुक्तं सातोक्षवर्गं च गच्छति। (२३)

(He who has performed all the 40 samskaras but has not got the 8 आत्मगुणाः cannot attain paradise
and union with God. But he who has all the Atma gunas but has performed only some of the Samskaras attains paradise and union with God.

This does not in any way lessen the value of the Samskaras but stresses the greater importance of the Atma gunas which are called yogas by Apastamba as shown above and which are described collectively as Daivi Sampath in Chapter XVI of the Gita.

देवी संपद्र्यमोक्षय निवन्धायायुर्मता (Gīta, XVI, 5)

I have indicated above how some customs have become obsolete in course of time, how some rules of law were modified by Judicial decisions, and how other rules of law were abrogated by modern legislation. It is to be noted also that after the Puranic and Agamic disciplines came into prominence, many of the 32 Srauta Vidyas and many of the Srautha sacrifices fell into desuetude. The forces of Buddhism and Jainism also operated in the direction of superseding the sacrifices which involved the slaughter of animals. The seed of this new upsurge of thought is found in Manu itself.

जयेनैत सुसंसिद्धातेन व्रह्मणो नान्ह संधायः।
कृत्यादिनयांवा कुर्यातृतैर्मेचरो व्रह्मण उदयते॥ (II, 87)

Kulluka in his gloss on this verse harmonises the old and the new outlooks.

श्रीवणः जयेनैत निस्सन्दहाः सिद्धिदृढः मोक्षप्राप्तिः भवणि। अन्योऽैतिः यागादिकं करेतु न करेतु वा। श्रीवणः संवद्धयं श्रीवणि हीयते इत्यामेवृत्तये। सिद्धमेवं मैत्र व्यङ्गयोः। यागादिष्ठ पशुबीजानुजेवादिविश्वाते ग्राणिरित्वा संस्मरणिति। तस्यातं यागादिना विनापि ग्राणिरित्वा मिलितर- दीति जयशंकोः नु यागादिनां निषेधतेपापमि श्रीवणमेवः॥

The ancient yajñas yet continue to be performed but by fewer and fewer people with the lapse of time,
There is a famous verse in Manu about the relative importance of Yama and Niyama (ethical disciplines and ceremonial disciplines).

Yamas represent the ethical disciplines while niyamas represent in the main the ceremonial disciplines. Kulluka in his gloss on the verse quotes yajña valkya’s definition of yamas and niyamas.

Manu says that we must always practise the yamas though we may not always practice the niyamas and that he who gives up the yamas falls even if he practises all the niyamas. The enumeration of yamas and niyamas is slightly different in the yoga sutras.

Manu specially emphasises the importance of Pranava and Gayatri.

He stresses also the importance of tapas (penance and austerity).
Manu teaches that the highest attainment is the realisation of the infinite Ātman. We must see the self shining in all and realise the identity of our self with the Universal self. The Infinite Self is all the Gods, is everything in the Universe. He is called Agni, Prajāpati, Indra, Prāna and Para-Brahman.

(XII, 9)

The greatness of Hinduism consists in its synthesis of ceremonial and ethics and spirituality. The very word संस्कार means something that contributes to self-sublimation. Sri Sankara says in his Brahma Sūtra Bhāshya.

(I, 1, 4)

Manu says

(II, 27, 28)

Kulluka clearly says in his commentary on the second verse stated above.

(II, 27, 28)
It is therefore clear that instead of lamenting over the modern neglect of the Samskaras or trying to restore all the 40 samskaras and all the vedic sacrifices etc., and cutting out all the changes which have come about in the Puranic age and the Agamic age and the modern age, the proper course is for the Dharmacharyas and the other learned scholars and social leaders to do today what was done at the time of the beginning of the Kaliyuga, viz. to settle a new organon of ceremonial and ethic and metaphysic based on all the sources of Dharma, viz. Vedas and Smythis and Puranas and Agamas in consonance with the pressure of the environment and the demands of the modern age. If we let things drift, there is a danger of the former being squeezed out of existence in this hurrying materialistic hedonistic modern age. If such a work cannot be done, let us at least individually or in groups practise and keep up at least a minimum such as bath before sunrise, sandhya worship, mantra japa, adhyayana of the Sooktas, parayana, daily worship, tarpana and sraddha. If others have leisure and convenience to do more, let them do so. But let no one revile another for any lapses in samskaras, if at least devotion to God exists. Sri Krishna is prepared to overlook Durachara if Bhakti exists, because a devotee would soon become a Dharmatma.

अष्टि चेतु सुदुराचरो भजते सामन्तनाय भाक्र ।
साधुरेव स मन्त्रय: सम्यगव्यवसितो हि स्: ॥
क्षिमं भवति धर्मोऽमार्थ्या रुपचज्ञानं निगच्छति।
कौन्ते यह अर्जितानीहि न मेभक्तः प्रणयति ॥

(Gita IX. 36, 37)

Let us not try to be wiser than Sri Krishna. Let us not also in our excess of zealotry and sectarian
spirit publicly exalt our own samskaras and cry down the samskaras of others.

I wish to refer also here to the sublime ideas of Manu about the origin and evolution and goal of life. In a famous passage he points out how from circumambient darkness,—indifferentiated, chaotic and emorphous,—arose this shining and Beautiful Universe by the will of God:

हात्मसौविद्यार्थिनं स्वयम्भूर्वस्वदर्शनम् ।
अपतत्त्वोपाचर्यं प्रातृपद्मिन सर्थं ॥

ततः स्वयम्भूर्वस्वदर्शनकोण्यम्प्रतिवर्तमाने ।
महाभूतविहितचौरोज नादारासीतमोनुदः ॥

(I, 5, 6)

(वर्तमानाविद्वितस्मोऽविधिसां सर्वनाश, तथा तमोजनः प्रकृतिप्रमेयः।
ततुकः महाब्रह्मात्मः । 'महाभूतविहितस्मृतः सृष्टेः स चराचरम्'

(Kulluka’s gloss)

As a result of creative evolution the souls get embodiments according to their karma.

यथावृत्तिक्रियान्वतः स्वयम्भूवृत्तेः ।
स्वस्विर्यमुस्थमचन्तो तथा कर्मोऽधिति देखिनः ॥

(I, 30)

The Universe is guided by the cosmic order (Rta) till the shadow of dissolution falls on the face of creation and the weary souls are gathered into the bosom of the Eternal till they are launched for again on the world do quest of God realisation. The process is described by Manu in the expressive phrase काृं कालेन पीछवन् ।

(I, 51)

In his valuable foreword to the edition of Vyavahara nirmaya of Varadaraja by Messrs. K.V. Rangaswami Iyengar and A.N. Krishna Iyengar, Sir P.S. Sivaswami Iyer says: “The value of a study of the ancient law books to the practising lawyer grows less and less. The increase of legislation and Judge-made
law steadily tends to render a study of the original works and digests superfloous’. It seems to me that even in the department of Ancient Hindu law certain general principles will be found valid and useful to this day and I hope that the modern students and practitioners of law and legislators will realise this truth. In any event at least some of the ceremonial disciplines and many of the ethical disciplines and spiritual ideas stated in the Dharma Sutras and Dharma Śāstras will survive for all time in the land of their birth and will be a portion of the texture of Hindu thought and life for ever. I believe that in this direction Southern India and its heart-centre Tirupati have got a great mission. Manu has no doubt said:

श्रास्मुद्रातु वै पुर्णदातस्मुद्रातु पवित्रमातु।
तथेरेवातरे सिचारायार्येन्द्रे विदुःशः। ॥
सर्गक्तीद्यक्तेष्वर्वोदयंवेदन्द्रव्यायम्।
ते नेववतिमिति देवेऽवहारस्वे विदुःशः। ॥

(Manu II, 22, 17)

Manu went on to say that the whole world must learn Achara from the Brahmavarta Brahmins. But in the Bhagavata (XI Skandha adhyaya) it is stated that South India from the Palar to the Tamraparni will be the punyabhūmi and that the Kalki Avatara is to be in South India. Foreign invasions unsettled social life in North India. It bore the brunt of the external attack and allowed South India to evolve Hindu culture and thought and way of life in comparative peace. I hope and wish and pray that Lord Srinivasa will give South India the great task and privilege of unifying and purifying and sanctifying the whole of India and make India—liberated, independent, united, powerful, prosperous India—the World’s Guru leading the world unto God.
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