not got; he should guard with care what he has got; what is guarded, he should increase by interest; what is increased, he should bestow in gifts.¹

102. He should ever have his sceptre erect, his manliness evident; what is to be concealed, concealed; (he should) ever be seeking out his enemy's weak points.

103. The whole world trembles at a king with ever-erect sceptre; therefore let him subdue all beings by (his) very sceptre.

104. He should indeed act guilelessly, never by guile; but he, self-guarded, should be aware of the frauds used by his enemy.

105. Let not another know his weak point, but let him know the other's weak point; like a tortoise, he should protect his members, and guard his own defect.²

106. Like a crane, he should meditate gain; like a lion, he should advance; like a jackal, he should rush on; like a hare, he should fly.

107. These who are the opponents of him thus victorious, he should bring under his power by conciliation and the like expedients.³

108. But if they do not stand (firm)⁴ by the three first means, he must surely bring them into subjection by gradual force, having conquered them.

109. Of the four expedients, conciliation and the like, the learned ever praise conciliation and force for the increase of a kingdom.

110. As a cultivator pulls up the grass and protects the grain, so a prince should protect (his) kingdom and should slay (his) opponents.

¹ [Did this verse get smuggled in between the time of Medh. and K.? The former has no note upon it, and it seems like a mere variation of vs. 99. It is in all the MSS., however.]
² [With this and the following similes compare MBH. xii. 140, 24 ff.]
³ "The like," i.e., liberality [bribery], dissension, and force [K.]
⁴ [I.e., cease their enmity, tisteyuh (if they cannot be subdued by the first three means—Medh.) "by gradual force," or: "he should gradually bring them into subjection, overcoming them by force alone, if they will not come to a standstill (in their enmity) when he employs the first three means." Dandenaiva shows force as the one last resource.]
111. If the king, through folly, harasses by carelessness his own kingdom, he, with his kin, soon loses (his) kingdom and life.

112. As the lives of living beings perish from harassing the body, so the lives even of kings perish from harassing the kingdom.

113. Let him ever follow this system\(^1\) for the protection of his kingdom; for a king whose kingdom is well protected gains happiness.

114. (As) a protection of the kingdom, let him station in the middle of two, three, five, or a hundred towns an army division\(^2\) (properly) commanded.

115. Let him appoint a chief of a town, as well as a chief of ten towns, a lord of twenty, a lord of a hundred, and also a chief of a thousand.\(^3\)

116. Let the head of a town frequently\(^4\) of his own accord acquaint the lord of ten towns with the evils arisen in the town; let the lord of ten (towns) acquaint the lord of twenty;

117. But the lord of twenty should give notice of all that to the lord of a hundred, and the lord of a hundred should, of his own accord, acquaint the chief of a thousand.

118. What food, drink, (and) fuel are to be daily given by the inhabitants of a town to the king, let the head of the town take.

119. Now (a lord) over ten (towns) should enjoy two ploughs’ land;\(^5\) and (a lord) over twenty (towns) ten

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\(^1\) [Rule.]

\(^2\) [Gulma. The number varies according to the force of robbers (barbarians) in the district (Rāgh.)]

\(^3\) [Chief, pati or adhipati; lord, adhyakṣa; ṭa. The titles appear to be used without technical distinction.]

\(^4\) [Canakṣaḥ, slowly, i.e., methodically, regularly (?).]

\(^5\) [Kula, mass, family, etc.; the translation follows K.’s explanation of the word, which is, “as much land as can be turned by a plough drawn by six head of cattle is a kula” (so Rāgh.) Medh. says it is “a portion of a town, in some places termed a ghaṭa.” It would be better perhaps to keep the term in the translation, “He of ten (towns) should enjoy (one) kula; he of twenty (towns), five kula.” The general meaning of kula being “family,” we might possibly take it as “the tax levied on one family,” as the superintendent of a hundred takes the tax of a town; for the verse seems to supplement vs. 118, and not to denote the use of special tracts of land. But this tax in “food, drink, and fuel,” from one
ploughs' land; the superintendent of a hundred towns, a town; the lord of a thousand, a city.

120. (As for) the affairs of those (towns), and also those to be done separately, let another faithful minister of the king, unwearied, see to them.

121. And he should make in every city an overseer of all matters, exalted in position, terrible in appearance, like a planet among the stars.

122. He should of himself ever visit all those (chiefs, and) discover duly their behaviour in (their) provinces by his spies.

123. For those servants appointed by the king for protection (are) mostly takers of the property of others (and) cheats; from them he should protect these people.

124. Those sinful-minded (servants) who take property from suitors, the king, having taken all their property, should banish.

125. He should arrange daily a maintenance for women employed in the king's affairs, and for his messengers, according to their position and work.

126. A pana is to be given as salary of the lowest, six to the highest, with clothes every six months, and a droma of grain every month.

family seems rather small. Ragh. says expressly that "enjoy" means "he should take so much land as a means of subsistence." He adds a Brhgyu verse defining a town as a place occupied by priests and their servants, and likewise the home of Čudras. It must be a medium (sized) town, say K. and Ragh.]

1 [The superintendent of the city (K.)]

2 [Those who bring suits at law and are unrighteously deprived of property by the king's servants (K.)]

3 [Medh. says it is given them once a year; so perhaps better, "appoint for each day."]

4 [Servants.]

5 By "clothes" the commentators understand two pieces of stuff, just as is still the case in India; one being worn round the middle, the other over the shoulders. A pana is the copper "fanam." [The pana is the daily wage; the lowest servant (house-cleaner, water-carrier, &c.) gets one pana a day, one pair of cloths every six months, a droma of grain every month; the highest servant gets six panas a day, six pairs of cloths every six months, and six dromas of grain every month; a middling servant gets three of each: the droma = 4 ādaka = 16 puskula = 128 kunca = 1024 musfi (handuls) (K.) (Cf. Colebrooke, Essays, i. 534.) The cloth is twelve cubits long (Ragh.) Medh. does not mention the increase in aught but money; Ragh. makes it optional. The droma of Medh. and Ragh. agrees with that of K.]
127. (The king) should make the traders pay taxes, after having considered the purchase and sale (of their goods), the journey (they have made), the food and condiments (they use), and the means for security (they employ).

128. Having considered (the matter), let the king ever arrange the taxes in (his) kingdom, so that the king and the business-men may get profit.

129. As the leech, calf, and insect eat little by little (their) food, so yearly taxes are to be taken little by little from the kingdom by the king.

130. A fiftieth part of cattle and gold is to be taken by the king; the eighth part of grain, or the sixth or twelfth.

131. He may also take a sixth part of trees, meat, honey, (and) ghee; also of perfumes, medicines, and liquids, and of flowers, roots, and fruits.

132. And of leaves, herbs, (and) grass, of hides, and of rattan work; of earthen pots, and of all stoneware.

133. Though dying (from hunger), a king may not take taxes from a learned (priest); and a learned (priest) living in (his) jurisdiction must not perish from hunger.

1 [Rather "side expenses" in obtaining food.]  
2 [This is evidently the meaning of yogakṣema, and is so explained by the commentators; it has also just such a meaning in viii. 230. I have therefore substituted "means of security" (that is, the efforts necessary to protect their goods from robbers, etc., Medh., K.) for Dr. B.'s translation, "the insurance and grain" (sic), as the last word must surely be an error, and the word "insurance" has with us a technical sense not intended by the text.]  
3 ["Water animal" may be fishes; cf. Rāgh. "They drink very little for fear of drinking up their home" (viz., the water they live in). Medh. inverts the order of vs. 128 and 129.]  
4 [These moderate rates have been in use nowhere for the last thousand years in India. The Cola kings of Southern India certainly took a half of all produce, the rate which now obtains. But these plundering robbers, the Vijayanagara Telugu kings, and the Mahrathas after them, raised the rates considerably for a time. [When Manu became a king on earth, the people he governed offered him only one-tenth of the grain crop according to the Mbh. xii. 67 adhy.; cf. Viṣṇu, iii. 22-25 and 29; Gaut. x. 24, 25. Vas. i. 42 makes it one-sixth; so Baudh. i. 10. 18. 1. The grain-tax varies according to land, crop, etc. (Medh., K.) Cf. viii. 398, and x. 120. This tax is an annual one apparently, on the whole amount held, both stock and gain being probably reckoned. Medh. and K. observe that this is where the cattle and gold (at the end of the year) are more than the original stock (māḷaḍadhikayoh), i.e., there is no tax if there has been no increase (!).]  
5 [Cf. Viṣṇu, loc. cit. Gaut. x. 27 makes it one-sixtieth per cent.]  
6 [Cf. viii. 394. Other needy or pious persons are also exempt from taxes (Gaut. x. 10; Viṣṇu, iii. 80.)]
134. Now if in any king’s territory a learned (priest) perishes with hunger, his kingdom will soon perish with hunger.

135. Knowing his learning and behaviour, let him arrange (for him) a proper maintenance; and protect him wholly, as a father his own son.

136. Protected by the king, the religious duty which he does daily increases the life of the king, (his) wealth, and the kingdom also.

137. Let the king cause the low people in (his) kingdom who live by trade\(^1\) to pay something called tax every year.

138. Let the king cause skilled workmen and artisans also, and Çūdras living by their own (labour), to work (for him) a single day in each month.\(^2\)

139. Let him not cut off his root and (the root of) others through much covetousness; for cutting off his root, he would torment himself and them.

140. The king, considering the matter,\(^3\) should be severe and mild also (by turns); a king both severe and mild is approved.

141. When wearied of regarding the affairs of men, let him put in that place the chief of the ministers, knowing law, discerning, subdued, born of (a good) family.

142. Having thus disposed of all this to be done by himself, devoted, and also not careless, he should protect the people.

143. That (king is) dead and lives not, from whose kingdom the people crying out are carried off by savages,\(^4\) while he with (his) ministers look on.

144. The chief duty of a Kṣatriya is simply the protec-

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\(^1\) [Peddling vegetables, feathers, and other things of very little value (K.). “Trade” is almost too dignified an expression for the text.]

\(^2\) [Workmen and Çūdras who do not live under a master, but support themselves (as porters, etc., Medh. and K.), substitute a day’s labour a month for a tax. The loss of wages thereby incurred would render this a much lighter tax than that on the tradespeople of vss. 131, 132.]

\(^3\) [Kāryan, what ought to be done (in each case). This question of whether a king should be severe or mild forms one of the great discussions on the king’s duty in the epic.]

\(^4\) [Dasyus. Medh., K., and Rāgh. understand “robbers.”]
tion of the people, for a king who receives the recompense mentioned is bound by law.¹

145. Having risen in the last watch² (of the night), purified (and) composed, having sacrificed by fire,³ and having reverenced the Brahmans,⁴ let him enter his splendid assembly-room.

146. Standing there, after he has pleased⁵ all the people, he may dismiss (them). Having dismissed all the people, he should consult with his ministers.

147. Having gone up a mountain-back, or gone privately to the roof-terrace, or in a solitary wood, let him consult unreceived.

148. Whose deliberations the low people, having come together, do not know—that prince, though deprived of treasure, enjoys the whole earth.

149. At deliberation-time he should expel the foolish, dumb, blind, and deaf; birds;⁶ the aged; women; the impure,⁷ diseased, and deformed.⁸

150. The despised disclose counsel, so also do birds, and especially women; therefore among these let him be careful.⁹

¹ [Dharmena yujyate = sambadh-yate (K.) From Medh.'s remark (anayathā tu graham kurnan, prat-yasvati) the meaning would seem to be that the king who receives the recompense (tax) mentioned does (gets) his duty (cf. vs. 128, phalena yujyeta, getprofit). Literally the words mean, "is joined to dharma," and dharma should mean in (b) what it does in (a), "duty" or moral merit. "He who draws (no more than) the tax mentioned (by law) does right," seems to be the meaning, and "protection" would then mean not overloading with taxes. If the proximity of vs. 143 (though that in such a work as this has little meaning) makes pādana necessary to be taken in the sense of physical protection, we may supply it in (b), "for the king does right who draws the tax mentioned (if he protects his people)." It is the want of this ellipsis, apparently, that makes Dr. B. translate yujyate "is bound" and dharma "law."

² ["Watch" is a period of about three hours.]

³ [Poured the obligation to the gods upon the fire. As no such oblation is enjoined for the last watch (brāhmaṇa mukūraḥ; cf. iv. 92), Medh. says the text means it should be done at the last end of the watch, at dawn (vṛṣṇīyāṃ vātra).]

⁴ [Not as in vs. 82 (pūj), in the sense "bestow gifts," though the commentators paraphrase this word (ārca) by that.]

⁵ [By greeting and conversing (Meds. and K.)]

⁶ [Parrots, crows, etc., which reveal his plans (Meds.)]

⁷ [Mlecchas — literally "barbarians."

⁸ [This verse may mean he should not admit these creatures as councillors (Meds.).]

⁹ [Dr. B. has "he should be
151. At noon or midnight let him, having reposed and overcome (his) weariness, think on duty, pleasure, (and) wealth, with those (ministers), or all alone;

152. And on the attainment of these (things) when mutually opposed, and on the giving of (his) daughters (in marriage), and on the protection of his sons;

153. Also on ambassadors (and) messengers, and the result of his acts also; on the behaviour of the harem, and the doings of (his) spies;

154. On all the eightfold acts (of a king), and on the fivefold class (of spies) exactly; on affection and disaffection also, and on the behaviour of neighbouring states.

honoured there;" but ādrta means careful. "The despised" means the unfortunates of vs. 149. The word tīrṇagyna means beasts or birds in vs. 149 and here, but Medh. refutes as silly the idea of its meaning (men disguised as) "beasts," and its literal sense is impossible.

1 [Or again. Cf. the discussion in ii. 224, with the note.]

2 [Attainment, sasāṉājanam (K. arjanopāya; Medh. saṅgrahana). I have substituted this word for Dr. B.'s "reconciliation of them," which is an error based on K.'s virodhoparimārṣṭa, expressing the means.]

3 [Protection of sons, i.e., training, education, etc. (Medh., K.).]

4 [These three terms may be interpreted differently. Instead of "ambassadors and messengers," the literal meaning (upheld by Yāj. i. 327) is preferable, "the sending forth of ambassadors." The expression kāryāceta means not "result," but literally "the rest of what is to be done," that is, "the completion," which is the meaning held also by the commentators. "Behaviour of the harem" is the meaning given by the commentators to anākhpaṟuruṇapratāra, and is probably correct, though the literal meaning is "behaviour of the inner city," which may include the conduct of his city officials. As meaning harem, Medh. and K. give instances to show that the women, the queen, etc., should be watched, as otherwise they might poison or otherwise kill the king, Viduratha and the king of the KṛṢṇa having been slain thus. Cf. Kām. Nīt. vii. 52, 4.]

5 [Mehd. and K. give together three explanations of these divisions. The latter adopts that given by Ucanaśa, and which he regards as intended by the text respecting the "eightfold acts," viz. :—(1) Reception of taxes; (2) expenses; (3) commands to ministers; (4) prevention of wrong; (5) decisions in regard to doubtful caste-duty; (6) inspection of judicial affairs; (7) punishment; (8) purification from sin (though Medh. interprets (3) prāṣṭa as dusṭatīḍga). Medh. prefers one of two explanations founded on data given in the text, the first of which seems more reasonable, and is thus :—(1) Attempting what is still undone; (2) completing what has been done; (3) bettering what is completed; (4) reaping the fruits of his acts (cf. vss. 99 and 101); (5, 6, 7, 8) = the four "means" (taken for granted in vs. 107), viz., conciliation, bribery, dissension, and force. Rāgh. follows K. As Medh.'s other explanation is still more arbitrary, it is plain that there was no certainty felt in his time as to what the "eightfold"
155. (Let him) strenuously (watch) the behaviour of (a king of) middle position,¹ and the attempts of (an aggressive power) desirous to conquer, the conduct of one who is neutral, and of (his) enemy.

156. Those elements (are) the root, in short, of the surrounding country; and eight others are reckoned;² those twelve are said to be (the concern of a king³).

157. And (there are) five other (elements). (viz.) ministers, kingdoms, forts, wealth, forces; these, told separately,⁴ (amount), in brief, (to) seventy-two.

158. A king should know the next (king to him to be) an enemy, as also the adherents of (that) enemy; the (one) next to the enemy (to be) a friend; the one beyond both⁵ (to be) neutral.

meant. The fivefold class (of spies) is given by the commentators with probably the same arbitrariness:—
(1) Ordinary detectives disguised;
(2) fallen priests employed as spies;
(3 and 4) decayed farmers and merchants;
(5) priests under guise of religion. The guiles employed by them are explained by the ingenious commentators.

¹ [Madhyama is the king lying between two foes, whose position and disposition is neutral. This technical meaning (as the commentators explain it) is the same as that found in Kâm. Nit. viii. 18, and means the king whose land borders on that of an ordinary foe and one aiming at universal sovereignty (desirous to conquer). Dr. B., overlooking this part of the technical meaning, has rendered it “a king of moderate power,” which is a secondary point with Medh. and K. It may mean literally, “in the middle,” or stratagetically, i.e., a neutral between two foes (as above), since uddâna (neutral) refers not to two foes, but to all the “circuit” (manda, “neighbouring states,” vs. 154) of the king and really lies outside the circuit. The “enemy” (pâtri: cf. Kâm. Nit. viii. 14) is, according to Medh. and K., either one of the same family, a factitious foe, or one whose land lies next, though the Kâm. Nit. gives but two kinds, the sahaja and kâryaja (= kṛtrima), i.e., family and unrelated foe (viii. 56).]

² [According to K. the eight others are (in front):—The ally, foe’s ally, ally’s ally, ally of foe’s ally; (in the rear) the heel-catcher (cf. vs. 207), his attacked neighbour, the outlying neighbour of the heel-catcher, and of the neighbour of the heel-catcher; these, with the four of vs. 155, make twelve (cf. Kâm. Nit. viii. 17).]

³ [Or: “and eight others are reckoned with them, and these are called The Twelve.” The twelve-fold realm is meant, as Uçanas says (Kâm. Nit. viii. 22). According to the same work (xi. 67), the “province of consultation” of a king with his ministers extends over twelve, sixteen, or twenty subjects,” as say Manu, Bhâspati, and Uçanas respectively; others say, “according to occasion”—possibly this verse is referred to.]

⁴ [Cf. ix. 294. Each of these things “told (i.e., counted) separately” or “for each one” (of the twelve in vs. 156); makes sixty things to be attended to; adding the twelve king’s themselves makes seventy-two (K.).]

⁵ [Friend and foe (Medh., K.).]
159. All those he should gain by conciliation and the like means, separate or together; also by valour and policy.

160. He should ever think of the six tactics of (a king), alliance, war, marching, encampments, stratagems, and recourse to protection.

161. Having considered what is to be done, he should employ encampment, marching, alliance, war, stratagems, and recourse to protection.

162. But a king should know that alliances (are) of two kinds, (as is) also war; both marching (and encampment) also, and stratagem; and recourse to protection (is) also said to be of two kinds.

163. Alliance, connected with present or future (gain), is to be known as of two kinds: (first) when one acts in conjunction, and (second) the opposite also.

164. War is said to be of two kinds: (first) when made of one’s own accord, in season or out of season, on account of one’s object, and (second) also (when made) on occasion of injury to a friend.

165. Expeditions are said (to be) of two kinds; (first) when (the king marches) alone, some affair admitting of no delay having unexpectedly arisen; and (second) when he is accompanied by an ally.

166. Encamping is said to be of two kinds; (first)

1 “Conciliation and the like means,” i.e., conciliation, dissension, liberality (bribery), and force. [Cf. vs. 107.]

2 “Stratagems,” literally, dividing a hostile [own] army into two bodies (in order to engage the one while the other is out of position). [“Alliance” (union); “war” (separation) is its opposite (Medh.). The word dvaidhikāvā (stratagem) is explained in the Kām. Nit. (xi. 27) as “twofold, on his own and on his enemy’s side.” K. and Rāgh. take it here as on his own.]

3 [Or, “on making alliance and on making war, let one employ encampment, or marching, division and recourse, after inspection of what is needful.” The paraphrase sansadhyā ca viṣṇuḥ ca is Medh.’s and K.’s. Dvaidhaka seems certainly opposed to sameṣṭha (recourse), and seems to me to be so in vs. 160. Cf. note to vs. 173 and vs. 167.]

4 [Medh. has no note on this (late) verse, and the word “king” is in some MSS. omitted. The last pada in most MSS. repeat that of vs. 161.]

5 Literally, “makes an expedition in conjunction (with the ally).” As the commentators say, both go together, or one goes in one direction and the other in another.

6 [Mitrasya (= friend, ally) or var. lec. not preferred by Medh. and K.] mitreṇa caiva (Govind.), i.e., war made by an ally against a distressed foe, or “when injury is done by an ally.”

7 [Athyayikam kāryam parasya vyasano‘pattiḥ; tadbhiyamantya-tamā bharati (Medh.), i.e., some affair such as a sudden attack.]
when the king is by degrees weakened by chance or by former deeds, and (second) to help an ally.

167. Stratagem is declared (to be) of two kinds by those who know the sixfold characteristics of tactics: ¹ the placing (first)² of the army, and (second) of the king to gain (his) ends.

168. Recourse is said (to be) of two kinds: (first) when (a king is) oppressed by enemies (and takes refuge) to save (his) wealth,³ and (second) (when he is among) friends (and takes refuge) in order to forestall (danger).⁴

169. Whenever (a king) infers a sure increase (of power) of himself in future, and at the present time (suffers) little annoyance, then let him have recourse to an alliance.

170. Whenever he thinks all the elements of the state⁵ very exalted, likewise himself very mighty, then let him make war.

171. Whenever he thinks his own force pleased in disposition (and) prosperous, and (that) of the enemy the opposite, then let him march against the enemy.⁶

172. But whenever he is feeble in carriage⁷ and force,⁸ then he should encamp strenuously, conciliating the enemy by degrees.

173. Whenever a king considers the enemy in every respect more powerful (than himself), then, having divided his army, let him accomplish his own object.⁹

¹ [Cf. v. 160, where the six are given.]
² [Part of the army, being commanded by the general, is sent in one direction, and the king is posted in his fortress to defend it with another part (K.)]
³ [Or (more literally and generally) to accomplish some good, as K. and Rāgh. say, “to guard against this present oppression by the enemy.”]
⁴ [i.e., according to Medh. and K. (cf. vs. 174), recourse at any time, even when not oppressed, as an excuse (escape) when in fear of coming danger. Medh. notes that vyāpadeśa is another word expressing the motive of, and implying “recourse.”]
⁵ For the five elements of a state see [vs. 157, and cf. Kām. Nit. viii. 4.] They are the minister, treasure, kingdom, fortress, and army. [The text elsewhere reckons seven (ix. 294), i.e., these five plus king and ally; here, where the king is specially mentioned, all the others are probably meant. Cf. Yāj. i. 347.]
⁶ [Cf. Kām. Nit. x. 26 ff.]
⁷ [Vāhanam (vehicles), i.e., including elephants, horses, chariots, etc.; “conciliate,” by honours, gifts, etc. (Medh. and K.).]
⁸ [Balā, i.e., ministerts, etc. (K.), or infantry and cattle (Medh.), or treasure (Rāgh.), or it may mean his own personal strength (Rāgh.).]
⁹ “His own object,” i.e., distract
174. But whenever he is most accessible to the enemy's forces, let him then quickly resort to a virtuous (and) powerful prince.

175. Let him ever, with all his might, have recourse as to a Guru, to him who can effect control of (disobedient) elements (in his) state\(^1\) and of the enemy's forces.

176. If even then he perceive injury caused by (his) taking refuge, he should, even in that position, fearlessly\(^2\) fight a good battle alone.\(^3\)

177. A prince skilled in polity should by all means so arrange that friends, neutrals, (and) enemies may not be his superiors.

178. Let him truly consider the future and present of all matters,\(^4\) and the good and bad (sides) of all past (deeds).

179. He who knows the good and bad to come, who quickly decides as to the present, and who knows the result of past actions,\(^5\) is never overpowered by enemies.

180. Let him so manage all that neither friends, neutrals, (nor) foes may prevail over him; that is polity in brief.

181. When a chief begins an expedition against the kingdom of (his) enemy, he should then march gradually against the enemy's city in this system.\(^6\)

182. Let a king go on an expedition in the clear month Mārgačīrsha, or about the (time of) the two months Phālguna and Caitra, according to his forces.\(^7\)

the attention of the enemy by a part of his forces to enable himself to get into a safe position. [This, as the order shows, as well as the words (dvidhā balam kṛtvā), proves that what has been translated "stratagem," means always this stratagem of dividing forces.]

\(^1\) "Elements (of state)," see note to vs. 170 above.

\(^2\) ["Without doubting" (K.); or "without change" (nirvikāraḥ), Medh.; or "without questioning" (nirvitarkaḥ), Rāgh.]

\(^3\) [Recourse to another is his last hope; if that causes evil results (to the other king, Rāgh.), let him fight bravely, even to the death (though doṣa may mean expose himself to evil).]

\(^4\) [Kārya = agenda, with present and future time, opposed to aśīta = acta of the past; he should study his errors of the past, and weigh the prospects of future acts.]

\(^5\) [Cf. note to vs. 153 on kārya-geṣa.]

\(^6\) [i.e., according to the following directions.]

\(^7\) "In the month Mārgačīrsha,"
183. Or even at other times, when he sees certain victory, let him set out (against the enemy), waging war, or when also (his) enemy is in trouble.1

184. Having made arrangement at home, and for the expedition in due form, having collected supplies2 also, and having properly placed (his) spies;

185. Having prepared the threefold way and sixfold forces,3 let him gradually advance by military rule to the enemy’s city.

186. Let him be more (than ordinarily) watchful, both of an ally who secretly favours the enemy, and also of (a man who has) returned (to him) after going (away to the enemy),4 for such an one is an enemy more (than ordinarily) dangerous.

i.e., when the crops are ripe and the weather is fine, or [in Phālgunī and Caitra, i.e.] the spring. [The first month mentioned comes at the middle of November, the others at the middle of February and March. The stores of food to be found in the enemy’s realm, the kind of army that is to march, and the distance of the journey, are all implied in the words “according to his forces.” K. observes that Yāj. i. 347 gives the gist of the matter in directing the expedition to be made whenever the enemy’s kingdom is supplied with grain and advantageous factors of any sort. Cf. vs. 171, and Viṣṇu, iii. 40.]

1 [Dr. B.’s translation (“let him set out, or when also (his) enemy is defeated after fighting”) I have been obliged to change somewhat. The general meaning of yāyād vigrha is “he should make a war expedition,” and the participle cannot be construed with “the enemy.” Vyasana is not “defeat” but “distress.” Cf. Medh., vigrhaeti yatayam eva vaṣṭabaḥyāḥ hūyā yaśāt, and he defines vṛyasana as “weakened in treasury or army.” Cf. also the technical vigrha-yōdham in Kām. Nīt. xi. 3.]

2 [“Collected supplies” (?), or “having secured a position,” i.e., by winning over malcontents from the other side, he should secure a foothold in (his enemy’s) kingdom (Medh., K.). The “arrangement” is one for defence (Medh.).]

3 “The threefold way” is by level land, marshes, and through woods. [Medh., K., Rāgh.; (cf. Kām. Nīt. xviii. 2, 24.) Cf. vs. 192. “Preparing” means clearing, leveling, etc.] The “sixfold force,” i.e. (according to K. the army, comprising elephants, horses, chariots, infantry, the general, and the workmen. Medh. gives as the opinion of “others” that the two last are “workmen and treasure.” The army is prepared by furnishing it with food, medicine, etc. (K.).]

4 [This translation is mine. Dr. B. has “let him be most intent on the adherent of (his) enemy, and on the secret friend (of his enemy), and on goers and comers also.” The translation I have substituted follows Medh., K., and Rāgh., as well as the evident sense. Medh. classifies the returned deserters as of four sorts, according to the reason of both actions. Rāgh. makes all the epithets refer to one person: “an ally both secretly favouring the foe and (acting like a friend) by going away (openly but) coming (back by a secret way).” Sa in the next clause seems to favour this. K. takes them separately, as in the translation, and makes Sa refer to both.]
187. He should march upon the road with the troops distributed like a staff, or a waggon, or a boar, or a Makara, or a needle, or a Garuda.¹

188. And from whence he may suspect danger, to that (point) let him expand his forces; and let him ever himself be² in (the centre of) a body distributed like a lotus.

189. Let him place his general and commanders³ in all parts, and whence he fears danger (there) let him arrange his force to the front.⁴

190. And let him on all sides place fit bodies of men, distinguished (by uniform),⁵ clever in standing firm and in fighting, brave, unchanging.

191. Let (him) make a few fight in serried rank; at his will he may spread about many. And thus having arranged them in the needle, or also the thunderbolt form, let (him) cause (them) to fight.⁶

192. He should fight with chariots and horses on level (ground), so with boats and elephants on marshes; on

¹ Like the altars in the sacrifices with gayana, bodies of troops were arranged in forms of animals, etc. The only representations I know of such figures are to be found in Raffles's "Java." In my "Catalogue" I gave a plan of such an altar, and Professor Thibaut has since given others. [Like a "staff" is in straight columns; the "waggon" has a sharp van with a broad rear; the "boar" has a sharp van and rear with a broad centre; the "makara" (sea-beast) is the opposite of this, having a narrow centre with a broad van and rear; the "needle" is a long, thin, sharp-pointed row; the "garuda" (mythological bird) has a very wide centre, but is otherwise like the "boar" (K.). The commentators give also the disposition of the fortresses. Cf. Kūm. Nīt. xix. 40; and the plans, ib. p. 130 (ed. Cal. Bib. Ind.).

² [i.e., takes his position (miśirēta = miśivam kuryd, Rāgh.) The army is spread out in a circle about the king in the middle (Rāgh.) Medh. has a var. lca. aṇıket tu bhayaṁ yasmāt. Another interpretation is "let him lead the attack himself with an encompassing army."]

³ [According to K. the commander has a command equal to ten generals.]

⁴ [Literally, "put that place ahead."]

⁵ [Distinguished by their musical instruments, banners, etc., according to the commentators. These outposts (gudma) serve to warn of danger. They are posted at a distance of four thousand rods (danda) from the main force (Medh.) (The rod is about four cubits in length.)]

⁶ [If he has but a few soldiers, they should be made into one compact body; if he has many, he should mass them, or distribute them about as he chooses. The needle array has been explained in vs. 187. The thunderbolt array is where the army is drawn up in three divisions (K., Rāgh.) by separating the two flanks (Medh.)]
(ground) covered by trees (and) shrubs, with bows; on cleared (ground), with weapons, swords and shields.¹

193. Let him cause Kurukṣetras, Matsyas, Pañcālas, and natives of Čūrasena, and tall and light men also, to fight in the van.²

194. Having arranged (his) forces, let (him) cheer them up, and let him properly try them; and he should find out their deeds when they are fighting the enemy.

195. Having obstructed the enemy, let him encamp and harass his kingdom, and ever spoil his fodder, food, water, (and) fuel.

196. Let (him) also burst tanks, enclosures, as well as trenches; let (him) assail him, and also terrify (him) by night.

197. Let him bring over (those that) can be seduced, and let (him) be aware of what is done (by the enemy), and let him fight, desirous of victory, and without fear, when a fortunate (time) occurs.

198. He should endeavour to overcome (his) enemy by alliances, bribery, and treachery⁴—all together or separate—never by battle.

199. For since victory or defeat in battle is seen to be not permanent between (two forces) fighting, therefore he should avoid a battle.

200. But in case the three expediens already mentioned do not suit, let (him), prepared,⁵ fight, so that he may conquer (his) enemies.

201. Having conquered, let (him) worship the gods and righteous Brahmans also; let him grant immunities, and proclaim indemnities.⁶

¹ ["As weapons," or "with swords, shields, and (spears, and other such) weapons" (Medh., K.)]
² [Cf. ii. 19. All places in Northern India along the Ganges, from Delhi down. Most MSS. have Kaurukṣetra and Pañcāla, but not Matsya.]
³ [Or "inspect."]
⁴ [Or "by conciliation, bribery, and dissension," as in v. 107, note, which seems right here also.]
⁵ [Samyātā, (pannā), or samyuktā (Medh.). Some -K. MSS. and Dr. B.'s MS. of Medh. have parikṣaye for asambhāve.]
⁶ ["The gods," according to K. the gods of the conquered country. "Immunities," according to Rāgh. gifts, such as clothes and ornaments.]
202. But having completely known the intention of all of them, let (him) station there (as ruler) one of that race, and give precise directions.\(^1\)

203. And let (him) make authoritative their laws as declared, and let (him) honour him (the new king) with jewels, together with the chief persons (in the country).

204. The taking of desired things produces disaffection, but liberality (is) productive of loyalty; (either) is proper if used in season.

205. All this action depends on divine or human design; but of the two, the divine is unthinkable; in human (affairs), action is known.\(^2\)

206.\(^3\) Or he may act with (the conquered), having carefully made an alliance (with him), (and) considering an ally, gold, territory, (as) the triple fruit (of a victory).

207. And, considering (his) heel-catcher,\(^4\) as well as the attacker (of that heel-catcher) in the adjacent region, let him reap the fruit of the expedition from friend and from foe.

208. A (conquering) sovereign prospers not so much by gain of gold (and) territory as by gaining a firm ally, though (now) insignificant, (yet) capable in the future.

209. An insignificant ally, who knows duty and is grateful and contented,\(^5\) devoted and firm in (his) endeavours, is preferred.

\(^1\) [Literally, "stipulations."] That this policy was actually carried out is amply proved by the South Indian inscriptions.

\(^2\) [Cf. xi. 47 note. Every act on earth is established by fate, (divine) or human, (i.e., earthly action); fate cannot be known, but the deed produced by human action is apparent to all. Moral: do not trust to fate, but to your own ability (K.). The divine power, fate, is regarded as the after-working power of deeds done in a former life. Cf. Yâj. i. 348.]

\(^3\) Medh. appears to omit this verse as well as verses 207 to 210. Kuluksa has them all, as well as Râgh.

\(^4\) [Medh.'s discussion of vs. 205 ends with the following verse: "A human act which is produced through great effort by one who is united to fate's law causes success."

\(^5\) [The "heel-catcher" as well as "attacker" are technical names (not elsewhere in Manu, and probably late) for the king who is in the rear and threatens attack, and the one next beyond him and adverse to him. I have substituted the literal meaning "heel-catcher" for Dr. B.'s erroneous "supporter." Cf. note to vs. 156.]

\(^6\) [K. and Râgh. take prakṣṭa in the sense of ministers, etc., "one whose realm is contented."]
210. The wise declare an enemy who is discerning, of
(high) race, brave, clever, liberal also, grateful and firm,
to be a difficulty.

211. Nobility, knowledge of men, heroism, mercifulness,
and constant magnanimity\(^1\) are the fruit of virtues of a
neutral.

212. A king should, to save himself, unhesitating, aban-
don even a prosperous land, furnishing grain, and plentiful
in cattle.

213. Let (him) preserve wealth against misfortune; let
(him) preserve his wife even by wealth; let (him) ever\(^2\)
save himself, even at the cost of wife (and) wealth.

214. Let a wise (king), seeing all calamities arisen
together in excess, apply, together or separate, all means.

215. The doer,\(^3\) what is to be done, and the means, as
a whole—keeping in mind those three, let him strive for
the accomplishment of the business.\(^4\)

216. Let the king, after he has thus considered all
this (business) together with the ministers, taken exercise
and bathed, enter at noon the harem to eat.

217. There let (him) eat food well tested by faithful
attendants, (who are skilled in times\(^5\) (and) not to be
seduced, (which has been enchanted) by *mantras* which
counteract poison.

218. Let (him) use all his (useful) articles with drugs\(^6\)
destructive of poison; and let him, ever attentive, wear
gems destructive of poison.\(^7\)

219. Let attentive women, who have been tested, and

\(^1\) ["Or generosity" (K.) Medh.
and Govind erroneous interpret
as "subtily" (K., Rāgh.) "nobi-
licity," āryatā.]

\(^2\) ["Ever," i.e., satatam (K.); Medh.
reads suraddo = in every way. [So
Dr. B.'s MSS., but other MSS. are
like K.]]

\(^3\) [i.e., himself.]

\(^4\) [Prayētā 'ṛhasisddhaye (K.), or
(Menh. var. loc.) sādhayeit kāryam
ātmanāḥ.]

\(^5\) [Meal-times (K.).]

\(^6\) "Drugs." Medh. reads uda-
kaiḥ or waters; "gems destructive
of poison." Medh. mentions the
garudopīṛṇa or emerald, and nāga-
ramani or snakestone (?).

\(^7\) "Use," yojayet = podhayet (Mehh.),
"wash with waters."

\(^8\) "Tested," i.e., to prevent their
concealing weapons about them.
The *visakanyā* also, or poisoned
maiden, was a favourite way of de-
stroying enemies in India. [Cf.
note to va. 153.]
pure in dress and ornaments, attend him with fans, water and perfumes.

220. Thus let (him) take care of vehicles, couches, seats, food;¹ of baths, anointing also, and all ornaments.

221. Having eaten, he should also sport with women in the harem; having sported, he should, according to the time, again think of business.

222. Dressed, he should again inspect the armed forces, and all vehicles,² weapons, ornaments.

223. Having performed the evening devotion, bearing arms, let (him) hear in the inner apartment what has been done by the reporters of secrets and also the spies.

224. Having dismissed these people, having gone to another private apartment, surrounded by women, let (him) again enter the harem for food.

225. Having there again eaten something, cheered by instrumental music,³ let him go to sleep in due time, and rise with fatigue gone.

226. A healthy king should pursue this system; unwell, he may depute all that to (his) dependents.

END OF THE SEVENTH LECTURE.

¹ [Medh. has ṛṣanācīpa (seats, etc.) for ṛṣanācane, as food has already been mentioned. "Bath" means in bathing the head (Medh.).]
² "Vehicles," elephants, horses, etc. (K.)
³ [Soft sounds of (tūrya, i.e.) flute, lute, drum, or horn (Medh.) The Mbhā distinguishes the last from the tūrya. These last rules are found in much the same form in Yāj. i. 324–330.]
LECTURE VIII.¹

CIVIL AND CRIMINAL LAW.

1. Now a king, desirous to inspect suits, should, subdued, enter the assembly with Brahmans and ministers who know mantras.²

2. There, seated or standing, having stretched forth his right hand, with humble vesture (and) ornaments, he should inspect the affairs of the parties.³

3. Day by day (he should judge) separately (cases) under the eighteen titles ⁴ by reasons (drawn) from local usage and the treatises.⁵

4. Of these (titles), the first is non-payment of debt; (next) pledges; sale without ownership; partnership and non-delivery of what has been given;

5. Also non-payment of wages; breach of contract; ⁶ revocation of sale (and) purchase; disputes between master (and) servant;

6. Also the law of disputes (about) boundaries; assault (and) slander; theft; violence; also adultery;⁷

¹ The eighth and ninth chapters of the text correspond to all Nārada and the second book of Yājñavalkya. [Cf. also Višṇu, iv.-xviii.; Ap. ii., kh. 13, 14, 26-29; Gaut. x. xii. xiii. xviii. xxviii.; Vas. xv. xvii.; Baudh. ii. 3, par.]

² Who know mantras, i.e., the Vedas. [This may mean ministers, advisers, who know how to advise.]

³ Kings used in the fourth century B.C. to be much occupied with criminal, but little with civil law (Megasthenes, Fr. xxvii., ed. Schwanbeck); but the strict decorum here directed was not observed.

⁴ “Eighteen titles.” This is not a part of the original system of law; it appears only in the Śūrītas, and its later development is easily traced. Nārada (i. 17-20) has the same number [but these are again subdivided]. The later books multiply these divisions, and thus afford signs of progress toward a more rational classification.

⁵ Čāstras, i.e., a body of teaching on a subject, whether ascribed to divine or human origin.

⁶ [Perhaps better, with Nārada, breaking the customary ordinances that govern a guild, or family community, corporation, etc.]

⁷ [So K. It may mean improper connection with women in general.]
7. The law between man and woman; partition; dicing; and games with animals. These eighteen topics occur in the settlements of suits here.

8. Let (the king), relying on eternal law, determine the affairs of men, who mostly dispute on these topics.

9. But when the king does not himself inspect (such) affairs, then he should appoint a learned Brahman for the inspection of affairs.

10. Let him, accompanied by three members of the court, view his affairs, having entered the high court, (and) seated or standing.

11. In what country three Brahmans learned in the Veda and the king's learned deputy sit, (the wise) have said that assembly (is) of Brahmā.

12. Now when Dharma pierced by non-Dharma has recourse to (that) court, and they do not extract the arrow from him, there the judges are pierced (also).

13. One should not enter the court or (what is) correct must be spoken; a man who speaks not, or speaks perversely, is sinful.

14. When Dharma is slain by non-Dharma, and truth by the untruth of the parties there, the members of the court (are) slain.

15. Dharma slain verily slays, (but) Dharma protected protects; therefore Dharma is not to be injured. May not injured Dharma slay us!

16. For lord Dharma is a bull ( vrṣṇī ), and the gods take

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1 [Cf. ix. 223. Games with animals means betting on them in fights.]
2 This division is very confused and unsatisfactory; the confusion is partly owing to the theocratic nature of the work. J. Mill remarks, "It is not easy to conceive a more crude and defective attempt at the classification of laws than what is here presented (History of India, book ii. ch. 4). All his remarks on this subject are still worthy of attention.
3 [Nand. omits this verse. Cf. Viṣṇu, iii. 72-74.]
4 [Medh. says three is stated to exclude a smaller number.]
5 "His affairs." The king's affairs, as he should decide the suits.
6 [Either adhisthā or prakṛti. Medh. reads the latter, but knows the former. The verse is omitted by Nand.]
7 [Sabhā-prāvṛṣṭara (Medh., Rāg., and Nand.)]
8 [Contrary to what has been seen or heard (Rāg.).]
one who injures him (to be) an outcast (vṛṣala). 1 One
should not then cause dharma to fail.

17. Dharma (virtue) is the one only friend who even in
death follows after (us), for all else goes to destruction
along with the body. 2

18. One-fourth of the non-Dharma (wrong) comes upon
the doer; 3 one-fourth comes upon the witness, one-fourth
comes upon all the members of the court, one-fourth comes
upon the king.

19. But the king is sinless, and the members of the
court are free (from sin), and the sin comes upon the doer
(alone), where one worthy of censure is censured.

20. He who can claim to be a Brahman merely on
account of his birth, or he who only calls himself a Brah-
man, may be, if desired, the declarer of law for the king,
but a Čūdra never. 4

21. If a king looks on while a Čūdra gives a judicial
decision, his realm sinks into misfortune, like a cow in a
quagmire. 6

22. A realm which consists chiefly of Čūd ras and is
overrun by unbelievers 7 and destitute of twice-born men
is soon totally destroyed, oppressed by famine and disease.

23. After the king has seated himself on the seat of
justice and paid reverence to the guardians of the world,
let him (being properly) clothed and with strict attention,
undertake the inspection of affairs.

24. Considering what is useful or not useful, and what

1 This is a fanciful explanation of
vṛṣala, as one who does olam (or in-
jures) vṛṣa. [Cf. i. 81, 82: In the
Mbh., we find these figures united,
and dharma is a four-footed bull.
In Nand. kurute (layam in text!);
‘ācma (Comm.) is paraphrased “pre-
vent” or “hinder.”]

2 Quoted Hit. i. 59. N.B.—For
the rest of the translation and for
all further notes the editor alone is
responsible, and [ ] are not used.

3 “Doer” is the one who, either as
plaintiff or defendant, has caused the
decision to be wrong (Medh., K.)

4 Or the Brahman appointed by

5 Medh. reads arhati,
“deserves.”

6 The commentators all say that
the two middle castes, since they are
not forbidden to do so, may declare
law. The later law so modified the
stricture on the Čūdra that, if he were
appointed, his judicial decision was
regarded as valid. The “Brahman
by birth” is one by whom the proper
ceremonies have not been performed.

7 Who say there “is not,” i.e.,
according to Medh. and K., deniers
of another world.
is in itself right or wrong, let him inspect all the affairs of the parties in the order of the castes. ¹

25. Through the outward signs (manifested in) voice, colour, gesture, appearance, eye and movements, let him clearly ascertain the true inward nature of men. ²

26. Through (his) appearance, gestures, gait, movements and speech, and by the contortions of (his) eye and mouth, the mind in its inner action is comprehended.

27. An inheritance received by a child the king should have guarded till such time as (the owner's) course of study is completed, or till he has passed beyond the age of childhood.³

28. Like protection (of property) should be (given) in (the case of) barren women, or such as have no sons,⁴ or have no families, or (who are) true to the conjugal vow,⁵ or (are) widows or ill.⁶

29. But if while these women are alive their relatives should take away this (property), let a just king punish those (relatives) with the punishment awarded to thieves.⁷

30. The king should cause to be kept for three years (all) property of which the owner is unknown. The owner may have it inside the period of three years, (but) at the end of that time the king may take it.⁸

31. One who says, "This belongs to me," must be strictly examined according to rule; and on his declaring correctly the shape, number, and other (characteristics of the lost goods), he ought as owner to receive those goods.

¹ Beginning with the Brahman (K., Rāgh., and Nand.)
² "Gestures" are involuntary motions; "movements" are spasmodic clenchedings of hand or feet (Mehd., K.)
³ Nārada says the age of childhood is up to the sixteenth year (K.) This clause applies to the lower castes, who do not study (Mehd., Rāgh.) The completion of his studies may last till he is a man grown.
⁴ These two classes refer to women put aside by their husbands because of their barrenness (Mehd., K.), as allowed in ix. 81.
⁵ "True to conjugal vow," i.e., when the husband is away on a journey (not as widows)—(Nand.)
⁶ This applies to these women only when they have no relatives to take care of their property for them (Mehd.) Cf. Vas. xix. 37; Gaut. x. 48; Viṣṇu, iii. 65.
⁷ Not open robbery, but by plausible pretences (Mehd., K.) Medh. refers to viii. 334 (cf. viii. 193) for punishment.
⁸ See note to vs. 34. Cf. Yāj. ii. 33.
⁹ "The other characteristics," i.e., place and time of loss (Mehd., K.) Nand. reads sanvedya.
32. If he does not declare in accordance with the facts the place and time (of his losing), the colour, shape, and dimensions of his lost (goods), he deserves a fine equal in amount to the value of these (goods lost).

33. Property which has been lost and found again should be placed under the guard of persons thereto commissioned; thieves whom he catches about it he should have trampled on by an elephant.

34. The king may take from an article (thus) lost and found again the sixth part (of its worth), or the tenth, or only one-twelfth, being mindful of the law of good men.

35. If a man say with truth in regard to a treasure-trove, "This is mine," let the king take a sixth, or only a twelfth part of it.

36. But on his speaking an untruth in regard to it, he should be fined an eighth part of his property, or (at least a sum equal to) a rather small part of the treasure, after an estimate has been put upon it.

37. But a wise Brahman, on finding a treasure which has been previously hidden away, may take possession of it even without leaving any (for the king), since he is lord of all.

38. Now if a king discover any ancient treasure hid in

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1 *Avedayan pranaśtasya decaśálau eṣa varṇarūpam* (Nand.); *decaśálau* (Rāgh.)

2 In K. vss. 33 and 34 have been transposed in position; the text follows the order of Medh.

3 If he catch thieves stealing it (Medh.); when the property has been found by king's servants (K.) Govind. restricts the sum.

4 In the first year one-twelfth, in the second one-tenth, in the third one-sixth (Rāgh.) So Medh.; or, the difference depends on the injury it has received. In this and vss. 35, 36, K. and N. make the difference depend on the merit or demerit of the owner. M. supports this view in vss. 35, 36. So in May. p. 75, the rule in vs. 30 is made to apply only to priests, and the sum here deducted is according to the years, after the first one-twelfth, etc.; but if the owner is known, even after three years, it must be returned to him. Cf. Gaut. x. 36 ff.

5 Treasure-trove (*nidiḥ*) is what has been found hid in a hole in the ground (Medh.)

6 The rest he must give to the owner (K.) The May. (p. 76), reads ca (and a twelfth) "for the finder of the treasure." Cf. Viṣṇu, iii. 63–64.

7 Medh., G., and N. regard the treasure as one hid by his ancestors, that is, his any way by inheritance; but K. quotes Yāj. ii. 35, M. I. 100, and again Yāj. ii. 34, to show that this is not so; also, declaring this view opposed to ancient usage, he remarks that he does not care for what Medh. and Govind. say.
the ground, after giving half of it to the twice-born (Brahmans), he should store up the other half in his treasury.

39. For of old treasures and metals in the earth the king, because he guards (his people), should have a half share, since he is the lord of the earth.

40. Property seized by thieves must be restored by the king to (men of) all castes; if the king takes possession of it, he incurs the sin of stealing.

41. (A king) knowing what is right (dharma) should cause his own law (dharma) to be established, after making careful inspection of the laws (dharma) of the different castes and country-folks, and of the laws of the (different) guilds, and of the laws of the (different) families.

42. Men who attend to their own occupations, performing each his own occupation, become dear to the world even though they are far away.

43. The king should not himself instigate a law-suit, neither should his representative; nor should he at any time set at naught a suit begun by some one else.

1 Nand. reads vinikšipet; Rāgh., niverayet. Cf. Gaut. x. 43 ff.; Viṣṇu, iii. 56 ff.
2 That is, if not taken by a wise Brahmā (K.) Rāgh. and Nand. read āśi for tu, which explains vs. 38, and gives more favour to K.’s “he is also lord,” etc.
3 After taking it from the thieves (Medh., K.)
4 This may mean he receives the sin of that thief on his own soul. If it is impossible to return it to the owner, Medh. says the amount of the theft should be paid out of the king’s treasury; so N., kočād vā; so Gaut., Viṣṇu, loc. cit.; cf. Krisna-dvaiptiyana in May. p. 76.
5 Nand. reads pāṇavatān for dharmanit.
6 Or tribes, subdivisions of castes. Cf. Bühler’s note to Vas. i. 17
7 Of merchants, etc. (Medh., K., and Rāgh.)
8 The “country-folks” are the inhabitants of any one district (Medh., K., and Rāgh.) That is, if these laws are not repugnant to the law given by tradition (Medh., K.) The laws which the castes and families already have are meant; cf. viii. 203. the principal verb may mean “these (laws of) castes, etc., he should establish as his law.” Some MSS. read “he should have protected” (paripālayet, Rāgh., or pratipālayet); cf. vs. 40.
9 From relatives (K.); “world,” i.e., everybody (Medh.) This verse seems to me to refer to the king, introducing vs. 43; the dēre would then refer to distance by exalted station. Nand. reads: lokeśmin, see sve dharman vyavanaitāh.
10 Lawsuit, affair, as in vs. 2. Medh. and K. explain the instigation as one proceeding from greed.
11 Literally, his man, i.e., one commissioned by him (K.); his representative in court (Medh).
12 The latter part of this verse, couched in not technical language, may, as Medh. remarks, mean simply that the king should not take possession of another man’s property, as artha (gravacāthām etc.) Medh. may mean “goods” or “suit.” K.
44. As the hunter directs (his) step by the blood-drops of the beast, so should the king direct the course of justice by means of inference.\(^1\)

45. Abiding by the rule of legal suits, let (the king) examine the truth, the thing, himself, the witnesses, the place, the time, and the form.\(^2\)

46. Whatever may be practised by good and virtuous men of the twice-born castes, let (the king) cause that to be ordained (as law), if it does not conflict with (the laws of) districts, families, (and) castes.\(^3\)

47. When the king is besought by a creditor for the recovery of his property from a debtor, he should cause the property to be given to the creditor by the debtor, (after it has been) proved (by the former to be his).

48. A creditor may make a debtor pay after coercing (him) by any means whereby he can obtain his property.

49. By negotiation of friends,\(^4\) by legal action,\(^5\) by trickery, and by received fashion,\(^6\) and, fifth, by force may a creditor get back the money he has lent.

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1 This (anumāna, "inference") is one of the three means of arriving at a conclusion; cf. xii. 104. It may be based on what is seen or what is inferred (Medh.) The verse is probably proverbial; cf. Mbh. xii. 132, 21. K. makes nayati mean "gives," and takes padam with mṛyasya.

2 The thing (or property) is the object of the controversy, which may be too unimportant to permit a suit; the form may, according to different commentators, refer to the nature of the suit or of the object contested, or may refer to the appearance of the parties. "Place, form, and time" is the accepted reading, but the other is Medh's (decaṃ kālaṃ ca rūpaṃ ca), and K.'s comment seems also to support this (decaṃ kālaṃ ca . . . svarūpaṃ). It is further supported by Rāgh. and Nand.

3 Medh. quotes an older (?) commentator (anyak tv aha), who affirms that a sacrifice customary in the north, but not in the south, east, and west, must (according to this verse) be ordained in these districts, since the northern custom agrees with tradition and the Veda. Medh. does not agree with this. K. refers the verse merely to settling a lawsuit.

4 Literally, by right or justice (dharma); so explained by Bṛh. in K. (where dharma changes to sāman, and in Kāty. sāntva is used as equivalent); by some regarded as like the fourth means, consisting of persistent persecution of the debtor by dogging him about.

5 Vyavahāra is, according to Medh., the proceeds of compulsory labour (cf. vs. 177), while K. incorrectly understands (the usual sense) a mere suit at law. (Nand. says vyavahārapradarpanena.)

6 Rāgh. and Nand. read vā for ca. The "received fashion" is generally explained as an allusion to what is now known as performing
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50. A creditor who recovers his goods himself from his debtor is not to be prevented \(^1\) by the king from recovering his own property.

51. When (a debtor) denies (a debt) and it is proved by (some) means \(^2\) to have been contracted, the king should cause the money to be paid to the creditor, and have (the debtor pay) a small fine \(^3\) in proportion to (his) ability (to pay it).

52. When the debtor still denies, after being admonished to pay in court, the one who brings the suit should point out the place (where the debt was contracted), or exhibit some other proof. \(^4\)

53. He who points out an impossible place, \(^5\) and he

\(d\text{harna}\) (cf. Maine, Early Inst., p. 297); the word used, \(d\text{carita}\), would thus correspond to \(d\text{cara}\), the usual practice. K. and Râgh. support the "door-sitting" theory, relying on Brh. (cf. the later additions of other law-books in Jolly's Ind. Schuldrecht, § 7). The word itself has no such meaning as that given it by Mandlik (Mayûka, ii. 109), "confine ment," and it is to be noticed the door-sitting (\(d\text{vâropave\text{ç}anam}\)) is only half the process, the first being the theft of the debtor’s "wife, son, or calf." I doubt if Ap. i. 19, 1, refers to this practice at all. In Mit. the word is translated "fasting," referring to the same thing. Nand. says that of these five the first is first to be tried, then the others in order. The difference between the \(v\text{yava\text{ç}aar}\) and \(k\text{arma}\) of vs. 177 is that the latter is compulsory labour confined to the three lowest castes, while the former appears to be a legal attempt to compel (any man) to engage in trade, etc., for the benefit of the creditor, but not to do menial work in his house. Cf. Jolly (Ind. Schuldrecht), § 7.

\(^1\) So K. "Or, "since he is only recovering his own property, he is not to be put on trial." Cf. with this vs. 176.

\(^2\) The "means" are the proofs necessary to establish a statement (the MSS. vary between \(k\text{aranam}\) and \(k\text{aranam}\); in vs. 52 Medh. has both). These are naturally said by the commentators to be documents in writing. This is plainly not the case, however, in vs. 52, and neither here nor in \(d\text{carita}\) of vs. 49 is it necessary to assume for a vague term the precise sense which a perhaps later usage has fastened upon it. Writing is mentioned but once in the text, and then probably interpolated. Cf. notes to vs. 154 and 168. In vs. 57 \(k\text{aranam}\) is not writing, and vs. 200 shows plainly that it has no such meaning. Of all places, this last would be the one for "documents" to be mentioned; instead of this, we find the word said to mean document used simply as the predicate subject—"the (\(k\text{aranam}\)) proof (of ownership in anything) is acquisition," where, if writing were used, we should expect to have the word for "document" used quite otherwise.

\(^3\) The small fine is said by the commentators, in accordance with vs. 139, to be 10 per cent.

\(^4\) \(K\text{aranam} (k\text{aranam}) \text{ va samud-\text{dicet}}\) is Medh.'s reading; K. is as translated; Nand. follows Medh. The place (\(d\text{eca}\)) of Medh. is preferable to K.'s (\(d\text{eyam}\)) witness (K. and Râgh.). Cf. the following verse.

\(^5\) Ade\(\text{pam}\) (Medh.) Nand. in vv. 52 and 53 has also \(d\text{eca}\) and ade\(\text{pam}\); in Râgh. (\(d\text{eyam}\) and ade\(\text{pam}\) . . . \(\text{opahnavec ca}\).
who denies (it) after indicating (it), and he who does not perceive that (his) earlier and subsequent statements are discordant;¹

54. He who declares what it is necessary to declare, and then retreats again (from his statement); and he who, on being questioned in regard to a duly acknowledged statement, does not uphold it;

55. He who converses with the witnesses in a place where he ought not to talk;³ he who is not willing (to reply to) a question addressed him, and he who even runs away;

56. He who does not speak when (the judge) says "Speak," or does not prove what he has said; he who does not know (what comes) first and (what comes) last,—these all lose their suits.

57. If a man says, "I have witnesses," but does not exhibit them when told to exhibit them, the judge⁵ should declare that he has lost his suit by the (same) means.⁶

58. If he who brings a suit does not speak, he must, in accordance with justice, be corporally punished or fined; if (his opponent) does not respond within three half months, he justly loses his case.⁷

59. As large a sum as a man (falsely) denies or falsely

¹ The var. lec. found in Nand., āḥitān, seems a mere error.
² Or, "in regard to a matter which has been already duly discovered by spies" (B. R.), which seems to be the meaning of Nand., though the text is corrupt. The latter's interpretation of (a) seems also to be strange: (apadeśyam) avastavyam uktvā tat sādhane yah punā... upasaratī (upa-dāvātī).
³ Nand. reads asambhārye, "in an improper place," which may be an allowable var. lec., as he has also somabhārita (sic) for somabhāṣata, which would give the meaning, "if he meets (them) in a place where he ought not to meet (them)," i.e., as he explains, "in a secret place."
⁴ That is, he who does not know what his proofs are, or how they are to be disposed (K.), or what he has said first and last (Nand.; so N.)
⁵ So the commentators, though the epithet (dharmaśthā) may be a mere epithet of the king, who is, in reality, generally the judge.
⁶ "By reason of the proofs aforementioned." (Medh., K.) The other reading for sākṣinaḥ santi me, quoted by K. and Rāgh., is found in Medh. (in Dr. B.'s MS. in inverted order). Nand. also has santi jñātāra ity uktvā, omitting the objectionable me ity as dissyllable. For kāraṇant Nand. reads hetumā 'mena (on this ground), "because he does not exhibit the witness."
⁷ Literally, "he is conquered." Medh. omits vss. 59–61.
claims (as a debt), twice this amount these two men should be fined by the king, (since they are) ignorant of the right.

60. Now if a man on being questioned denies (a debt) when he has been compelled to appear (in court) by him who wants the property, he must be convicted by at least three witnesses in presence of the king and the Brahmans.¹

61. What sort of persons in cases at law may be made witnesses by the creditors I will now explain, and also how the truth is to be declared by these (witnesses).

62. Householders, men with sons, men of (ancient) stock,² whether of the Kṣatriya, Vaioya, or Ćūdra caste, when called upon by the creditor, may bear witness (in court); not, however, any one at random, except in case of necessity.³

63. Worthy persons of all the castes may be made witnesses in cases⁴ (at court), those conversant with all (kinds of) duty and free from covetousness; but one should avoid (witnesses) of an opposite nature.

64. Neither persons (interested) in the trial, nor friends,⁵ nor companions,⁶ nor enemies, nor (such as) have had sins (formerly) exposed,⁷ nor those distressed by illness, nor those (who are) blameworthy⁸ should be allowed to serve (as witnesses).

65. The king must not be made to serve as witness, nor a workman nor an actor,⁹ nor a learned (Brahman), nor an

¹ K. refers this to the king’s representative as alternative. “Either the king or the Brahman appointed as judge,” as the word may be singular or plural.
² K. and Rāgh. explain this as men born in that part of the country; Nand- as men who from family or guild are important.
³ Cf. vs. 72, which, according to the Comm., is here meant. It may mean where no other witnesses can be obtained, as in vs. 70.
⁴ Nand. reads sākṣeyu sākṣīnāḥ. The list in vss. 63–67 is in Kāty. used to restrict sureties.
⁵ So K. The word is the same as the first general division in vs. 63.
⁶ By Medh. explained as sureties; by K., G., and N. as servants.
⁷ Detected in perjury (Medh., K., and Rāgh.), or in other sins (Medh. and Nand.) Cf. Viṣṇu viii ; Gaut. xii.
⁸ Capital offenders (K.)
⁹ So Medh. and K., or, in a restricted sense, a dancer; literally a “man of bad habits.” Nand. explains only as singer, gāyaka. A
ascetic, nor one (who has) shaken off all connection with
the world;¹

66. Nor a slave,² nor a notorious man, nor a Dasyu,³ nor
one who does what he ought not, nor an old man, nor a
child, nor one man (alone), nor a man of the lowest
(classes), nor a man defective in the organs of sense;

67. Nor a man in distress, nor one who is drunk, nor a
crazy man, nor one oppressed by hunger and thirst, nor
one distressed by weariness, nor one distressed by lust, nor
an angry man, nor a thief.

68. For women, women should serve as witnesses; fortwice-
born men, twice-born men of like sort; for Cűdras, good
Cűdras; and for those of lowest (birth) those of lowest birth.⁴

69. But in a case (where the crime has been committed)
in the interior of a house, or in a forest, or where death
has (in consequence) ensued,⁵ any one who has been pre-
sent may bear witness for the disputing parties.

70. (Testimony) may be given, when (other witnesses)
are not forthcoming, even by a woman, a child, or an old
man; or by a pupil, a relative, a slave, or a servant.⁶

¹ Instead of ascetic, K. under-
stands the Brahmanic student; the
other commentators seem right in
taking liṅgastha as ascetic (cf. Na-
liṅgam dharma-kāraṇam, vi. 66).
So that three grades of Brahmans
in ascending scale are represented
—the scholar, hermit, and the one
who has passed beyond the needs of
asceticism and has reached complete
subjugation of the senses. Nand.
paraphrases liṅgastha by saṃnyāsī, and
Rāgh. says that as the latter is
implied in the former, he will not
translate viṇūrgata as some do by
saṃnyāsī, but by “sundered from
the household.”

² So K. and Medh., or a son, stu-
dent, etc., dependent on the teacher
(Medh.) Nand. quotes K. as the
opinion of “some,” but does not give
the opinion of the “others” men-
tioned by Medh.

³ Dasyu, a non-Aryan, a barba-
rian; in general, a robber, murderer,
cruel man, etc. (Medh., K.), or sim-
ply a servant (Medh., G.); caste-
less (Nand.) The meaning varies
between a barbarian and a barba-
rous person; it seldom requires the
late modification of meaning as “ser-
vant.”

⁴ Like in caste or in other re-
spects. Medh. gives the more gen-
eral similarity, such as like in caste,
study, habitation, etc. K., G., N.,
and Nand. limit it to caste equal-
ity.

⁵ Rāgh. and Nand. MSS. have
caṇīrasya’ra for ‘api.

⁶ Like the cases in the last verse
(K.)
71. But one should know that the statement of children, old men, and diseased (persons), as also that of weak-minded (persons), is not to be relied upon, (since they often) speak falsely while giving testimony.¹

72. In all cases of violence,² theft, (illegal) intercourse (with women), and injury by word or by deed, one need not examine the witnesses very carefully.³

73. In a case where the testimony is divided, the king should accept the greater number (of witnesses); where (the number of witnesses) is the same, those who have qualities superior (to the others); where those having (good) qualities are (equally) divided, those of the twice-born (who are) most exalted.⁴

74. Testimony based on seeing as an eyewitness, or on hearing, is to be received; and a witness who speaks the truth on such an occasion is deprived neither of (the reward of) virtue nor of (his) goods.⁵

75. A witness who in an assembly of honourable men⁶ declares anything contrary to what he has seen or heard goes headlong to hell, and, after passing (this), is (still) deprived of heaven.⁷

76. When any one, (although) not held (as a witness), has seen or heard anything, and is questioned about it, he should declare it just as (it was) seen, just as (it was) heard.⁸

¹ A totally different meaning in Nand.: “Even when speaking truth, regard their testimony as untrue, and not accept it from the mere statement;” doubtless an error.
² Such as house-burning and the like (K.)
³ Examine either into their mental condition or inquire whether they would naturally be excluded by their social status. The verb is the same as that used in the “inspection” before inviting to a śradāha.
⁴ The commentators are divided as to whether this means simply “the Brahmans,” or those members of the twice-born castes who are in general most attentive to their duties. The earlier commentators Medh., G., (and Nand.), hold the former, K. the latter. K. quotes G., but anticipates by a contradictory quotation from Bhāsāpati. Rāgh. unites the two by defining as “priests of conspicuously good qualities.”
⁵ Nand. omits this verse.
⁶ The “assembly” means here the court, and the sentence may mean “a court of the Aryans.”
⁷ Preiṣya, usually meaning gone forth from (life), i.e., “after death,” seems here to refer to passing through hell; even then, as Medh. remarks, he does not reach heaven.
⁸ Vikṣeta is the reading of Rāgh. and Nand.
77. Now one man (alone) may be a witness, (if) free from covetousness; but not (even) several women, although (they may be) pure, on account of the lack of reliableness of woman’s mind; and also other men who are involved in sins (may not be witnesses).

78. Only what (the witnesses) declare of their own accord is to be accepted as having bearing on the case; if, however, they declare anything other (than this), that does not affect the consideration of justice.

79. When the witnesses are collected together in the court in the presence of the plaintiff and defendant, the judge should call upon them to speak, kindly addressing (them) in the following manner:

80. Whatever you know has been done in this affair by one or the other of these two parties, declare it all in accordance with the truth, as it is here your (duty) to give testimony.

81. A witness who in testifying speaks the truth reaches (hereafter) the worlds where all is plenty, and (even) in this world obtains the highest fame. This declaration (of truth) is honoured by Brahmā.

82. One who in testifying speaks an untruth is, all unwilling, bound fast by the cords of Varuṇa till a hundred births are passed. Therefore one should declare true testimony.

83. Through truth is the witness made pure, through truth is right incresed; therefore among all the castes truth, indeed, should be spoken by witnesses.

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1 The noun to the adjective found in v. 71. *A var. lac. occurs in Medh. and G., cko labdhus tv asākṣi syāt.* This is supported by Nand., and it is known to K. and Rāgh. For *api na* Nand. reads *api ca in* (a), and *ca for tu in* (b).

2 That is, as K. remarks, (because they are frightened or) from any other cause. *Svabhāvena* seems better rendered in its usual sense than “in accordance with the truth,” which goes without saying. Medh. supposes a lie out of pity in the second case; and Nand. takes *svabhāvana simply as satyena, “in truth.”

“In accord with nature” is the literal meaning, *i.e.*, nature of case or of witness.

3 The judge is the Brahman who has been appointed to represent the king (K.).

4 Nand. reads *yatra for ky atra.*

5 The worlds of Brahmā and the other divinities (K.) This verse is omitted by Nand. Medh. says the goddess of truth, Saravasti, is meant.

6 Nand. has the locative, “the truth in (giving) testimony,” *sāksye.*
84. For self alone is the witness for self, and self is likewise the refuge of self. Despise not, therefore, (your) own self, the highest witness of men.

85. Verily the wicked think, "No one sees us," but the gods are looking at them, and also their man within.¹

86. Sky, earth, the waters, (man’s own) heart, the moon, the sun, the fire, Yama,² and the wind, night and the twilights twain, and Dharma,³ (are) aware of the conduct of all corporate beings.

87. In the presence of the gods and the Brahmans, (the king), being pure, should, early in the day, call upon the twice-born, (being also) pure, to speak the truth, after they have turned their faces toward the north or the east.⁴

88. “Speak,” thus let him ask a Brahman (for his testimony). “Speak the truth,” thus (let him address a warrior (Kṣatriya). (He should conjure) a Vaiśya by his cows, his seed, and his gold; but a Čūdra by all evil acts.⁵

89. The worlds which are declared (to exist) for one who slays a Brahman, or for one who kills women and children, injures a friend, or shows ingratitude—all these would be (the home after death) of one who speaks falsely.

90. All thy pure deeds done by thee from thy birth up,

¹ The reading of Nand., sepaṣeṇa, is supported by Rāgh. Nand. reads also ca for tu, i.e., “both the gods and the man within,” conscience.

² God of the lower world. He seizes upon the soul when the body dies, and no entreaties will induce him to give up his prey.

³ Dharma, as personification, or as an abstraction, right. It is sometimes difficult to say which is intended.

⁴ The purity enjoined refers probably to the completion of the morning ablutions. It is not necessary to regard the “gods” as meaning “idols” (K., Nand.), which would be contradicted by the sentiment of

⁵ That is, he should explain to the Vaiśya that the punishment in a future world for speaking falsely is as severe as for stealing cows, etc. (K.), or as severe as any sin which can be committed in respect to these things (Medh.) In the case of the Čūdra, the evil deeds with their results are depicted in the following verses (Nand.) Cf. vs. 113; Mutual Relations, p. 7; Viṣṇu, viii. 22 ff.
O good man, would go to the dogs if thou shouldst speak falsely.\(^1\)

91. Although thou, O good man, regardest (thy) self, thinking, “I am alone,” (yet) that wise seer who sees the evil and the good stands ever in thy heart.

92. It is the god Yama, the son of Vivasvat,\(^3\) who resides in thy heart. If thou beest not at variance with him, go not to the Ganges and Kurus.\(^4\)

93. Naked and shorn, and begging for food with the potsherds, hungry and thirsty and blind, shall he who gives false testimony come to the house\(^5\) of his enemy.

94. Headlong, in darkness and gloom, that sinner shall go\(^6\) to hell who makes a false statement when questioned in a legal examination.\(^7\)

95. As a blind man eats up fishes and fish-bones together, so (does) that man who having entered the court

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\(^1\) Literally, “otherwise” (than truly). A var. lec. in Nand., punya-bhadram (sic) ca yat kram, is partly supported by Rāgh., bhadram; so that we may read, “whatever pure, whatever excellent (thing) thou hast done.” In Yāj. ii. 75 the fruit of the perjurer’s good deeds goes to the man whom he overpowers by his false testimony. Cf. with this passage iii. 230, where a lie sends the food to the dogs. In xi. 122 the virtue of the sinner goes to the gods. From the connection here we might imagine the dogs of Yama to be meant, “who guard (the under world), four-eyed guardians of the path, who gaze upon men” (Ṛgveda, x. 14, 11); though the dogs are probably a general term, as Yama has but two.

\(^2\) This verse appears in more antique (trisṭubh) form in the Ādiparvan of the Mahā. i. 74, 28 (Cāk.), where the neighbouring verses are also found (trisṭubh) with a slight change of arrangement.

\(^3\) Vivasvat, (god of) gleaming, is the father of the twins Yama and Yami, the primeval parents.

\(^4\) The Kurus, that is, the plains of the Kurus, were regarded as sacred.

\(^5\) Or family (kula) (K.) “House” (grha) is the reading of Medh. and Nand., and (in the Comm.) of Rāgh. Rāgh. reads patet, “fall.”

\(^6\) Literally, “at a decision in regard to right” (dharma).
says anything different from the real fact, or declares what he has not actually seen.\footnote{1}

96. The gods know no other better man in the world than he of whom his own wise soul has no apprehension while he is speaking.\footnote{2}

97. Hear now in order, good man, how many in number the relatives are whom a false witness destroys, and in what cases (he destroys them).

98. By untruth in regard to small cattle (he destroys) five; ten, by untruth in regard to cows; one hundred, by untruth in regard to horses; a thousand, by untruth in regard to men.\footnote{3}

99. Speaking an untruth for the sake of gold, he destroys those born and those (yet) unborn. By an untruth in regard to land he destroys everything. Speak thou not then an untruth in regard to land.

100. They say (false testimony) in regard to water\footnote{4} is like (that in regard to) land; so also (is false testimony) in regard to carnal pleasures, in regard to gems (produced by) water, and all (gems) made of stone.\footnote{5}

\footnote{1} Nand. and Rāgh. read kaṇṭākaś ṣa nurāś ṣaṅa /
\footnote{2} He whose soul is not obliged to ask itself, “Will he say a truth or a lie?” (K.) The word for “soul” is here kṣetrajña. It is the intellectual self, as said in the Mbhā. The kṣetrajña is the perceiver (masc.) and truth is its object (viṣayi and viṣaya, xiv. 1374).
\footnote{3} Cf. Gautama, xiii. 14, 15, and Vasiṣṭha, xvi. 34, where “maiden” takes the place of cattle. It is odd that that holy animal the cow should fall below the horse. “Kill,” K. says, means he sends ten relatives, etc., to hell, or his reward for the sin of perjury is as great as if he killed them. Medh. and Nand. explain the untruth in regard to men as referring to the ownership of a slave.
\footnote{4} K. refers this to the water in pools and ponds. As we learn in the epic, these were regarded as sacred, and especially so to the cows. The necessity of providing a constant supply of water during the hot season led to the extraordinary reverence with which the cow-pools were looked upon. The possession of them secured to the owner freedom from sin, and gave him sure passage to heaven. Cf. Mbhā. xiii. 58, 19, “Eternal happiness is secured by a gift of something to drink, for water, my child, is hard to get (especially in the next world);” and our text, ix. 279, 281, 286, for the high value put on the precious fluid, even though unconsecrated.
\footnote{5} That is, all gems whatever, even including water-gems (pearls). In Nand., 100 comes after 98, and 99 follows as the second verse after 100. Between these occurs the following verse, which ought, if anywhere, to stand after 96. Na tu tasyāya vīsaya puruvāya duṣṭi- manah / tasyāya pudrā vacrān (piśrān) hanti, saṭaṣa saṭaṣa [prāvaṅd]. Cf. i. 105.
101. Considering all these sins which (are committed) when falsehood is spoken, declare thou quickly everything just as (it was) heard, just as (it was) seen.\(^1\)

102. Priests (living as) cowherds, traders, workmen, actors,\(^2\) servants, and money-lenders one should treat\(^3\) like Cūdras.

103. A man who, knowing the matter is not as he states it, makes a (false) declaration in a case (purely) out of consideration for (what he thinks) is right,\(^4\) is not (on that account) shut out from the heavenly world; (on the contrary,) they call this the speech of the gods.

104. Wherever a truthful declaration would be the death of a Cūdra, Vaiṣya, Kṣatriya, or Brahman, there falsehood should be spoken, for (in such a case) it is better than truth.\(^5\)

105. Let those who desire to make full expiation for the sin of such a falsehood bring a sacrifice to Sarasvatī, with cakes sacred to the divinity of speech;\(^6\)

106. Or let one pour ghee upon the fire according to rule, accompanied by the Kūśmāṇḍa (verses); or that verse addressed to Varuna which begins "Off;" or the three verses addressed to the divinity of the water.\(^7\)

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\(^1\) Nand. reads etān sarvān aśekṣyaṁ dvopān; and in (b) satyam for sarvam.

\(^2\) Actors, as in vs. 65.

\(^3\) That is, he should address them thus (K.)

\(^4\) Dharmataḥ, out of pity, etc. (Medh., K.) Nand. places this verse after 104.

\(^5\) Nand. offers a slight var. lec., uktate ced vadho bhavet, and in (b) taddhitatva. This same sentiment is found in Yāj. ii. 83. K. restricts this to cases where a petty offender is liable to lose his life through the severity with which the king is apt to punish criminals. It must not be assumed, he says (quoting Gaut. xiii. 24, 25), that this rule is to be applied in the case of a very wicked man unless he be a Brahman, for by Manu viii. 380, the life of a Brahman is never to be taken, whatever his sins. K. adds that the other castes are included because of the general inauspiciousness of capital punishment. This is only one case of the venial lies permitted by all the law-books (cf. vs. 112 note), as an exception to the universal rule given in the Hindu adage, "No duty greater than truth." For other texts of like sort cf. Muller, India, note D. In Greek literature we find the same rule in Sophocles' remark that it is no disgrace to tell a lie, et ἐπὶ σωφρόναις ἑπιφέρει τῷ ὑπόδοτος φήμη (Phil. 108).

\(^6\) I.e., to Sarasvatī herself. Nand. reads atus teṣāya (dharmahetoh.)

\(^7\) The Kūśmāṇḍa, according to K., mean the Kūśmāṇḍi, Vāj. Sāinh. xx. 14–16; or Taitt. Arany. x. 3–5. Rāg. and Nand. say this applies to the members of the twice-born.
107. If a man, without being ill, should give no testimony (when summoned as witness) in suits for debt and similar cases, he would himself, when three half-months had expired, incur the whole of that debt, (and in addition) a tenth of the whole sum as fine.¹

108. That witness to whom, within seven days of the time when he has made his statement, there comes sickness or fire or the death of a relative, shall be made to pay the debt and receive a fine.²

109. But in cases where witnesses are wanting, and the two parties mutually contradict each other, let the (king), being thus ignorant of the true facts of the case, discover (the truth) even by means of an oath.³

110. By the great seers and by the gods have oaths been taken in order to determine cases;⁴ even Vasiṣṭha swore an oath before the king descended from Pijavana.⁵

¹ The detention by illness is not excepted by Yāj. (ii. 76), who has the man fined any way on the forty-sixth day. There may be an error in the text, as Nand. reads goto naraḥ for naro'gadaḥ. The fine is to be paid to the king (K.).
² Dṛṣṭuṣṭa gasya is Nand.'s order. The relatives whose death convict him of perjury are, according to Medh., wives, sons, etc. K. says sons, etc.
³ Or by an ordeal (see below), as Medh. understands gāpatka. It may mean that they should implicate curses on their own heads. Cf. the following explanation and the case in vs. 256. Dr. B.'s MS. of Rāgh. has avindams for na rīndams.
⁴ Probably no definite cases are meant. The epic has many such tales, though Medh. gives us an example of each in the oaths taken by the seven seers at the theft of the lotus stalks, and the oath of Indra to clear himself of an accusation of seducing Gautama's wife. Both are from the Mbhā.
⁵ That is, Sudās; cf. vii. 41. K. says that Vasiṣṭha gave an oath to clear himself when accused of hav-
111. A wise man should never take an oath in vain when the occasion is only a small one, for he who takes an oath in vain is lost both after death and here.¹

112. In (regard to) love affairs, marriages, food for cows, fuel, and in giving aid to a Brahman, there is no sin in an oath.²

113. (The king) should cause a Brahman to swear by truth; a Kṣatriya by his steed and his weapons; a Vaiṣya by his cows, his seed, and his gold; but a Cūḍra by all wicked deeds.³

114. Or he may cause him to hold fire,⁴ or cause him to dive into the water, or even let him touch the heads of his wife and son one after the other.⁵

115. He whom the lighted fire does not burn, he whom the water does not cause to rise (to the surface),⁶ and he

ing eaten the sons of Viṣṇamitra. Medh. says this accusation was united with another, namely, that Vasiṣṭha was a demon, on which the latter took an oath, "May I die it," &c. In the Mbh. account the king is changed into a demon.

¹ Medh. and Nand. differ from Rāgh. in taking this to mean "a false oath," connecting it with the following verse. The translation here given rests on the meaning of ṛthā as "vain," that is, as explained in alpe arthe, on a trifling occasion, such as the word has in v. 38, ṛthā paṇḍūgha. In Medh.'s translation we should expect not "even in a small," but "even in a great" matter. Rāgh. quotes the following verse to elucidate the passage, which is thus connected with the preceding verse: "If one in the presence of God, fire, and teacher takes an oath even with truth (aut yenāpi cāpet), King Vaiśvānara destroys half his (reward for) virtue."

² Parallel passages from Vas. xvi. 35 and Gaut. xxiii. 29 show that here a false oath is meant. Gaut. says "some" say this, but such a lie must not be made to a Guru. The importance of the circumstances here mentioned make the oath necessary, and therefore right—"the sin is thus destroyed" (Rāgh.); "the sin (of taking an oath is thus) a duty" (Nand.); the wood is for a sacrifice (K.). I regard this verse as a proverbial saying, independent of the position in which it is found, like many others in our text.

³ Cf. vs. 88. K.'s explanation is here that the cattle, etc., of the Vaiśya will yield no fruit; the Cūḍra is to impregate all evils upon himself if he lies.

⁴ Rāgh. reads apah vai'nam (and in (h) cāpi).

⁵ That is, instead of an imprecation on himself alone, he may involve his whole family. The ordeal by oath was the substitute in the case of the Brahman in later times for the sacred libation, which was forbidden to be used for a Brahman (Viṣṇu ix. 17).

⁶ B. R. translate "drown," but the text seems to be whether he can stay under water. Medh. paraphrases unmaṣṭayantibhīṣuddhriṃ prārayanti, "makes swim upwards." A general statement in Mbh. (xiii. 1, 22) makes the good swim and the evil sink in the floods of evil that one meets in life (pĪrante dharma- layharaḥ . . . maṣṭanti pāpaguravah).
who within a short time\(^1\) meets with no misfortune,—
these must be recognised as pure in respect to their oath.\(^2\)

116. For when Vatsa of old was accused by his younger
brother, the fire, (which is the) witness\(^3\) of the whole world,
burned not even one of his hairs, on account of his truth-
fulness.\(^4\)

117. In whatever dispute (at law) false testimony has
been given, (the king) should reconsider that affair; and
even what has been done is to be (regarded as) not done.\(^5\)

118. That testimony is called false (which has been
given) through avarice, error, fear, friendship, love, anger,
or, again, through ignorance or foolishness.\(^6\)

119. I will now declare in order the varieties of punish-
ments that a man receives who gives false testimony in
any one of these cases.

120. (If one gives false testimony) through avarice, he
should be fined\(^7\) one thousand (pānas); if through error,
the first fine; if through fear, two medium fines; if through
friendship, four times the first.

\(^1\) I.e., according to Medh., fourteen days, or (Rāgh.) three half
months.

\(^2\) This subject has been treated by Stenzler, Z. D. M. G. bd. ix., and by
Schlagintweit "Ueber die Götter-
urthelle der Indier." Besides these
verses and vs. 108, we find the custom
of ordeal, including imprecation,
spoken of in viii. 90 (178) and 256.
The ordeal is an ancient custom. A
hymn of one undergoing trial by fire
is given in the Atharva Veda (ii. 12),
and directly mentioned in the Chan-
dogya Upaniṣad, vi. 16, 1. It began
apparently with the simpler impre-
cation, and extended to physical
proof. The later down we come the
more kinds of tests we find. Yaj.
ii. 90 restricts the fire and water
proof to Čudras. In the water test
there is some doubt whether the
meaning may not be, as indicated
above, drown; but it seems more
probable that it is the innocent one
who sinks. Such was the early cus-
tom in Germany, and two hundred

years ago in America in the test for
witches... Viṣṇu says he is guilty
"even if one limb is seen (above the
water")—(xii. 6).

\(^3\) So two MSS., spaçaḥ.

\(^4\) The story, as told in the Pañca-
vimśa Br. of the Śāma Veda, is that
Vatsa was accused by his step-
brother of being the son of a Čudra
woman. He proved he was not by
walking through the fire unharmed
(cf. Weber, Ind. Stud., ix. 44); so
the commentators. A small var. lec.
occurs in Nand., vatsasya yairābhi.

\(^5\) Or perhaps better, with Rāgh.
(kṛtam vāpy), "he should reconsider
the affair (law-case), or (else) the
decision of the affair would be with-
out effect. In (a) Nand. also reads
(for vivāde tu) kṛte kārye, in what-
ever settled law-case.

\(^6\) Or childishness, perhaps better
"being a child;" "less than sixteen
years old" (Nand.)

\(^7\) Or "the fine is," dandas tu
(Nand.) Rāgh. has ca.
121. If through love, ten times the first; if through anger, three times the highest;¹ if through ignorance, a full two hundred; but if through foolishness, one hundred only.²

122. They say these punishments for giving false testimony (were) proclaimed by the wise in order to secure the sure advance of right (dharma) and the suppression³ of wrong.

123. A just king should have three (of the) castes banished after administering the fine, when they have given false testimony, but a Brahman he should have banished (without having administered a fine).⁴

124. Manu, son of the Self-Existent, declared ten places of punishment which should be (selected) in (punishing) three (of the) castes; (but) a Brahman should go⁵ uninjured;

125. (Namely), the privy parts, the belly, the tongue, the two hands, and, fifthly, the two feet; also the eye, the nose, the two ears, the property, and (tenth) the body.⁶

126. After carefully considering the purpose (of the crime), the place, and the time,⁷ exactly (as they were), and after examining the property⁸ (of the criminal), and

¹ So G. and N.; but, according to K., three times the medium fine. Nand. and Rāgh. support the former view.
² As the first (lowest) fine is 250 panas (vs. 131 ff.) the medium 500, and the highest 1000 (vs. 138), the fines would be as follows: For testimony falsified through foolishness, 100 panas; through ignorance, 200; through error, 250; through avarice, fear, or friendship, 1000; through love, 2500; through anger, 3000.
³ Nand., nidhanāya (nivṛttaye).
⁴ The word here used of the Brahman, vivārayet, in distinction from the “three (lower) castes,” has given trouble to the commentators. Govind. says (in K.) that the Brahman is to be fined (like the other castes) and stripped naked (vīrövāsāḥ); Medh. says this means taking away his vīsa, i.e., deprivation of home. Banishment is the meaning given by K., who quotes (as does Rāgh.) vs. 380 to prove that the Brahman is to lose neither life nor property, and this agrees with vs. 124. Nand. says merely that both verbs mean to remove one from the country.
⁵ Out of the country (K.) Nand. reads tāni for yāni; his meaningless v. l. akṣato vṛujed viraset probably denotes no more than a note of the commentator which has slipped into the text.
⁶ The importance and trivial nature of the crime are in each case to be taken into consideration (K.) That member of the body with which the crime is committed should be mutilated; the “body” in the text means capital punishment (Medh.; K.)
⁷ That is, whether the crime was committed in a town or in a wood, by day or by night (Medh., K.)
⁸ So B. R.; perhaps better “the natural ability.”
the crime itself, let (the king) cause punishment to fall on
those that deserve it. 1

127. The infliction of unjust punishment injures the
reputation (of the king) among men, is destructive of
(future) fame, and even in the next world prevents his
entrance into heaven; therefore let him avoid it.

128. A king punishing those undeserving of punish-
ment, and even failing to punish those deserving of punish-
ment, attains great infamy, and also goes to hell.

129. Let (the king) inflict first punishment of the voice;
next, that of reproof; thirdly, that of property; then, last,
that of corporal injury. 2

130. But if even by corporal injury he be unable to
restrain them, then let him employ upon them all these
four (kinds of punishment).

131. The names given on earth to (weights of) copper,
silver, and gold, when used among men for traffic, I will
now declare in full.

132. The fine particle of dust which is seen in a beam
of light as it enters a lattice-window, is taken as the first
standard, and is called an atom. 3

133. Eight atoms are considered in respect to weight
(as equal to) one egg of a louse; three of these (are equal
to) one grain of black mustard; three of these (are equal
to) one grain of white mustard.

134. Six grains of (white) mustard (are equal to) a
medium-sized barley-corn; three barley-corins (are equal

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1 An interesting var. lec. occurs here, and makes the exactness of this
translation not quite certain; the
word translated "purpose" Râgh.
refers to the frequent repetition of
the crime, not to the intent, as Medh.
does, and Nand. reads (instead of
the accepted anuândha) aparâdha,
while in (b) he reads sârâsâram
stâthâloka. Râgh.'s version differs
from K. only in having vijnâna for
âlokya (which Medh. notes as a var.
lec.) Nand. explains his reading as
dândyasya balâbalam, "the strength
and weakness of the criminal;" the
same form is found ix. 331; Yâj.
i. 367 has aparâdha in (a).

2 By punishment of the voice a
mild and kind exhortation is in-
tended; by reproof or contempt is
meant bringing the criminal to
shame by speaking sharply to him.
The word vodha, "corporal injury,"
has two meanings in the law-books,
either corporal or capital punishment.
Medh. and K. remark that the latter
is here excluded by the next verse.

3 Trâsârûni, trembling dust-speck.
to) one kṛṣṇala (berry); five kṛṣṇala\(^1\) constitute in (weight) a bean (māṣa); sixteen māṣa (are equal to) a gold-piece (suvarṇa).

135. Four suvarṇa (are equal to) a pāla; ten pāla to a dharana; two kṛṣṇala of the same weight should be regarded as a silver māṣaka.

136. A dharana or silver purāṇa would be sixteen of these; a copper pana weighing the same as a karsa should be known as a kārsapana.

137. Ten (silver) dharana make a silver catamāṇa; a weight of four suvarṇa is called a niśka.

138. Two hundred and fifty pana are termed "the first fine;" the "medium fine" is known as five hundred, and the highest as one thousand.\(^2\)

139. When (a debtor) has acknowledged (in court) that a debt is really due, he deserves a fine of five in the hundred; if he has denied the debt, (he should be fined) twice as much. This is an ordinance of Manu.\(^3\)

140. A money-lender, to increase his capital, may take the interest declared (legal) by Vasishtha, (namely) an eightieth part of one hundred a month.\(^4\)

141. Or, reflecting on the duty of good men, he may take two per cent., for (even) taking two per cent. (a month) he does not become a wrong-doer for gain.\(^5\)

142. He may take a monthly interest of two per cent.,

\(^1\) The kṛṣṇala was practically the smallest weight used; it was also termed a raktīḍa, and its weight was 0.122 grammes. The fines in court were reckoned as so many pana, one pana being the same as a karsa = 16 māṣa = 80 kṛṣṇala. Some of the weights mentioned are confined to gold—suvarṇa, and niśka; some to silver—purāṇa and catamāṇa; and some are used of both—kṛṣṇala, pana, māṣa, (māṣaka), pala, dharana; the last at times of copper (v. Colebrooke, Essays, p. 531, and Jolly, ad loc. from whom this note).

\(^2\) Nand., sahasram tv ekam. Copper pana are meant.

\(^3\) That is, the debtor who obliges the creditor to bring him into court, pays on there denying it a fine of ten per cent. It is doubtful if this verse is not a late addition. Jolly notes that N. says it is wanting in some MSS., and, besides being out of place, it contradicts vs. 59. Medh. says "others" think the "twice as much" means the debt doubled.

\(^4\) So stated in the existing law-book of Vasishtha, ii. 51. This rate is equal to 15 per cent. per annum. K. says this is when a pledge is given (vs. 142).

\(^5\) When he has no pledge as security. So in vs. 142 (K.)—(kurvīta, Nand.)
three per cent., four per cent., or five per cent., according to the order of the castes (beginning with the Brahman).

143. But he may not increase his capital by taking interest if a pledge has been given him of which he has had free use; nor may he dispose of or sell the pledge,\(^1\) although (it has been in his possession) for a long time.

144. A pledge should not be made use of by force;\(^2\) if one makes use of it, he must relinquish the interest; and he must gratify that one (the owner) by a payment;\(^3\) otherwise, he would be a pledge-stealer.

145. Neither a pledge nor a deposit are lost through lapse of time, (for) both of them may be taken back (although) kept for a long time.

146. A milk-cow, a camel, a draught-horse, and (an animal) which is being broken in (are never lost) to the owner when they are made use of with the (owner’s) good will.\(^4\)

147. When the owner stands by and sees (his property) used by others for ten years while he says nothing, he does not desire to recover it, whatever it may be.\(^5\)

148. If the property of a man who is neither under age\(^6\) nor weak-minded is made use of while he is in the vicinity, by the general practice (of business people)\(^7\) that property is lost (to the owner), and the user has a right to have it.\(^8\)

149. A pledge, a boundary, the property of children, an

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\(^1\) The pledge just described, of which he may make use (K.) In the last three verses the explanation given by Medh. and G. differs from that of K. The former considers the highest interest as allowed when the lender requires it in support of his family, etc. K. regards the pledge or absence of pledge as making the difference, and quotes Yaj. ii. 37 to prove it. In v. 143 K. holds the second pledge mentioned as one for use, not for safe-keeping, as do Medh. and G.

\(^2\) \textit{i.e.}, against the owner’s consent, but cf. vs. 150.

\(^3\) By paying the original value to compensate for injury received by its use (Medh. and K.), or by paying over the profit such use has given him (N. and Nand.)

\(^4\) The commentators regard this as a restriction to the following verse.

\(^5\) Except land (Râgh.); for this some claim twenty years (Medh.)

\(^6\) A child is under age up to his sixteenth year, Nârada (3, 37) in K.

\(^7\) \textit{Vyavahâra}, by business custom, or by legal usage.

\(^8\) It is possible that a verse after 147 has been omitted, enjoining the punishment of a thief for one who wrongly uses for many years what is not permitted.
open deposit or one sealed up, women, the property of
the king, and the property of a learned (Brahman), are not
lost (to the owner) through being used (by other people). 1

150. He who is so foolish as to make use of a pledge
without the owner’s permission shall be made to give up
one-half the interest (he would have received) to make up
for this use. 2

151. Interest on money, if paid all at once and at the
same time (as the debt), should not be more than enough
to double (the principal); 3 and (the sum of the interest
and principal) should not be more than five times (the
principal, when this interest is paid on) corn, fruit, wool,
or draught animals.

152. Excessive (interest) made higher than the regular
rate is not lawful, and they call this usury; (the lender)
may take five per cent. 4

153. One should neither take interest which extends
over a year, 5 nor interest unrecognised (by law); wheel-
interest, periodical interest, stipulated interest, and cor-
poral interest (should also not be taken).

154. He who, being unable to pay a debt, desires to
renew the obligation, must cause the proof 6 (of the obliga-

1 Rāgh. reads upabhogena jīrya-
atī(1).

2 Medh. and K. observe that this
command differs from that of vs.
144, in that the use is forcibly made,
while here only secretly; a distinc-
tion, which, as Jolly remarks, is in-
sufficient to explain the difference.

3 That is, the sum of interest plus
principal must not exceed twice the
original debt. On the meaning of
katida, cf. Jolly, Ind. Schuldrecht,
§ 3, where the variations of the
later lawgivers are added.

4 That is, according to vs. 140–142,
five per cent. (a month) is the very
highest interest he is permitted to
take; a rate which is here made legal
(so G.), apparently for all castes, though
by vs. 142 confined to the Čūdra.

5 Gaut. (xii. 30) quoted this as
the opinion of “some.” A var. lec. in
Nārada (iv. 34) falsely attributes to
Manu the doctrine that the interest
is unlimited for certain objects (so
declared by Viśṇu, vi. 16). K. ex-
plains that when a year is passed the
creditor who has agreed to receive
monthly payments of interest can
demand no more. “Wheel-interest”
is compound; “periodical” is where
the debt is increased on non-payment
at the time due, or simply monthly
interest (so in N. and Brh.; but cf. p.
279, Bühler’s Gautama); “stipulated”
is forced interest, when one is pressed
by need; “corporal” interest is when
the interest is paid by labour of (the
borrower or his cattle) (Medh.), or,
according to Nārada, is “daily” in-
terest. This verse Jolly regards as
not genuine (Ind. Schuld., § 3, 4).

6 Karanām, as in vs. 52, is proof,
instrument. The meaning “docu-
tion) to be repeated after he has paid the interest due (on the debt).

155. When he has not paid the interest, he should cause the (agreement in regard to the) principal to be renewed, and ought at the same time to promise a sum equal to the accumulated interest.¹

156. He who has agreed upon a price to be paid on delivery,² with a definite understanding in regard to the time and place, shall not receive the reward if he fails to keep the agreement in regard to time and place.

157. The price which men conversant with ocean travel and skilled in time, place, and goods set upon ware, this shall in that case be established as the gain (allowed the seller).

158. Any man who acts in this world as surety for the appearance (of a debtor) shall, on failure to produce him, pay⁸ the debt out of his own money.

159. The son ought not (to be compelled) to pay (his father’s debts when contracted) through offering surety, through foolish gifts,⁴ through playing with dice, or through drinking intoxicating liquors; and (he need not pay money) remaining (due) from a fine or a tax.⁵

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¹ *I.e.*, this sum forms part of the capital in the new agreement.
² Perhaps better “agreed upon compound interest” (as in vs. 153). So in vs. 157, N. regards the *śrddhi* (price) as interest, the rate of which in cases of dangerous travel, etc., may be stipulated in each case. The other commentators read as translated.
³ There are three kinds of sureties, those of appearance, trust, and money-pay{x}ent, therefore “appearance” is specified (Medh.) Cf. Yaj. ii. 53, 54. The later writers divided sureties into three, four, and five classes, and Nīrāda (xiii. 39) restricts them in kind, not permitting the nearest relations in a family. One of these is in Kāty, a surety for ordeals, and his list of forbidden sureties agrees with Manu’s forbidden witnesses (cf. vs. 63).
⁴ Gifts promised to persons of low birth (Medh., K.), or bribes made by the father and not yet paid (Medh.) To the Brahman all gifts not made to himself were, since they were thus wasted, idle or foolish. In the Mābh. (xiii. 93, 121), this expression is used as a curse (*erthātānām karotu*). The son in general does not inherit liabilities arising from his father’s sins, nor taxes not paid at the time of his death (except as in vs. 150). Vas. (xvi. 31) gives this verse as a well-known quotation, so Gaut. (xii. 41), but neither recognises a distinction between the kinds of uninherited or inherited surety.
⁵ Or marriage-money still remaining due.
160. The rule declared above should hold in the case of surety for appearance; but if a man who has given surety for payment has died, one should cause payment to be made by the heirs.

161. On what ground may the lender of money demand the money owing him back again after the death of a surety, who was not a surety for payment, and whose position (in this respect) was well known?

162. If money has been paid over to the surety,¹ and he has (in this way received) money enough (to pay the debt),² let (the heir of him who has been paid) pay the money out of his own property alone; so stands the law.³

163. A business transaction is not legal when it has been performed by a drunken person, a crazy person, a person in distress, a slave,⁴ a child, an old man, or one not duly authorised.

164. A verbal agreement, even if it be upheld (by evidence), is not a true (agreement) if what has been said (in this agreement) is opposed to the law which has been established, and which is usually acted on in business transactions.⁵

¹ By the debtor in order to pay the debt (Mdh., K.)
² Lit., “having money enough.” Medh. says if he has received the full amount necessary to pay the debt; if the heir receives but a trifle paid over for this purpose, he is not obliged to pay a debt that is large. K. understands merely that the heir should have money enough any way to pay the debt.
³ From the connection the son (heir) must be intended (as the surety is dead)—(Mdh., K.)
⁴ Instead of “slave” it is possible that “dependent,” including younger brothers, etc., is meant, as no one but the head of the family was independent, i.e., could be responsible for business acts, except as in vs. 167.
⁵ The commentators regard this as an agreement proved by written documents (K.), or also proved by sureties (Mdh., Nand.) From the text it is impossible to say which is meant, but probably only sureties are here intended.
⁶ Medh. explains this last part as “out of dharma (dharma-bhāgyam), i.e., what is opposed to the practice of the law-books,” and gives instances of such illegal agreements. As dharma means legal rule as well as rule of right, and bhāṣā (speech, i.e., verbal agreement) indicates that it is a matter of words, we might possibly translate the bāhis literally also, as in bāhisṛta, “excluded,” and render the passage word for word: “The speech is not true (i.e., binding), even when attested, if (what is said) is said outside the legal rule (i.e., form), which has been established and generally used in business transactions.” Such was the early custom at Rome, where the
165. When (the king) sees that anything has been pledged or sold through artifice, or anything has been given or accepted through artifice, or wherever he sees any cheating, he should cause the whole transaction to be annulled.

166. If the receiver (of money) is dead, and the money has been spent for the good of the household, this (debt) must be paid by his relatives out of their own (property), even if they (have lived with property) divided.

167. If even a slave makes a business transaction for the sake of the household, his superior, whether present or absent (at the time), must not rescind it.

168. What is given by force, used by force, and also what is written by force—in short all things done by force, Manu said, (are as if) not done.

169. Three are afflicted for the sake of another—witnesses,

slightest deviation from the prescribed forms of speech invalidated the act (cf. Ihering, Geist des Röm. Rechts., ii. 577–598); it is, however, perhaps too much to extract such *leges contractus* from an isolated passage, even assuming it to be more primitive than the other laws on agreements. *Bahis . . . vyārahārī-kam* may mean merely "opposed to good custom" (cf. vs. 78).

1 Adhamana, Medh., K., and Rāgh. render as "pledge," B. and R. incline to the meaning, "puffing" wares by fraud.
2 *Tasya* (Medh., Nand.)
3 "Divided" means having a divided property; the word "even" implies, as a matter of course, that this should be done when they live (in the united household), as common proprietors (Medh.) Yāj. ii. 45, specifies that in the latter case the same rule holds when the master of the house is on a journey; so Rāgh. and Nand.
4 Or "a dependent," perhaps a younger brother (cf. vs. 163.)
5 *i.e.,* the master (K.) of the house (Medh.) Jolly notes that G.'s text requires the meaning, "the slave must wait till the master returns." Nand. reads, (Nj)ricāpuyet ("ṛni kuryāt"). Cf. Jolly, Ind. Schuldrecht, § 6 (p. 309 note).
6 Cf. vs. 144; and Yāj. ii. 89. An agreement written with one's own hand is valid, unless done by trickery (cf. above, vs. 165) or force. This is the only passage in Manu where positive reference to writing can be claimed (cf. above, notes on vs. 52, 154). It is probably one of the latest additions to the text, as we find the same verse in Nārada, iv. 55 (cf. Viśnu, vii. 6); cf. Jolly, Ind. Schuldrecht, § 2. Müller (India, p. 92) regards it as "recognising the practical employment of writing for commercial transactions." Writing was long used before it was recognised in the literature of India; it appears to have been first used for grants and deeds; not till much later was it employed for literary purposes. The next law-books in time after Manu speak of and enjoin writing in business acts, but its existence in the time of the body of the text would seem, from negative data, to be unknown.
a surety, and a family;\(^1\) four enrich themselves (by means of others)—a priest, a creditor,\(^2\) a merchant, and a king.

170. A king, even if deprived of resources, should not receive what he ought not to take; and even when he is in prosperity, he should not reject what he ought to take, even if it be a little thing.

171. By taking what ought not to be taken, and by neglecting to take what ought to be taken, the weakness of the king is proclaimed,\(^3\) and he is lost in this world and in the next.

172. But by taking what is (properly) his, by caring for his duties,\(^4\) and by protecting the weak,\(^5\) the king obtains strength and flourishes in this world and in the next.

173. Therefore, like Yama, let the ruler lay aside his own pleasure or displeasure (in any matter), and act after the fashion of Yama, with wrath subdued and organs of sense subdued.\(^6\)

174. Now if any evil-hearted king conducts his affairs with injustice, through want of discernment, his enemies\(^7\) quickly get him in their power;

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\(^1\) Or "judges," according to Medh. and K., but (as in v. 201) this is not necessary. The literal meaning is known here to some commentators. N. refers it to the family embarrassed by debts left unpaid by some one member; Rágh. remarks in explanation that one bad boy is the ruin of a family, while Nand. takes it to mean a friend (kulaçabdæna kulæn' bhipræty). Although the verse is probably a proverb, the commentators agree that it means here, first, that the "three" may not be made to serve by force; second, the "four" must not make unlawfully.

\(^2\) Literally, "a rich man" (ādhyā); so dhavika is used in the same double sense.

\(^3\) Or "produced" (jāyate)—(Nand.)

\(^4\) Or "by preventing mixture of the castes," as K. explains by a rather forced construction of a rar. lec. (varna for dharma); Nand. reads varṣa, and explains (cf. K) as "by showing kindness to castes." Rágh. knows and rejects varna, preferring dharma, which, it seems to me, is better suited to the place, and is more appropriately read with saṁsāryaṭ. The meaning of this word in Manu is "connection, intercourse, close acquaintance" (cf. xi. 47), which with varna gives no sense, while with dharma in the same sense (whether as love or understanding) the meaning is good. In a somewhat similar situation the word is used of a person in Mbh. xv. 10, 44: "Viṣṇu, yonih varṇam yonih saṁsāryaṁ dharmajasya... na kariṣṇant thé (the princes) will, through affection for Dharma (Yudh.), do nothing unpleasant to the people."

\(^5\) K.'s paraphrase, durbala, is Nand.'s text (also in Rágh.)

\(^6\) That is, he must be as impartial as Yama, the judge of the dead.

\(^7\) I.e., his estranged people support him.
175. But if, restraining lust and anger, he views all things with justice, his people hasten toward him as rivers do towards the sea.¹

176. He who accuses a moneyed-man (a creditor) before the king (because of his) compelling the payment of a debt in any way he chooses,² shall be fined one-fourth part of the debt by the king, and (be made to pay) the money to the creditor.

177. The debtor may liquidate the debt due the creditor even by (corporal) labour, provided he be of the same or of lower caste; but if he belong to a higher caste, he should pay off the debt by degrees.⁶

178. By this rule let the king make an equitable decision in regard to the affairs of two parties mutually at strife,⁶ when these affairs have been made plain by witnesses or by ordeals.⁶

179. A wise man should deposit a deposit with a man of (good) family, of good habits, who is conversant with the rules of right, who speaks the truth, who has a large retinue, who is wealthy and honourable (ārya).⁷

180. In whatever condition a man has deposited anything in any one's hand, in just the same condition he must receive it back again; as the delivery, so the receipt.⁸

181. He who, being asked (to give up) a deposit, does

¹ The image may be the Vedic one (e.g., R. V. i. 32, 3) of the lowing cows and the "waters running to the sea." The commentators say the people become one with the king (in desires, &c.), their union is perfect, as rivers lost in the sea.

² Literally, "according to his pleasure."

³ Cf. vss. 49, 50.

⁴ Cf. viii. 249, ix. 229. In viii. 153 corporal interest is nevertheless forbidden (?). In viii. 415 such a one is a slave; the labour is menial work, and apparently all members of lower castes might, if insolvent, be held as temporary slaves till the debt was paid.

⁵ Nand. and G. read rivadamatānayok (dual) for the ordinary plural.

⁶ Nand. and G. explain pratyaya as oath; Medh. as ordeal (anumānaī sa daivi kriyā).

⁷ Ārya may mean simply a twice-born man.

⁸ Cf. ver. 195. In text and comm. of Nand., yathā dānam, etc. "In whatever condition" means whether sealed or not, etc. (Medh., K., and Rāgh.) "Whether it has the same appearance" (Nand.), literally "as the giving so the taking."
not make it over to the depositor, should be questioned about it by the judge, the depositor being absent.

182. In the absence of witnesses (the judge) must, under some pretext, make an actual deposit of gold with him by means of spies who are of (proper) age and appearance.¹

183. If he returns this latter deposit in the same condition it was in when it was deposited and received,² the accusation of his enemies fails completely;

184. But if he does not return them³ their money as he ought,⁴ he must by compulsion be made to pay both (deposits): so is the rule of right (dharma).⁵

185. Neither open nor sealed deposits should ever be delivered to the next successor⁶ (of the depositor); both are lost (to the owner) if the receiver dies, but if he does not die they are not lost.⁷

186. But if he makes over (the deposit) voluntarily to the next successor of the deceased (depositor), he should not be brought to examination⁸ by the king or by the relations of the depositor.⁹

187. And without any trickery one should pleasantly ask for the thing (deposited), or by kind words alone prevail upon him after examining his mode of life.¹⁰

¹ Nand. regards the spies as “like in age and appearance to the former depositor;” reads satyasya (niidhā- nasya) for sannyasya, and takes the verb from the preceding verse, his whole idea being that the man is to be examined by spies (when there are no witnesses) of like sort with the former depositor, and also by pretexts (he is to be examined) in regard to the money of the real depositor.

² So Medh (yathāyāphitam). Nand. reads pratidāyit tu and yat pare

³ nābhī [pājyate /].

⁴ The spies.

⁵ Literally, “as is the rule.”

⁶ From ver. 180 on there seems to have been a doubt as to the proper order. Jolly notes that N. has 181, 183, 182, 184, while G.’s order is 181, 183, 184, 182. In Nand. the disorder is more extensive, though these four verses are themselves in regular position, but they fall as a group after (K.’s) 187 and before 196. Nand.’s arrangement is as follows: 180, 195, 188, 185–186, 189, 194, 187, 181–184, 196, 190–193, 197, 198; new v. 201, 202, 199, 200, 203–230 (231 after 244), 232, etc., as in K. (though after 187 the commentator implies 188 as following !). Medh.’s order is like that of K.

⁷ His heir, son, brother, or wife (Medh.)

⁸ Anārita (Medh., Rāgh.)

⁹ Medh., Nand., and Rāgh. read abhiyuktavād, and Nand. so rājña nābhī.

¹⁰ In order to test his truth as to the amount of the claim (Medh.)

¹¹ Or his means of life, wealth.
188. Let this be the rule in all these (cases where there are) unsealed deposits, and one tries to adjust the matter but where a deposit has been sealed, no blame should attach (to the receiver) unless he has extracted something from it.\footnote{1 This means after changing the seal (to conceal what he has taken) —(K.)}

189. (The receiver of a deposit) need not return what has been stolen, washed away by water, or burned by fire, unless he has extracted something from this (deposit).

190. One who has stolen a deposit, as also one who is not really a depositor,\footnote{2 But claims to be (all commentators).} the king should examine by all methods,\footnote{3 Medh. and K. give four kinds of "method." but do not agree with each other. Nand. says "all not spoken of."} and also by administering the oaths\footnote{4 Cf. note to vs. 115. K. says by holding fire, etc.; probably ordeals are implied.} of the Veda.

191. He who does not return a deposit, and he who without having made a deposit (falsely) claims one, are both to be punished as thieves, or fined a sum equal (to the amount involved).\footnote{5 (Mutilated) as thief if the deposit is valuable, otherwise the fine (K.), (śrīsau, Nand.)}

192. The king should cause the man who takes from an (unsealed) deposit to be fined a sum equal in value to it; also him, without distinction, who takes from a sealed deposit.\footnote{6 Medh. and K. make the distinction between vs. 191 and 192 to be, that in 191 the fine is for the sake of freeing the Brahman from the mutilation, and the severer law appertains to cases of repeated crime; while in 192 (Nand. reads in (b) hartāram cāpy asuṣidhāḥ, etc., and explains avīṣṭena as "without any distinction in regard to caste") they refer to the different kinds of deposit whether valuable or not (as in 191), as the "distinction."}

193. If any man should by fraud steal the goods of another, he ought, along with his companions, to be killed openly,\footnote{7 That is, on the royal highway (Medh.) Nand. places the three following verses before this by no accident, for in commenting on this verse he says: "Here ends the deposit; now the sale of property not owned," and passes to vs. 197.} by means of different (corporal) injuries.

194. If a deposit of a certain value has been made by
any one in the presence of the family,\(^1\) it must be acknowledged (to be) of just\(^2\) that value, and (if the receiver) denies\(^3\) (this) he deserves punishment.

195. If the delivery and receipt (of goods) have been confidentially made by any person, the goods must be returned in confidence also: as the delivery, so the receipt.\(^4\)

196. The king, without oppressing the holder of the loan, should render his decision in regard to money deposited and a deposit made for friendship.\(^5\)

197. If a man, not being himself the owner, sells the property of another without the owner's permission, one should not allow him to be a witness,\(^6\) (since he is) a thief, (although) he may think he is not a thief.

198. He should be held to a fine of six hundred (panas) if he is a near relation; if he is not a near relation and has no excuse,\(^7\) he would incur the sin of a thief.

199. If a delivery or sale\(^8\) has been made by any one

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\(^1\) Kula, according to Medh., K., and Nand., is “witnesses” (cf. 201); Medh. and K. have before (169) made it mean “judges.” Why should it not have its usual meaning?

\(^2\) Just that and no more (Nand.)

\(^3\) (Falsely), and his statement is overborne by witnesses (Medh., K.)

\(^4\) Cf. 180, which this verse follows in Nand.

\(^5\) The deposit made for friendship is one for friendly use (Medh., K.)

\(^6\) Cf. 67. Medh. and K. remark that he is incapacitated for any acts that good people can perform; in short, he is intestatus in its widest sense.

\(^7\) If he give no excuse, such as that it has been received from a relative, etc., or openly done, so that no evidence of guilt is seen (Medh., K.) Rågh. observes that the “sin of a thief” means he would be fined one thousand (panas). After this verse, Nand. has another like it:

\(b\) Ana nano vidhinah cihyak kurvan asvamivikrayas\/

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\(^8\) Or purchase (krayaḥ), as Nand. and Rågh. read.
who is not the real owner, it should be regarded as not made at all, according to the rule in business transactions.

200. If a man has clearly possession (of property), but (his) acquisition (of it) is not clear, in this case the proof (of ownership) is acquisition, not possession. So stands the rule.

201. When a man gets any property by a sale in the presence of the family, he receives property (which) by this (open) purchase is clearly and legally his.

202. If the seller cannot be produced, but the purchase has been made openly, (the purchaser) is (to be) released by the king, (as he does) not deserve a fine, and the (owner) who has lost (it) receives the property.

203. One thing should never be sold mixed with another, nor (should anything be sold) damaged, deficient, far away, or concealed.

204. If one girl is given away (in marriage) to a wooer after letting him see another, he may marry both of them for the same price: so said Manu.

205. If a girl is crazy or leprous or has lost her virginity, and the one who gives her away (in marriage) has

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1 The fact of possession (enjoyment) cannot make a man owner; he must have something to prove it by, as sale, etc. (Rāgh.) "Acquisition" means the manner or proof of acquiring, i.e., his title.

2 Kula, as in vs. 196; according to the commentators, "in the presence of witnesses, in the marketplace." This "purchase" is the "acquisition" of vs. 200.

3 So Medh. and K., "the seller who is not the owner." B. R. translate "the instigator (of the sale)." According to Nand. the meaning is that the (mālyam = dhanaṃ) property if not producible after open sale returns to the former owner, while the buyer is released (from the purchase). Cf. Viṣṇu, v. 164, 165.

4 Čudhitam, Medh., Govind., and Nand.; ḍhanam—Nand. has vahate ca tat.

5 K. says he gives half to the buyer (!), which is a mere attempt to bring this verse into harmony with contradictory injunctions of Bṛh.

6 In such a way as to deceive the customer, as is seen in the examples given by the commentators.

7 Sāṇḍyam (Medh., G., N., and Rāgh.) Kaśhin. MS. asāraja (Cal. and Nand.)

8 By covering it over, by concealing (Medh., N., and Nand.), or by dyeing it (M., G., and K.)

9 This is equivalent to promising in marriage.

10 This rule holds in the sale of a girl, but not in the case of cows, horses, and other such chattels (Medh.)

11 Yet he has emphatically inveighed against the sale of women, iii. 51, ix. 98.
exposed (these) defects before (marriage), he deserves no punishment.\footnote{1}

206. If a priest selected for (performing) sacrifice should fail to complete his work;\footnote{2} a part (only of the reward) should be given him by his co-workers, in proportion to the work he has (done).

207. If he fails to complete his work when the rewards have already been given, he may keep the whole of his share, and have (the rest of his work) done by some one else.

208. If in any ceremony\footnote{3} certain rewards have been declared for each part, should this (priest) alone receive these rewards, or should all the priests share them?

209. The Adhvaryu should take the chariot, the Brahman at the laying on of the fire\footnote{4} (should take) the steed, the Hotar should take also a horse, the Udgätar, too, should take the waggon (used) at the sale (of soma).\footnote{5}

210. The first (four) of them all\footnote{6} should have half,\footnote{7} the other (four) a half of that, the third division (should have) a third share, and those to whom a fourth is allotted should have a fourth share.

\footnote{1} For the alternative, cf. 224. A similar rule occurs ix. 73; and a similar form of expression occurs ix. 262.
\footnote{2} Because he is ill (K.) Cf. vs. 388.
\footnote{3} That is, such a ceremony as a coronation, as in regular sacrifices the exact division in like parts is subject to no change (Medh.) A jyotisfoma celebration and such like (Nand.)
\footnote{4} So N. and Nand. (? anyādhāne, slip for agnyādhāne), while Rāg. says "at a ceremony," with Medh. and K., "in some sects at the ceremony of birth" (kāśucic cākhsu ādhāne, see B. R., s. v.)
\footnote{5} I.e., the waggon for transporting the soma (K.); and Medh. knows this, for "some" say "soma cannot be sold; though he says it is the waggon for selling; so too Rāg. and Nand. (The MS. of Nand. has in the text kratau for kraye.) Medh. says of the two horses that the second may be a steer instead. These are the four high-priests, each of whom has three underlings. The Adhvaryu repeated verses from the Yajurveda, and had the mechanical part of attending to the fire and pouring offerings; the Brahman was the presiding priest who over-looked the whole; the Hotar repeated verses from the Rg., and the Udgätar from the Śāma-Veda.
\footnote{6} N. says this verse is an alternative to vs. 209.
\footnote{7} The first four are those mentioned in vs. 209 (Medh., K., Nand., and Rāg.)
\footnote{8} The division is not explained by all commentators alike: G., N., K., and Rāg. explain that of 100 (cows) the first group take 48, the next 24, the next 16, the last 12. Medh. supposes 112, of which the divisions are in turn 56, 28, 16, 12. Nand. says, "If 25 are to be divided among
211. The arrangement of shares is to be made by the application of this rule by men who join together in this world to perform their various tasks. ¹

212. If goods have been promised to a man who has asked for them for some worthy act, and that (act for which the goods were promised) is not afterwards so (performed), the goods should not be given to this man. ²

213. But if through pride or avarice he should again (try to) make (his claim) succeed, he should be fined one suvarṇa by the king as expiation for his theft.

214. Thus is the lawful and proper non-delivery of (what has been) promised declared; and now, furthermore, I will proclaim the (lawful and proper) non-payment of wages.

the ṛtviga (i.e., one high-priest with his underlings), the first would have 12 shares, the second 6 shares, the third 4 shares, the fourth 3 shares—and a like division of 12 among the other groups of four, i.e., each high-priest receives 12 (=48), each next 6 (=24), each next 4 (=16), each next 3 (=12), (=100). In the ārava-medha sacrifice, told of in the Mbh., xiv. 72, Yudhisṭhira gives the sixteen Brahmins (ṛtviga) their reward divided into four parts (cāturkotra-pramāṇa). The remark here made (bhrāṃvatā hi dhanārthinaḥ) reminds one that in four MSS. (two of Medh., one of Rāgh, and Nand.) this adjective takes the place of ardhinaḥ in the text, though not so explained.

¹ Any sort of co-operative labour, such as that of carpenters, etc., is meant (Medh., K.) Rāgh. has kramayogena for vidhi.-

² Literally “given;” so in vs. 214.

³ The worthy act is explained by Medh. and K. as a sacrifice, a wedding, or something of the sort; Medh. suggests a literal interpretation of the text, in that if already given it shall be regarded as not given and may be taken back. K. quotes a general rule from Gautama (given without authority by Medh.), to the effect that one should not give to an unworthy person, even if he has promised (Gaut. v. 23; dative by the reading of Medh., K.), and Medh. gives “the opinion of Nārada,” he may go to the man’s house and take it from him. Medh. reads (without alteration of the sense), Kasmaitīc yādamāṇya dattam dharmāya yad bhavet (cf. K.). Nand. follows K. in (a), but in (b) reads: Tasmāi deyam na tena tat, and so Nand. has the remarkable explanation: “The words ‘and it is not afterwards so,’ mean ‘if the giver says, I did not give them for this worthy act,’ and when he has said this the receiver must give the property back to him (tasmat), i.e., the giver, or, in other words, the giver must not take it back (pradātrā nāpahāryam).”

⁴ If he brings the matter to the king for trial (Medh.); if he has received a promise only and takes them by force (K.) Nand. reads mānaḥ for vā punah, and in accordance with 212 understands, “if (the giver) should (apaharet) take the goods back” (instead of waiting for them to be given?). It will be observed that Nand. translates in each case “gift,” and not “what is promised.” With him it is an accomplished fact; his general sense is,

⁵ Now if any man give a present and take it back again, he is to be fined.”
215. If a hired man, (although) not ill, insolently fail to work as agreed upon, he should be fined eight kṛṣṇāla, and his wages should not be paid him.

216. But if he is ill, and, when he is himself again, does the work as originally agreed upon, he should in that case receive his wages even after a very long time (has passed).

217. But if he does not have the work done as agreed upon, whether he be ill or well, the wages (promised) should not be given him, even if the work lacks but little (of being finished).

218. Thus is completely declared the law in regard to non-payment of wages; and now I will proclaim besides the law in regard to those who violate their agreements.

219. If a man has sworn to observe the compact of a corporation in a village or in a district, and then through avarice does not hold to his compact, (the king) should banish him from the realm.

220. (The king) should arrest such a breaker of an agreement and have him fined six niśkas, (each) of the value of four suvarṇās, and one silver catamāna.

221. Thus let a just ruler establish the rule of punishment for those who break compacts of village or caste communities.

222. Whoever feels regret in this world after buying or selling anything may within ten days give (back) or take (back) the goods.

223. But after the period of ten days is passed he

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1 Of gold (K.); or, according to circumstances, silver or copper (Medh.)
2 *Sudhārṣasya, Medh., G. N., Nand., Rāgh., and K., Kash. MS.
3 Omitted in Medh.
4 K.
5 The inhabitants of a village who are embraced in a village community as one corporation (Medh.)
6 Cf. vs. 137. The reason why the niśka is defined as containing four suvarṇa is that there are other niśkas of different value. "Some say there are three punishments intended, four suvarṇas, six niśkas, or a catamāna" (Medh.), which may be imposed separately or together (K., Rāgh.)
7 Medh. and Nand., et al. "This rule" (etam)—(K.)
8 But not, say the commentators, if liable to be injured by keeping this length of time.
9 *Adadita ca, Medh. and Nand.; rā, K.
may neither give them (back) nor take them (back);\(^1\) and if he take them (back) or give them (back), he should be fined six hundred (panas) by the king.

224. If a man give away (in marriage) a girl who has a defect, without first making (the defect) known, the king himself should impose a fine of ninety-six panas upon this man.\(^2\)

225. When a man, because he dislikes her, says of a maiden that she is no (longer a) maid, he should receive a fine of five hundred (panas) if he does not prove her defect.

226. Marriage hymns (anantara) have been ordained for virgins only, but never among men for (those who are) not virgins, since these women are debarred from all legal\(^3\) ceremonies.

227. The marriage hymns (mantra) are the established token whereby a (legitimate) wife may be recognised, and the completion of those (ceremonial rites) must be recognised by the wise (as occurring) at the seventh step.\(^4\)

228. If any one feels regret at having performed any business whatever,\(^5\) (the judge) should by this rule set that man upon the path of duty.\(^6\)

229. I will now proclaim exactly, in accordance with the principles of duty, the disputes in (regard to) cattle (which arise) on occasion of some fault (either) of the owners or of the keepers (of the flocks).

230. The responsibility in (regard to) the safety (of the cattle) rests by day with the keeper, but by night with the owner (if the cattle are) in his house; otherwise\(^7\) the keeper should be made responsible.

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\(^1\) Nand. reads nādādītta ca (as in 222), which, although unsupported, seems better than nāpi dāpayet (Medh. and K.), on account of the parallel ādadānāḥ.

\(^2\) Cf. vs. 204, where the defects are mentioned (Medh., K.), though here that of vs. 225 is more particularly intended.

\(^3\) Or, "holy" (dharma).

\(^4\) The marriage pair takes seven steps around the fire; before the last step is taken the marriage is incomplete.

\(^5\) Dharma; so vs. 229.

\(^6\) Such as agreements, etc., where "this rule" of vs. 222 is in force, and he has ten days to consider the matter (K.)

\(^7\) That is, when the cattle are not housed at night, but remain out of doors in a wood (Medh.) with the keeper (Medh., K.)
231. A cowherd who is paid by milk may milk the best of ten (cows), being supported in this way by the owner's consent; this should be the support for a keeper not (otherwise) supported.¹

232. The keeper alone should restore (the value of) cattle which have been lost, or destroyed by worms, or slain by dogs,² or killed (by tumbling) in a hole (because they were) deprived of (this) man's care.

233. If the keeper gave an alarm when the cattle were fallen upon by thieves, he is not in fault,³ provided he give notice to the owner at the (proper) place and time.⁴

234. When cattle die (a natural death), he should present to the owners the two ears, the hide, the tail, the bladder, the sinews, the gall-yellow, and let them see the proofs.⁵

235. When goats or sheep are attacked by wolves and the keeper does not come up (to protect them), if a wolf should seize and kill one of them, the fault would lie with the keeper.

236. But if, while grazing in a wood, and united into a herd,⁶ a wolf should spring⁷ upon and kill one of them, the keeper is in that case not in fault.

237. Round about (every) village there should be a strip of land one hundred bows,⁸ or even three casts of a

¹ This verse is here omitted in Nand. and placed between 244 and 245. Medh. observes that other arrangements may be made at discretion.
² Or “such animals,” e.g., jackals.
³ So in va. 235 (Medh.)
⁴ Na pālaś tatra kilbiṣi (Medh.), or the keeper ought not to pay (K.; so Nand.)
⁵ That is, (K.) at once, or (Medh.) that evening, and the place where it happened (K.), or where the owner is (Medh.)
⁶ Atīmga ca (Medh.), “show in general some proofs” (Jolly). Nand. reads in this with K., but in (a) has vasāṇāyasi with Medh., and differs from both in reading carma karnau vakṣiṣṭa increasing the list by “a thigh-bone.” The slight differences, other than these, between Medh. and K. do not change the sense.
⁷ Medh. and K.; but B. R., “hedged in.”
⁸ On all four quarters (Medh.)

A bow is four cubits (hasta)—(Medh. and K.) Nand., on the contrary, regards the bows as bow-casts, defining the enclosure round a city as dhanupatāḥ caturyayāḥ in extent, which, however, varies with the size of the town. He reads, too, parivāra for pariḥāra. Medh. (and K.) explain better by the length of the bow.
staff\(^1\) (in width); around a city (it should be) three times (as wide).\(^2\)

238. If the cattle (which pasture) in this place should injure a grain crop which was not enclosed, the king should not in this case allow punishment to fall on the guardians of the cattle.

239. (The owner of the field) should in such a case make a hedge (so high that) a camel could not look over it,\(^3\) and have every hole closed, through which a dog could thrust his muzzle, or a boar his snout.

240. (But if the damage be done by cattle) in an enclosed field (bordering on) a road,\(^4\) or again (in one) lying on the outskirts of the village, the keeper\(^5\) should be fined one hundred (\textit{panas}), (and the field owner\(^6\)) should drive them off\(^7\) if they are destitute of a keeper.

241. In other fields (the one responsible for) the cattle ought to pay a fine of one \textit{pana} and a quarter, but in all cases\(^8\) (the value of) the crop (destroyed) must be paid the owner\(^9\) of the field: so is the rule.

242. A cow with a calf not ten days old, bulls, and also the cattle of the gods, whether with a keeper or without a keeper, Manu said, ought not to be punished.\(^10\)

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\(^1\) Medh. says of the staff that one casts it with the hand, picks it up where it fell, and so on three times.

\(^2\) This land is intended for a common, and is not to be tilled (Medh.)

\(^3\) \textit{Navalokayet} (MS. Bomb.); Medh. Rāgh., Nand. Medh. observes that this fence or hedge is of thorns and boughs. A slight var. \textit{lec}, \textit{āvārayet} in \textit{(b)} of Dr. B.’s MS. of Medh. is supported by Nand.

\(^4\) \textit{I.e.}, a field bordering on a public road.

\(^5\) “The cattle when with a keeper,” \textit{i.e.}, the keeper receives the fine if he is appointed to watch and is absent (K.)

\(^6\) Medh., K.

\(^7\) \textit{Vārayet} is the reading of Medh. (Dr. B.’s MS.) and Nand. (Rāgh.) “they may be enclosed,” Cf. vs. 242. (Medh.) “This is no crime” (Nand.);

\(^8\) With or without a keeper (Medh.); at the outskirts (of the village), etc. (Nand.)

\(^9\) Dat. in Medh. By the keeper or by the owner of the cattle (K.)

\(^10\) The beast doing the damage is here, as in the foregoing, represented as paying the penalty, meaning that the cattle-keeper receives the punishment (fine). In Yāj. ii. 163 this is only said of those who have not a keeper—they are to be released (\textit{mocyāḥ}). The cattle of the gods are those ordained for sacrifice (Medh.) Neither Vas., Baudh., Ap., nor Gaut. have
243. When the owner of the field is in fault, the
punishment should be ten times as great as (this portion\(^1\)),
but half of this sum should be the fine if the fault lay
with the servants and the owner of the field knew no-
thing about it.

244. This rule\(^2\) let a just king maintain in (regard to)
faults committed by owners, cattle, and keepers.

245. If a dispute has arisen between two villages in
regard to a boundary, the king should determine the
boundary in the month Jyaiṣṭha;\(^3\) as the boundary marks\(^4\)
are then very plain.\(^5\)

246. One should make as boundary trees the ficus in-
dica, ficus religiosa, butea frondosa, bombax heptaphyllum,
valica robusta, palms, and milky trees;

247. Thickets, different kinds of bamboo, prosopis spi-
cigera, running plants, mounds, reeds, and thickets of trapa
bispinosa: a boundary-line thus (made) is not destroyed.\(^6\)

248. Ponds, springs, long ponds, (dammed) brooks, and
temples are to be made at the points of union of the
boundary.

249. And one should make other boundary marks which
are concealed; considering the constant mistakes occurring
among men in this world, when they are settling a bound-
dary.

250. Stones, bones, cow-tails, hulls, ashes, potsherds,
dry cow-dung, tiles, coals, gravel, and sand,

\(1\) According to Medh. and K. the
sin here spoken of is the neglect to
plant crops in proper season. From
these crops the king takes a portion
(cf. vii. 130), and if through neglect
of the owner he is deprived of this
income-tax, it should be increased
tenfold as a penalty. As the king's
share on grain was generally one-
sixth, the penalty paid would be nearly
half as much again as the whole
crop, to obtain the value of which
we must suppose an average taken
from the crops of former years.
Nand.'s explanation seems more na-
tural, "ten times the amount the
owner has spoiled by neglect," with
no reference to the king.

\(2\) After this verse Nand. places 231.

\(3\) From the middle of May to the
middle of June.

\(4\) Medh. has hetusṣu (the means of
proof).

\(5\) The grass is then dried up by
the hot sun, and therefore the bound-
dary marks are easily seen (Medh.
and K.)

\(6\) These trees are all tall, or other-
wise conspicuous, or very enduring.
251. And all kinds of things which the earth could not devour even after a long time; these he should have put out of sight at the points of union of the boundary.\(^1\)

252. By these marks he should determine the boundary of the two disputing (villages); or (he may determine it) by priority of occupation (which has lasted) for ever; or by a stream of water.

253. If there should still be a doubt, even where the marks are visible, the decision in regard to the discussion of the boundary should be settled by an appeal to witnesses.

254. In the presence of all the families in the villages and the two opponents, the witnesses in regard to the boundary must be questioned concerning the boundary marks.

255. In accordance with the decision which they, on being questioned, have unanimously rendered, let (the king) make certain the boundary, and also all these (witnesses) by name.\(^6\)

256. Placing earth on their heads, be-crowned, and wearing red garments, they should determine correctly the course (of the boundary), after each has been sworn by his good deeds.\(^7\)

257. If they determine (the boundary) truthfully, they are made pure, (being) witnesses of the truth; but if they determine (it) contrary (to truth), they shall (each) be fined two hundred (panas).

258. In the absence of witnesses, four men who live on

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\(^1\) Gen. in Medh.

\(^2\) And.

\(^3\) Priority of occupation must have lasted from immemorial times; cf. 149. This is an alternative to 250-251, when the boundary-lines do not exist (Medh.);

\(^4\) Vinicayah (Medh.); (so Bomb. MS.); vāda-rinēnaye (Nand.); (so the Wilkins MS.)

\(^5\) The two men commissioned to represent the villages (Medh., K.)

\(^6\) Both Medh. and K. refer this to writing down the limits of the boundary and the names of the witnesses. It probably refers simply to calling on the witnesses by name. The whole account precludes the idea of documents. In (a) Nand, reads samāsacat tu lakṣanaṁ, cf. 262.

\(^7\) They imprecate a curse on their acts that they may be fruitless hereafter if they lie now (Medh., K.) The crowns are of flowers (K.)
the outskirts of the village\(^1\) may, having been instructed to do so, settle the question\(^2\) of the boundary in the presence of the king.

259. But in the absence of neighbours, and of men who have lived (in the village) for a long time, (and who might have served as) witnesses in (regard to) the boundary, let (the king) call upon these (following kinds of) men who live in the woods:

260. (Namely), hunters, bird-catchers, cowherds, fishermen, root-diggers, snake-catchers, gleaners,\(^3\) and other men who wander about the woods.\(^4\)

261. In accordance with what they, on being questioned, shall declare (to be) a mark on the boundary-lines, shall the king establish it between the two villages according to law.\(^5\)

262. A decision in regard to the boundary-lines of a field, spring, pond, garden, or house, shall be established by an appeal to the neighbours.\(^6\)

263. If the neighbours lie concerning the boundary (over which) men are disputing, each one of them shall be fined the medium fine\(^7\) by the king.

264. The man who by frightening (the owner)\(^8\) takes possession of a house, pond, garden, or field, should be fined five hundred (\textit{pañás}); but if (he has taken possession) through ignorance, the fine (should be) two hundred.

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1 *Grāmasimanta*, i.e., on all parts of the village, not “the neighbours” alone, (as K. says). (Medh.) (Nand. = K.)

2 *Simā vinīcayam* (Nand.)

3 The men are connected with those in the village, but gain a livelihood in the woods; the gleaners are of any village, poor beggars, who pick up what they can get (Medh.)

4 K. and Nand.; or perhaps better, with Medh., “and likewise others by the hundred” (\textit{catapas tathā}), though Medh. and K. both explain as “flower and fruit dealers, and wood-gatherers,” etc. Nand. reads (repeating vs. 259) \textit{vanaga-cordān}, thus tacitly agreeing with Medh., G., and K., while N. alone thinks it means “wild tribes of the woods.”

5 *Dharmena*, according to Medh., to be joined to the participle, “being lawfully questioned.” Nand. says only “this is self-evident.”

6 These cases are confined to the circuit of one village (K.). [Nand., (cf. vs. 255) reads \textit{samācya tu niṣṭa-yāṣā}.]

7 Five hundred \textit{pañás}.

8 Threatening him with thieves or a suit at law (Medh.); with fetters and death (K.). This is a special case, not coming under vs. 193, where death would be the result (Rāgh.)
265. If it is impossible to settle the boundary-line, a king who knows the right should himself, (and) alone, in order to do them a kindness,\(^1\) point out the ground:\(^2\) so stands the law.

266. Thus is the law completely established regarding the determining of boundaries. I will now, furthermore, proclaim the determining of verbal injuries.

267. A Kṣatriya who reviles a Brahman ought to be fined one hundred (panas); a Vaiśya one hundred and fifty or two hundred;\(^3\) but a Čūdra ought to receive corporal\(^4\) punishment.

268. A Brahman should be fined fifty if he has thrown insult on a Kṣatriya, but the fine should be a half of fifty if on a Vaiśya, and twelve if on a Čūdra.\(^5\)

269. If one of the twice-born abuses a man of like caste, (he should be fined) twelve, but (the fine) should be twice this (amount) for words that ought never to be spoken.\(^6\)

270. If (a man) of one birth\(^7\) assault one of the twice-born castes with virulent words, he ought to have his tongue cut, for he is of the lowest origin.\(^8\)

271. If he make mention in an insulting manner of their name and caste, a red-hot iron rod, ten fingers\(^9\) long, should be thrust into his mouth.

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\(^1\) With justice and kindness towards each party, regarding the qualities of the land (Medh.)

\(^2\) The ground about which they dispute (K.), or the ground belonging to each party (Medh.)

\(^3\) The difference in the fines of the Vaiśya depends on the enormity of the crime (K., Nand.) Nand. and Rāgh. read adhyārdaḥpātam; with the Beng. MS. Medh. has sārdha.

\(^4\) So the commentators; “beating,” etc. (K.); beating, mutilation, or death, according to the offence (Medh.); perhaps capital punishment is alone intended, as the word radha has either meaning; Nand. limits to beating.

\(^5\) Gautama, xii. 13, seems to say that the Brahman pays nothing for insulting a Čūdra; (so Har., who adds that this implies that the Kṣatriya and Vaiśya are fined); but Medh. quotes this as meaning that in the case of a Čūdra the fine is according to circumstances, i.e., “nothing is settled.”

\(^6\) Such as insults to the wife, mother, sister, etc. (Medh., K.) This refers not to those of equal caste, but to members of any caste (Medh.)

\(^7\) “I.e., a Čūdra, for he lacks the initiation” (that makes the second birth)—(Nand.)

\(^8\) “For it is said in i. 31 that the Čūdra was created from the feet of Brahmin, and in x. 4 that there is no fifth caste” (Medh.) Medh. reads dvijātm.

\(^9\) Or thumb-joints, inches. Nand. (and Rāgh.) read nikkeyo with the Beng. MS.
272. If this man through insolence gives instruction to the priests in regard to their duty, the king should cause boiling-hot\(^1\) oil to be poured into his mouth and ear.

273. If one through insolence denies their learning, country,\(^2\) caste, or bodily ceremonies,\(^3\) he should be fined a fine of two hundred.\(^4\)

274. (If he insults) a one-eyed man, or a lame man, or any other person \(^5\)formed in like manner, he should be fined a fine of at least one kārṣāpaṇa, even if he speaks the truth.\(^6\)

275. He who slanders\(^6\) his own mother, father, wife, brother, son,\(^7\) or spiritual teacher, should be fined one hundred, and (also) he who does not give the right of way to his spiritual teacher.

276. The fine to be imposed by a wise (king) on a Brahman and Kṣatriya (for mutual insults) is the first\(^8\) in (the case of) the Brahman, and the medium (fine) in (the case of) the Kṣatriya.

277. Exactly thus and in accordance with the caste of each (should be) the application of punishment (in the case) of a Vaiṣya and Čūdra,\(^9\) except the cutting of the tongue:\(^10\) thus is the decision.

278. Thus has the rule of punishment in regard to verbal injuries been declared in accordance with truth.

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\(^1\) Taptā; the hot oil drunk as a penance was called simply hot (uṣṇa), though the penance itself was termed taptā. Cf. xi. 215.

\(^2\) Brahmanas born in certain districts were specially honoured; cf. ii. 19–22.

\(^3\) The Brahman lost caste if initiation with the accompanying "bodily ceremonies" were not performed at the right age; cf. ii. 38, 39.

\(^4\) The lightness of the fine shows this verse refers to those of like caste, not to the Čūdra (K.); to all castes say we, but others say it refers to the Čūdra (Meh.) Nand. notes nothing on this point. When it is done in ignorance or in joke it is no sin (Meh.)

\(^5\) This fine is for the Čūdra or for all, as before (Meh.)

\(^6\) Causing hate in the family by making slanderous statements (Meh.), cursing (K.) It may mean charging with adultery and the like (N.) Angry vituperation (Nand.) Cf. note to vs. 354.

\(^7\) Tanayam, or "father-in-law" (craṣṭram), according to the reading of the Mitākṣ. and May. (p. 83).

\(^8\) That is, the lowest (250 panas), while the medium fine is 500.

\(^9\) That is, the Vaishya receives the lowest, the Čūdra the middle fine. Cf. for these rules Gaut. xii. 8 ff.; Yāj. ii. 206; Viṣṇu, v. 35, 36.

\(^10\) Cf. ver. 270. The mutual abuse softens the offence.
Now, furthermore, I will proclaim the law of corporal injuries.

279. If a man of the lowest birth should with any member injure one of the highest station,\(^1\) even that member of this man shall be cut (off): this is an ordinance of Manu.

280. If he lift up his hand or his staff (against him), he ought to have his hand cut off; and if he smites \(^2\) him with his foot in anger, he ought to have his foot cut off.

281. If a low-born man endeavours to sit down by the side of a high-born man, he should be banished after being branded on the hip, or (the king) may cause his backside to be cut off.\(^3\)

282. If through insolence he spit \(^4\) upon him, the king should cause his two lips to be cut off; and if he make water upon him, his penis; and if he break wind upon him, his buttocks.\(^5\)

283. If he seize him by the locks, let the king without hesitation cause both his hands to be cut off; (also if he seize him) by the feet, the beard,\(^6\) the neck, or the testicles.

284. A man who tears (another's) skin and one who causes blood to be seen \(^7\) ought to be fined one hundred (pañás); if he tears the flesh (he should be fined) six niskus, but if he breaks he should be banished.\(^8\)

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\(^1\) Any one of the three upper castes (Medh.); one of the twice-born (K.); (ṣṛṇyānāsm), "any one better than his own caste" (Nand.)

\(^2\) Medh. and Nand. say this is not an actual kick, but simply raising the foot in order to kick. The protest will hardly stand, as prahāraṇ in vs. 300 shows.

\(^3\) In such a way that death shall not ensue. K., Nand., with Bom. MS. apakṛṣṭiṣṭaḥ.

\(^4\) Or towards him, and so in ff. (Medh.) For medhram Medh. has cītrem. This is only when it is done to insult, not when it is the result of carelessness (Medh., K.)

\(^5\) Nāśikāyāṁ ca (by the nose) is Nand.'s reading for the obscure dāḍhikāyāṁ (beard or whisker).

\(^6\) I.e., to flow (from the surface, not from the nose or ear) — Medh.

\(^7\) This refers, not, as in the above, to a Čūdra injuring a Brahman, but to men of like caste injuring each other (Medh., K., Nand.) Banishment is for the Brahman, death for the other castes (Medh.) This is tacitly contradicted by N., who assumes the confiscation of the goods along with banishment (which is forbidden in the case of a Brahman). Cf. Yāj. ii. 215 ff.; and ib. 227 for the next rules.
285. A fine must be imposed for injuring all (kinds of) trees, in exact accordance with their usefulness: thus is the rule.

286. (The king) should impose a fine in exact proportion to the amount of hurt caused when a blow has been given to the hurt of either men or beasts.

287. When injury has been done to a limb, when a man's strength has been impaired or his blood shed, he (who caused the injury) shall be made to pay the expenses of restoring him to health, or shall pay the whole as a fine.

288. Whoever injures any man's goods, whether wittingly or unwittingly, must give this (owner) full satisfaction, and pay to the king a sum equal to this (fine paid to the owner).

289. But the fine should be five times the real worth (when damage is done) to leather, utensils of leather, wooden or earthen ware, and to flowers, roots, and fruits.

290. They say there are ten (cases when), in respect to a waggon, a driver, and an owner of a waggon, (the fines for damage) may be remitted; in every other case a fine is ordained.

291. When the nozzle-rod is cut, the yoke broken, when (the waggon) slips sideways or backwards, when there is a break in the axle of the waggon, or likewise one in the wheel;

292. When the straps, girth, or reins break, and when (the driver) has called "Out of the way," Manu said, (there is) no fine.

\[1\] Cf. Viṣṇu Sūtra, v. 55–58 (K.).
\[2\] Prāna = bala (Medh., G., Kash. MS., and Rāgh.) for vraṇa. Nand. supports Medh. and resembles him in his whole gloss.
\[3\] If the injured man will not accept the payment for his recovery the whole must be given to the king (Medh., K., Nand.)
\[4\] In addition to payment for damage (K.)
\[5\] So Medh., G., N., and Nand.
\[6\] "Others" explain this as "running against something" (Medh.)
\[7\] This hemistich (a) is omitted in Medh.'s gloss.; so in Yāj. (ii. 299) the substance of it is also omitted.
293. But if the waggons be upset through the unskilfulness of the driver, and any injury has been done, the owner should be fined a fine of two hundred (panas).

294. If the driver was a capable person, the driver deserves the fine; ¹ but if the driver was incapable, all those in the waggons ought to be fined one hundred (panas) each.

295. But if he, being detained upon the way by cattle or by a chariot, should thereby cause the death of animate creatures,² a fine should without hesitation³ be imposed.

296. If (thereby) the death of a man should occur, his crime would at once become like that of a thief;⁴ in (the case of) large animate creatures, such as a cow, elephant, camel, horse, etc., half (of this fine should be imposed).

297. A fine of two hundred (panas is set) for the killing⁵ of small⁶ animals, and the fine should be fifty (panas) in (the case of) propitious forest animals and birds.⁷

298. The fine (for killing) asses, goats, and sheep should amount to five māṣaka, but one māṣaka should be the fine for destroying a dog or a boar.

299. A wife, son, slave, pupil, and own brother⁸ should, when they have committed faults, be beaten with a cord or a bamboo-cane;⁹

300. But on the back of the body (only), never on a noble¹⁰ part: if one should smite them on any other part than that, he would incur the sin of a thief.

¹ As in vs. 293 the owner, so here the driver is fined two hundred (K.)
² Men or animals (Medh.)
³ Avicārītaḥ (K.); asandigdhaḥ (Nand.); either avicārītaḥ, there is no application of fine (Medh., N.); or vicārītaḥ, a fine was set of old; there is a fine (G., Rāgh.)
⁴ That is, his fine would be that of a thief, which is 1000 (panas), (K., Rāgh., Nand. or), as the thief is punished by rudha, death, so here; and the "half" means cutting off the hand, feet, etc. (Medh.)
⁵ So K. Or "injury;" but the context requires here "death."
⁶ Crow, parrot, etc. (Medh.); cat, etc. (Nand.)
⁷ Different sorts of antelopes and deer, flamingos and parrots, etc. (Medh., K.) "Propitious" animals are those that bring good luck; "the jackal, crow, owl (etc.), are unpropitious animals" (Medh.)
⁸ That is, one's younger brother, for he is as a son (Medh.)
⁹ Cf. iv. 164.
¹⁰ Lit. more elevated, i.e. the head, etc. (K.)
301. Thus has the decision concerning corporal injuries been completely established. Now I will proclaim the rule for determining the punishment of a thief.

302. In restraining thieves the king should exert the greatest possible effort, for the fame and realm of the king are increased by restraining thieves.

303. For that king who bestows security is ever to be honoured,¹ for this is (as it were) a sacrifice that ever increases unto him, whereat the sacrificial gift is the security (which he bestows).²

304. In consequence of the protection afforded by him, the king has a sixth share of the virtue (which comes) from all (the good deeds of his people), while in consequence of failing to protect them he receives a sixth share of the wrong (done by them).³

305. In consequence of the protection⁴ (afforded by him), the king properly becomes partaker of a sixth share in (all) that (merit which is gained by the) study, sacrifice, liberality, or worship (of his people).

306. If the king protect all creatures with justice, and

¹ Or is worthy of honour (from all the gods)—(Mdh.)
² That is, when he gives his people security from thieves, it is as if he were performing a great soma celebration, and the gifts usually given on such an occasion are represented by the gift of security; as Mdh. says, he receives the fruit of a sacrifice.
³ This is that famous "sixth" of good or evil (dharma, adharma) which the king draws upon himself by protecting or by neglecting his people; he receives, it may be, a sixth of the produce as tax (vii. 130), and in return must give security to the realm, or he gets the same proportion of the fruits of their bad deeds; or (cf. vs. 308) he takes all the sin of the world. Yaj. says he takes one-sixth of the fruit of their good deeds, but one-half their sin in case he does not protect them (Yaj. i. 334–336). Similarly, in viii. 35, 39, is the share of treasure the king receives, and again in vs. 18 (of spiritual sin) he receives a fourth of the fruits of the sin caused by a wrong decision in court. It must have been then through a confusion between these last rules, or perhaps from different texts in earlier versions, that we find in a case dealing wholly with general protection a different statement assigned to Manu by the Mbhā. (xiii. 61, 34, 35), where we read, "The king obtains a fourth of all the sin done by his people if he does not protect them; now some say the whole sin comes upon the king (Manu, viii. 308?), or again a half (Yaj. i. 336?); this is their decision, but we think it is one quarter, because we have heard the law of Manu (caturtham maṇīm asmākam Manoḥ prutva'nugdasaṇāṁ): viii. 308 is thus tacitly excluded.
⁴ Pālanāt (Mdh.); rakṣanāt (K.); the meaning the same.
inflict corporal punishment on those deserving it, he would (thereby) virtually perform day by day sacrifices accompanied by hundreds of thousands of gifts.

307. If a king while giving no protection (yet) levies a tribute (for grain on husbandmen) or a tax (on real estate), and receives tolls (or taxes, from merchants), (daily) gifts (of flowers, vegetables, etc.), and (moneys paid for) fines, he goes at once to hell.

308. They say that king who takes a sixth share as the tribute (due him), but gives no protection, takes upon himself all the wickedness of the whole world.

309. One should know that that king is treading the downward path who considers not the law, who is an unbeliever, who acquires wealth by unjust means, who gives no protection, and who is a devourer (of his people's wealth).

310. By these three means, imprisonment, fetters, and corporal punishment of various sorts, let (the king) earnestly restrain the doer of evil.

311. For by restraining sinners and by kindly treatment towards good men kings are ever purified, as the twice-born (are) by sacrifices.

312. Constantly must the ruler who would make him-

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1 Or perhaps better, “kills those deserving death (vadhya).”
2 The different words for tax or tribute are explained by K., Rāgh., as translated in the parentheses; so too Medh., who says that they are all names for taxes (kāra), the general term.
3 That is, of all his people (Medh.); cf. note to 304. For rujānam Medh. reads attāram, devourer, as in v. 309.
4 Nāstika: “one who says there is not” another world (K.). The converse, āstika, “one who says there is” (a believer), occurs only in later literature.
5 Nand. reads vipralopakam (for vipralupakam), and defines as “one who deserts a Brahman,” while Rāgh. translates “taking property, etc., even from a Brahman” (vipra, priest); but Medh. and K. hold this word to be merely from the verb and prepositions. Medh. notes a var. lec. in (b) which changes slightly the meaning of the whole sentence (asot-yam ca nṛpaṁ tvasja), i.e., “one should desert a king who is,” etc. This var. lec. is found in Nand. Medh.’s own text differs a trifle from K. in having udhogatam for udhogyatam, with no material change of meaning.
6 Vadha, (or) “death by various means” (Medh.) K. understands mutilation. Nand. reads dandaṇena (for bandhana), by (punishment of) fines.
7 Or doers (Nand.)
8 Nand. reads, “by protecting the good” (ruṣpanena ca).
self happy exercise patience toward men who revile (him) when they are engaged in affairs; and also toward the young, the old, and those who are ill.¹

313. On this account is one magnified in heaven, if, when he is reviled by those in distress, he bears it with patience; and on this account he departs to hell, if because of his sovereign power he (will) not meekly endure (reviling).

314. A thief² must, with loosened hair and a firm bearing,³ approach the king and proclaim his theft, (saying), “Thus have I done; punish me;”⁴

315. (While he) bears to (the king) upon his shoulder a club,⁵ or a staff of acacia wood, a spear sharp at both ends, or an iron rod.⁶

316. By being punished or by being released the thief is freed from (the crime of) theft; but if the king does not punish him, he (himself) receives the crime of the thief.⁷

317. Upon the eater of his food the killer of an embryo causes his guilt to pass;⁸ upon the husband, the wife who

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¹ These, too, are by Medh. included in the idea “when engaged in affairs” (cases at law). Kāryān Medh. illustrates in a very general way, however, “as if, when one had been executed, the relatives should revile the king.”

² A thief of gold is meant—one who has stolen the gold of a Brahman (Medh., K., and Nand.)

³ Dhārātā, “running,” or dhīmatā (=dhāiryātā, Medh.) “steadfast”; Medh. notes the reading dhārātā as a var. etc., but prefers dhīmatā, which is also found in Nand.

⁴ In xi. 101 ff. we have a similar account, and from this the commentators draw their conclusions in regard to the caste of the parties. No such distinction is made in the text, nor in the early form of the law, which is very primitive. Cf. Yāj. iii. 257; Ap. i. 9. 25. 4; Gaut. xii. 44.

⁵ The acacia staff is given in ii.

⁶ The club called musala is very likely beset with iron, as in the Mbhā. It is used as a talum missile (ayaṃmayamaṇṇaḥ . . . musalaḥ . . . cikṣepa, parīgho 'pamam, xi. 14, 29).

⁷ It is evident that the earliest explanation of these verses did not exclude the Brahman. Medh. says, “They think the club and other instruments are to be used in the order of the [four] castes. This is wrong, for the use of the word or precludes this, as well as the fact that this atonement is not intended for the Brahman.”

⁸ The punishment here meant is death. Medh. notes that, if the king does not strike, he should change the punishment to a money fine.

⁹ The slayer of an embryo is the slayer of a Brahman (all Comm.); he who eats his food receives his guilt. So the complacent husband, the negligent teacher and priest, the king
has gone astray; upon the Guru, a pupil and one for whom sacrifice is made; and upon the king, the thief.

318. Those men who have committed sins, but on whom punishment has been inflicted by the king, go to heaven with all their sins removed, as (if they were) worthy men who had acted well.

319. He who takes from a spring either the rope or the bucket, and he who breaks open a water-tank, should receive a fine of one māṣa, and replace it in this (place).

320. Death (is the penalty) if one steals more than ten measures of grain; where the amount is less he must pay (a fine) eleven times (the value of the grain), and (in either case) be made to return the property to that (owner).

321. In the same way death (should be inflicted) for (stealing) more than one hundred (palas) of things measurable by weight, gold or silver, and the like, or (for stealing) the finest garments.

322. But cutting off the hand is enjoined for (stealing) (less than one hundred but) more than fifty palas; where the amount is less, however, one should ordain a fine eleven times as great as the worth (of the things stolen).

who fails to punish when he ought, all obtain the guilt caused by their carelessness; nevertheless the sinners themselves are not absolved from guilt (K.)

1. Rājabhir dhṛtadāh (Medh., Rāgh.), “kṛtadāh (Nand.), “those who have borne punishment (caused) by kings.”

2. Where water is kept to be given (to travellers) to drink (K.)

3. A māṣa of gold is meant (K. and Rāgh.), as always when not specified (K.) The kind is not declared, whether copper or silver (Medh.) Nand. says nothing.

4. So Medh.; if this spring (K.)

5. Vadha.

6. According to K. the measure (kumbha) = 20 droma, between three and four bushels. Cf. Colebrooke, Essays, i. 534 (K., however, makes the droma = 200, palas). Medh. puts it at 20 prastha, but says that this amount depends on the place. Nand. gives the definition dhānya-bhajanan kusulāt kinā (?) nyūnam, and says this punishment is for Kṣatriyas and lower castes stealing grain from a Brahman.

7. One hundred palas (Medh., K.), or karpas, according to some (Medh.); N. says niṣkās.

8. The kind of vadha is determined by circumstances (Medh.); silver, gold, etc. (Medh., K.; cf. Viśṇu, v. 13), or copper, etc. (Rāgh.)

9. Silk turbans and the like (Medh.)

10. This shows that the vadha, translated “death” in the preceding, is not mutilation. Cf. Viśṇu, loc. cit.
323. A man deserves death for stealing men of (good) family,¹ and especially (for stealing) women (of good family); and also (for stealing) very valuable gems.

324. After considering the time and the purpose,² let the king ordain punishment for the theft of large cattle,³ weapons, and medicine.⁴

325. (For stealing) cows belonging to Brahmans, for piercing (the nostrils) of an (unfruitful) cow (used for draught), and for stealing (small) cattle, (the thief) should immediately have half his foot cut off.⁵

326. (For stealing woollen) thread cotton, stuff to cause fermenting, cow-dung,⁶ molasses, sour milk, milk, butter-milk, water, grass,

327. Baskets of bamboo-cane and rattan, (any kind of) salt, (utensils) made of clay, clay and ashes,

328. Fishes, birds, oil, ghee, flesh, honey, and whatever has its origin in cattle;⁷

329. Other things of like sort, intoxicating liquors, broth, all cooked foods—(for stealing any of these) a fine double the worth of the article (stolen) should be paid.

330. For stealing flowers, green grain, brush, vines, creepers, and other ⁸ (kinds of grain) not purified,⁹ a fine of five krṣṇala¹⁰ should be set.

331. (But) for (stealing) grain (that has) been purified, and for vegetables, roots, and fruits, a penalty of one hun-

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¹ If they are not of good family (or good character) he should pay, as before, eleven times their value (Mehd.)
² Or "the use intended" (kāryam). It makes a difference whether it is done by day or night, with ill-will or not, and what the object of their use may be (Mehd.)
³ Elephants, horses, etc. (Mehd., K.)
⁴ Medicinal plants.
⁵ Small cattle intended for sacrifice are meant (K.). The doubtful word sthūrikā (sic) in Nand. receives a different definition from that (given above) of K. (Sthūrikā nāma pārṇēc caturaṅgulā ārdhavapradeśaḥ). This latter is alluded to by Medh. as the opinion of some (anye); and he upholds the idea that it is the goading of the draught-cow.
⁶ Nand. has āvastaya, "iron."
⁷ As leather, horns (K., Rāgh.)
⁸ Medh. and Nand. read (alpeṣu for anyeṣu), i.e., "a small amount of grain, or—"
⁹ Where the bad grain has not been sifted out (K.); cleared of dust (Nand.)
¹⁰ Of gold or silver (K.)
dred (paññas) (should be imposed, if the thief) is not a relative;¹ if he is a relative the fine should be half a hundred.

332.² Any act (of robbery) done by force, in the presence (of the owner), would be an act of violence; if it should be done in secret, it would be (simply) a theft;³ and where one takes anything, and (the act) is denied, (that also is theft).

333. If a man steal (these) things when they are prepared (for use),⁴ or abduct fire from a house,⁵ the king should have him fined one hundred (pañناس).

334. With whatever limb a thief executes his purpose among men, even that (limb) shall the king take from him, (that it may be) for an example⁶ (to others).

335. If the father, teacher, friend, mother, wife, son, or domestic priest fail to attend to their own duties,⁷ they should not go unpunished by the king.

¹ Or “connected in any way;” so K. and Medh., though the latter, while giving this explanation, says it may mean whether there is a guard or not; if there is a guard (śāṃvaya), the guilt is divided, and the thief’s fine is less; or, again, it may mean, says Medh., whether he has any reasonable excuse or not. In vs. 198 we have similar explanations of these words, and Nand., as there, differs here from Medh. and K. in glossing nirānvarya by nihṛṣṇa-prāhāra, i.e., when one steals all the grain the fine is one hundred. Medh. and K. agree that the grain here meant is from the open field, on account of vs. 320.

² Omitted by Nand., and follows 333 in Medh. with (a) and (b) inverted.

³ Instead of resistance or non-resistance (B. K.), K. understands open (robbery) or secret (theft). Medh. gives the same explanation, and paraphrases “an open assault on guarded property” (in violence); the opposite is theft; in Medh. (a) kṛtvā nāpañhute ca yat, “and it is also theft (alone) when one commits theft and does not deny it” (while if he denies it it is violence). I think the verse was probably added as a gloss to explain the preceding—“A fine of 100 in a nirānvarya case (what is nirānvarya?), simple theft is nirānvarya,” etc. The position in Medh. is evidently wrong, though the hemistichs themselves are better transposed.

⁴ So Medh. and K. (These are the thread, etc., of vs. 326.)

⁵ “Sacred fire is meant, not, as Govind. says, any ordinary fire, for the fine is too heavy for that” (K.); but G. probably read, as Medh. and Nand. do, patah for K.’s ādyam, i.e., put the fine at 100 instead of 250. Medh. says no special fire is meant.

⁶ I.e., by frightening them he prevents a repetition of the crime in the future (Medh., K.); “for example, if one should trust to his feet to escape, believing none able to catch him, he should lose his foot; or if he silly cuts a purse, his hand” (Medh.)

⁷ Dharma.
336. In any case where a private individual would be fined one kārgāpana in that case the king ought to be fined one thousand: this is the law.¹

337. The crime of the Cūdra in theft is eightfold (that of a still lower man); sixteenfold is that of the Vaiṣya; thirty-two-fold that of the Kṣatriya.

338. Sixty-four-fold is that of the Brahman, or even a full hundred; or twice sixty-four, if, indeed, he knows the quality of the sin.²

339. To take the fruit and roots of large trees, firewood, or grass to feed cows with, Manu said, (is) no theft.

340. If a Brahman seek for property from the hand of one who has taken what has not been given, (even if the man owes it to him) because of a sacrifice (performed) or instruction given, (then) this (Brahman) is even as a thief.³

341. If a twice-born man,⁴ being on a journey, finds his provisions are exhausted, and takes two sugar-canes or two roots from the field⁵ of another man, he ought not to pay a fine.

342. If one should fasten (cattle) which are not tied up, or release those that are tied up, and if one should take (away) a slave, a horse, or a chariot,⁶ he would incur the sin of a thief.⁷

343. The king who by this rule secures the suppression of thieves shall obtain glory in this world and the highest happiness after death.

344. The king who longs to reach the home of Indra,

¹ K. refers to ix. 245, with the explanation that the king's fine is given to Brahmans or cast into water.
² This last clause is to be joined with each (K.)
³ He is as a thief, and ought to be so punished (K.) Vs. 339 is in palpable contradiction to vs. 331, and is scarcely made better by referring to the sutras; for though Medh. and K. would restrict this theft to "unenclosed" property by Gaut. xii. 28, yet this is not in the text, and another sutra (Ap. i. 28. 2 ff.), ascribes a like rule to Vārṣāyanī, who makes this special exception to the general rule against theft.
⁴ This excludes the Cūdra (Medh.)
⁵ Even if it is fenced in (Medh.)
⁶ Though "some" translate "a chariot yoked with horses" (Medh.)
⁷ He ought to be punished, according to the enormity of the crime, with death, mutilation, or fine (K.)
and (his) eternal, never-dying glory\(^1\) should not for one moment neglect\(^2\) a man who commits violence.\(^8\)

345. The man who commits violence should be regarded as the worst of evil-doers, (worse) than one who injures with the voice, or than a thief, or than one who smites with a stick.

346. If a ruler exercises patience towards a man occupied in an act of violence, he goes quickly to destruction and becomes hated.\(^4\)

347. Neither for the sake of friendship nor for the sake of vast increase in wealth should a king set free those who commit acts of violence, (since) they subject all creatures to fear.

348. Wherever right\(^5\) is oppressed, there may the twice-born take arms; (also) where, brought on by some (unlucky) time, calamity has come upon the twice-born castes.\(^6\)

349. And in self-defence, in a struggle for gifts,\(^7\) and when peril threatens a woman or a Brahman, he who (thus) kills a man in a just cause\(^8\) does no wrong.

350. Thus let him, without hesitating, kill any one attacking him with a weapon in his hand,\(^9\) (even if it be) a Guru, a child, an old man, or a Brahman who is very learned.\(^10\)

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\(^1\) Or “a position like Indra’s, and never-dying glory” (Medh.)

\(^2\) *I.e.*, hesitate to seize (Medh.)

\(^3\) Such as incendiaries or robbers (K.); or other reckless ruffians (Medh.)

\(^4\) By his people (Medh., K.)

\(^5\) *Dharma*, practically “their religious rites.”

\(^6\) When the king is dead, to save their own wealth or property, or, as “some” say, even for the sake of another, or when the enemy have come upon the land (Medh., K.), or when there is a famine (Nand.)

\(^7\) When one attempts to rob them of cows and other sacrificial gifts, and a struggle ensues in consequence (K.); or, according to “some,” in war. Nand. knows only the construction “in defence of self, and of his gifts, and in war.”

\(^8\) Or “in a just manner.” Medh., Nand., and Râgh. invert the order, ghana dharmena.

\(^9\) Nand. says *ânââyin* means a “breaker of the rule of right, such as an incendiary;” cf. the seven kinds in *Viṣṇu* v. 190–192. Medh. and G. connect with vs. 249 as “one who comes with a weapon in his hand.” K. says, with *Kâtyayana*.

\(^10\) *Bahuṛṣṭu* = Črotriya, a learned Brahman.
351. No sin comes at any time upon the slayer for causing, whether openly or in secret, the death of one who attacks him with a weapon in his hand, for thus anger meets anger.  

352. Men busied with defiling the wives of others the ruler should banish (from the realm), after branding them by punishments which cause fear.  

353. For, arising from this (practice), the mixture of the (different) castes among men is produced; whereby a wrong that deprives (the kingdom) of its root arises, fit to destroy all things.  

354. A man who holds a conversation in secret with another man's wife, if he has been previously accused of (such) sins, should receive the lowest fine.  

355. But if one not previously accused should for some (good) reason hold (such) a conversation, he ought to have no fault attached to him, for in him it is not a trans-

356. He who addressed the wife of another at a watering-place, in a forest or wood, or at the union of rivers, would incur (the sin of) adultery.  

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1 See vs. 350, note.  
2 Quoted Ap. i. 29. 7; from a “Purāna;” cf. Mbh. xii. 34, 19, and 56, 30. This saying is found in all the rules pertaining to Kṣatriya. The explanation of Nand., based on his interpretation of ādātāyin, is “openly; that is, in open fight with a weapon.” “Secretly, that is, by poison, magic,” etc.  
3 Nand. offers a var. lec., parādāro-paevīyān cēśamāṇān narāṇ nrpah in (a), and paricēbnya in (b), whereby the sense is not affected.  
4 Such as mutilation of nose or lip (Medh., K.); or castration (N.); cf. ix. 248.  
5 Or “lack of rites” (Medh., adharma).  
6 Akṣarita, probably accused of adultery, cf. vs. 275 (note); so Medh. and Nand.  
7 Some say even if he does it for some good reason (Medh.)  
8 K. regards this as an open public conversation.  
9 Nand. places this verse after 358.  
10 This does not forbid conversation with one's mother, sister, or Guru's wife (Medh.).  
11 These imply any lonely place; tirtha means a place to draw water (Medh., K.).  
12 The idea is, “he has committed adultery already in his heart,” and the whole sentiment of the two verses is that if a man is really pure in heart he is not to be punished for the sin of conversing with another's wife; just as in Mbh. ii. 5, 104, we have the same verb employed in a similar thought. “A noble man of pure heart should not be killed when (falsely) accused of theft” (kāritaç caurakarmani) In Nand.'s version grhe stands for vane, which seems preferable.
357. Attendance upon her, sporting with her, touching her ornaments or clothes, sitting upon a bed with her, all this is called adultery.

358. If any man touches a woman upon an improper part (of her body), or being thus touched by her submits to it with patience, this is all called adultery, (if done) by mutual consent.

359. One who is not a Brahman deserves capital punishment for committing adultery. The wives of all the four castes must always be most carefully guarded.

360. Beggars, those who sing the praises (of the king), those who have been consecrated, and working people may, unless (they have been) refused (the right to do so), hold conversation with women.

361. A man who has been forbidden (to do so) should not start a conversation with the wives of others; but if, having been forbidden, he should (still) converse (with them), he ought to be fined a suvarṇa.

362. This rule is not for the wives of strolling players, nor for those who support themselves, for these men prostitute (their own) wives, and, keeping out of sight (themselves), let (their wives) go astray.

363. But a man who starts a conversation in secret with these women; with servant girls who have one master; or

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1 At the toilet (N.); or "polite attentions" (Medh., K.)
2 Literally, "on (a place) not the (right) place." In distinction from the hand, etc. (Medh.)
3 Nand. reads surtā for sadā. Cf. ix. 6.
4 Medh. and Nand. say "a Kṣatriya and the other (lower castes)," while K. says "from the nature of the punishment a Cudra (is understood)." So Ragh. K. also adds the crime is committed with an unwilling Brahman woman; and Medh. modifies the definition of a non-Brahman in speaking of the death penalty, which is for the Cudra alone on having connection with women of the twice-born castes.
5 Religious mendicants.
6 For some sacrifice, etc. (K.)
7 By the husband. Or it may mean "they ought not to be forbidden" (Medh.)
8 Who belong in the house, and the conversation must be in regard to their business (K.)
9 Of 16 maṇī (K.) Some hold that this includes the beggars of vs. 360, but they cannot pay a fine (Medh.)
10 That is, the rule of a fine of one suvarṇa (Nand.)
11 Or dancers.
12 I.e., by their wives (Medh., K., Nand.), for the wife is one's self.
13 Or, "they make women prostitutes, and, remaining concealed, make the women entice (the men) astray."
with wandering women, should be fined merely some (small) fine.

364. He who deflowers an unwilling girl ought to receive corporal punishment at once; but a man of equal (caste) who deflowers a girl with her consent should not receive corporal punishment.

365. (The king) should not cause a girl who tries to seduce a man of high (caste) to pay any fine at all; but he ought to compel a girl to live confined at home if she make love to a man of low caste.

366. If a man of low (caste) make love to a girl of the highest (caste), he deserves corporal punishment. One who makes love to a girl of equal (caste) should give the marriage-money if her father desires (it).

367. Now, if any man through insolence forcibly dishonour a girl, he ought instantly to have two fingers cut off, and pay a fine of six hundred (panas).

368. If a man of equal (caste) dishonour a girl with her consent, he ought not to have his fingers cut off, but to prevent (another such) occurrence, he should be made to pay a fine of two hundred (panas).

369. And if a girl injure thus (with the finger another)
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girl, she should be made to pay two hundred (panas) and give double\(^1\) the marriage-price (of the injured girl) and receive also ten (blows with) switches.

370. But if a (married) woman injure a girl, she should have her head shaved at once, (or) two fingers should be cut off, (or) (she should be made to) ride upon an ass.\(^2\)

371. If a woman, made insolent by (the rank of) her family, or by (her own) parts,\(^3\) should prove false to her husband, the king should have her devoured by dogs in some much-frequented place.\(^4\)

372. He should cause the evil man to be burned on a glowing hot iron couch, and they shall place pieces of wood about it till the evil-doer is consumed.\(^5\)

373. Twofold should be the fine of a criminal sentenced within a year,\(^6\) and just as much if one cohabit with a Vṛūṭya woman or a Cāndāla woman.\(^7\)

374. A Čídra cohabiting with (a woman of) the twice-born castes, whether she be guarded or not guarded,\(^8\) is (to be) deprived of his member \(^9\) and of all his property if she be not guarded, and of everything\(^10\) if she be guarded.

375. A Vaśya should (pay as) fine all his property after imprisonment for a year;\(^11\) a Kṣatriya should be fined the fact that the man is a Čídra.

\(\text{\textsuperscript{1}}\) Treble, according to Nand. (tri-gunam).
\(\text{\textsuperscript{2}}\) Upon the king's highway; cf. for a like penalty, Vās. xxi. 1.
\(\text{\textsuperscript{3}}\) Literally quality of any kind, as beauty or wealth (Medh., K.)
\(\text{\textsuperscript{4}}\) A public square is meant. We read in the Mūhī. of a city with nine such squares (xiv. 66, 10, navasamsthāna).
\(\text{\textsuperscript{5}}\) Gautama, xxiii. 15, states that the man is also to be devoured (by dogs), or, by another reading, simply killed. The offence in Gautama is expressly stated to be that of a man of low caste with a woman of rank, which in Manu are conditions merely implied. Rāgh. says the punishment is public as a warning to others. In Nand. the verb is in the singular; the same commentator lays stress on the fact that the man is a Čídra.
\(\text{\textsuperscript{6}}\) That is, if there is not a year's time between the two offences with the same woman.
\(\text{\textsuperscript{7}}\) Also within the year; cf. vs 385. Moreover, these cases are only cited exempli gratia, and the rule holds as a universal law that a penalty is doubled if an offender is convicted of the same offence a second time within a year (K.) For Vṛūṭya see x. 20 (note).
\(\text{\textsuperscript{8}}\) By her husband or other (relative)—(Medh., K.)
\(\text{\textsuperscript{9}}\) Literally limb, but the meaning is plain by Gaut. xii. 2.
\(\text{\textsuperscript{10}}\) That is, property and even life (K.)
\(\text{\textsuperscript{11}}\) If he has had criminal intercourse with a guarded woman of the Brahman caste (K.)
one thousand (pañas, or) should have his head shaved with urine.\footnote{1}

376. But if a Vaićya, or one of the ruling caste (Kśatriya), approach a woman of the Brahman caste when she is not guarded, the king should make the Vaićya (pay) five hundred (pañas) and the Kśatriya one thousand.

377. But both of them, on committing adultery with a woman of the Brahman caste who is guarded, should be punished like a Çüdra,\footnote{2} or be burned in a fire of dry grass and straw.\footnote{3}

378. A Brahman should be fined one thousand if he force a woman of the priestly caste who is guarded; and five hundred if he have had a connection with (such a woman) when she consented to it.

379. Shaving the head is ordained as (the equivalent of) capital punishment\footnote{4} in the case of a Brahman, but in the case of the other castes capital punishment may be (inflicted).

380. Certainly (the king) should not slay a Brahman even if he be occupied in crime of every sort; but he should put him out of the realm in possession of all his property, and uninjured (in body).

381. No greater wrong is found on earth\footnote{5} than killing a Brahman; therefore the king should not even mentally consider his death.

382. If a Vaićya have intercourse with a woman of the Kśatriya caste who is guarded, or a Kśatriya with a woman of the Vaićya caste (who is guarded), they both ought to pay the fine (which is imposed for a similar offence) toward a woman of the Brahman caste who is not guarded.\footnote{6}

\footnote{1} Of an ass (K.) Literally, "and." Cf. vs. 384.\footnote{2} That is (as stated in vs. 374), with death (Medh., K.)\footnote{3} K. distinguishes the kinds of grass as used for Vaićya and Kśatriya according to Vas. xxi. 1–3.\footnote{4} Not emtha here, but literally "punishment that makes an end of life."\footnote{5} Or "is anywhere found" (kṣvara-cid), (Nand.)\footnote{6} Namely, five hundred for the Vaićya and one thousand for the Kśatriya; cf. vs. 376. K. remarks that in consequence of the lightness of the penalty imposed on the Vaićya for violating the guarded Kśatriya woman, it is evident that a woman of bad morals must be meant; while the Vaićya is a very good man, otherwise there would be a lower fine for adultery with a guarded Kśatriya woman than with a guarded Çüdra woman (cf. vs. 383).
383. A Brahman should be made to pay one thousand (paṇas) if he have intercourse (with either of) these two women when they are guarded; and a fine of one thousand should also be (imposed) on a Kṣatriya or a Vaiṣya (when they have committed a similar offence) toward a woman of the Čūdra caste (who is guarded).  

384. A fine of five hundred (puṇas should be imposed upon) a Vaiṣya (who has intercourse) with a woman of the Kṣatriya caste, if she be not guarded; but a Kṣatriya must choose either to have his head shaved with urine or (to pay) the fine (of five hundred).

385. If a Brahman have intercourse with a woman of either the Kṣatriya or Vaiṣya castes when she is not guarded, or with a woman of the Čūdra caste (who is not guarded), he should be fined five hundred, but one thousand if she be a woman of the lowest class.  

386. That king (shall) share in the world of Čakra in whose realm there is no thief, nor adulterer, nor libeller, nor any one who commits acts of violence or smites with a staff.  

387. The suppression of these five in his own realm gives a king supreme power over those who are his equals in birth, and gives him glory among men (in general).

388. If a man for whom a sacrifice is to be performed desert the sacrificial priest, or if the sacrificial priest desert the one for whom he should perform sacrifice, they should each be fined one hundred (provided the other party) was able to (carry out) the ceremony, and had committed no sin.

389. Neither mother, father, wife, nor son should be forsaken; one who forsakes them, although they have not

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1 (Medh., K., supplied from the first part); N. says also if unguarded.  
2 Such as a Cāndila woman (Medh., K.), even lower than the Čūdra caste.  
Nand. reads satyurājange.  
3 Literally so, as complement of the libeller, "one with an injurious voice." The real meaning is, in general, one who commits corporal injury. Čakra is Indra.  
4 K. interprets, "over the kings of the same race."  
5 Cf. vs. 206. The conditions absolving from the fine are sufficient to excuse the one who gives the sacrifice, but by the verse referred to the one who makes the sacrifice is not excused from the work (by proxy) if already begun. Medh. takes adusita (sinless) to mean "not maimed in body."
been degraded (from caste), should be fined six hundred (panas) by the king.

390. When twice-born men mutually disagree in regard to (points of) duty in the different (ascetic) orders, a king who desires his own happiness should not explain the law (to them).

391. After paying honour to them in accordance with their deserts, let the ruler, together with Brahmans, first pacify them with kindly words, and then establish their rule of conduct.

392. If a Brahman, when giving an entertainment to twenty people, fail to entertain his next neighbour and the next but one, (although) they are worthy (of an invitation), he deserves a fine of one māsaka.

393. If a learned (Brahman) fail to entertain (another) worthy and learned (Brahman) at the religious ceremonies (of ordinary life), he should be made to pay double the (cost of) the food, and (be fined) a māsaka of gold.

394. A man who is blind, foolish, lame, an old man of seventy, and one who is serviceable to learned (Brahmans) should not be compelled to pay a tax by any (king).

395. The king should always cause a learned (Brahman) to be honoured; also one who is ill, or in distress, a child, an old man, a man without means, a man of important family, and a noble man (Ārya).

396. A washerman should wash the clothes gradually upon a smooth board (made of the wood) of the cālmali tree, and he should not mix the clothes (of one person) with the

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1 The orders of hermits (Medh.), householders (G.), or all four (K.) Ārya, though the same term as that used to designate disputes at law, K. here explains as the meaning of the law-books.
2 Or, "should not decide against the right" (N.)
3 Medh. says the verb "honour" may be taken with "with Brahmans."
4 Or, the one opposite and the one next back (Medh., Nand)
5 Of gold (Medh.); of silver (K.); from vs. 393 either may be understood.
6 "Ceremonies tending to goodness;" such as those of birth, marriage, etc. A neighbour is here meant (K.)
7 "Any (king); even if the king has lost all his money (and is in need of taxes)."—K.
8 If he does, he ought to pay a fine (K.) Medh. (in some MSS.) and Nand. omit ānāh, and repeat vāsārī (niyyād vāsārī neyikāh).