

CHAPTER : V

THE DISTINCTIVE FEATURES OF THE TEXT (GENERAL)

INTRODUCTORY :

In this & the next chapter, an attempt is made to study the text, from various standpoints, with a view to enlightening the distinctive features, reflected in it. The treatment would be somewhat critical & comparative.

The present chapter, contains the study of the text, from the following points of view, that constitute the abhudaya aspect (worldly prosperity) of the twofold purusārtha, mentioned by Devala (2201-2202).

- (A) The Distinctive Religious Features.
- (B) The Distinctive Social Features.
- (C) The Distinctive Sacramental Features Part I.
- (D) The Distinctive Sacramental Features Part II.
- (E) The Distinctive Sacramental Features Part III.
- (F) The Distinctive Ritualistic Features.
- (G) The Distinctive Legal Features.
- (H) The Distinctive Expiatory Features.

The next chapter would contain the distinctive philosophical features of the text. These are separately studied, as they constitute the nihsreyasa aspect (spiritual prosperity) of the purusārtha.

(A) THE DISTINCTIVE RELIGIOUS FEATURESI. DHARMA1) CONSTITUENTS OF DHARMA

According to Devala, the ten virtues, namely, (1) śauca (purity), (2) dāna (gift), (3) tapas (austerity), (4) śrāddhā (faith), (5) gurusevā (serving the venerable), (6) ksamā (endurance), (7) dayā (compassion), (8) viññāna (knowledge), (9) vinaya (decorum), & (10) satya (truth) are the constituents of Dharma (7).

Manu (6.92)¹ also mentions ten virtues that characterize Dharma. Only the four them (namely, śauca, ksamā, viññāna or vidyā (acc. to Manu) & Satya) are common between the two, while other virtues, mentioned by them are different. The other smṛtikāras, like² Yājñavalkya (I.122), Brhaspati (Saṁ.489), Viṣṇu (II/16-17), etc. also enumerate some virtues as sāmānyadharmas (dharmas, common to all). Gautama (I/8/23-24) & Atri³ (33-41) also refer to eight virtues. The six virtues (namely - (1) śauca, (2) dāna, (6) ksamā (7) dayā, (8) viññāna, & (10) satya), mentioned by Devala are also found in the Yājñavalkya smṛti & the five except viññāna in the Viṣṇu smṛti. While only three virtues (namely, śauca, ksamā & dayā) are common with Brhaspati, Gautama and Atri (Atri mentions dāna & omits ksamā). The other virtues, mentioned by these smṛtis are different. The two virtues, (tapas & śrāddhā) mentioned by Devala, are not found in the enumeration of virtues of the above Smṛtikāras. While the mention of gurusevā (serving the venerable), is found

only in the visnu smṛti & the present text. Though this topic is treated by Manu etc. in their smṛtis, they do not mention it, like Devala & Viṣṇu, while enumerating the virtues, in the above verses. 'Vinaya' alluded to by Devala, is generally referred to by words 'dama' & 'indriyanigraha' in the other smṛtis.

Though the virtues are mentioned by most of the smṛtis, Devala alone describes them as Dharmasamuccayah (the constituents of Dharma), elsewhere they are generally mentioned as 'sāmānyadharmā' (the Dharmas that are common to all). The comparative study, treated previously indicates that Devala's enumeration of virtues is somewhat near to that of Manu, Yājñavalkya & Viṣṇu. It is also noteworthy that Devala enumerates & also explains most of the virtues (8 to 49). Devala's views about dāna & śauca, can be understood from his treatment of these topics, in the dāna & dravyasuddhi chapters respectively. The explanation of the word 'satya' only is not available.

(2) THE QUINTESSENCE OF DHARMA :

In a single verse (50), Devala declares the quintessence of Dharma that whatever is adverse to oneself, should not be performed in case of others. In other words, one should not be harmful or troublesome to others. Similar views about moral behaviour are found in other smṛtis & in the Mahābhārata⁴. The peculiarity of Devala is that he designates this rule as 'the Dharmasarvasva' (the quintessence of Dharma).

The present verse is a very famous one. It is found verbatim as a quotation from 'smṛti' in the pañcatantra⁵. The pañcatantra

is an old work, that had become famous even during the 6th century A.D.⁶. The present verse, to be so much popular even during the period of the Pañcatantra, must be of a date, quite earlier than it. This fact reflects upon the antiquity of the present verse & the work of Devala, from which probably the pañcatantra might have borrowed this verse.

3) SOURCES OF DHARMA :

The sources of Dharma are the vedas, vedāṅgas, smṛtis & Itihāsas according to Devala (1 to 6). The vedas are the most ancient authorities on Dharma. The vedāṅgas are also mentioned, as they are helpful in understanding the veda. Gautama (II/2/19) & Yājñavalkya (I.3)⁷ explicitly mention vedāṅgas like Devala, among the sources of Dharma. The Itihāsas, mentioned among the sources of Dharma by Devala are not generally enumerated likewise in the other smṛtis. The terms veda & vedāṅgas are properly defined, but the term 'Itihāsaḥ' is not explained likewise as referring to some distinct works. It is interpreted as referring to "those works, composed by sages, narrating ancient incidents, leading to the right knowledge". (6)

The term Itihāsa is a very ancient one, occurring even in the Atharvaveda, Śatpatha Brāhmaṇa, Taittirīya Āraṇyaka, Chāndogya & Bṛhadāraṇyaka upaniṣads etc.⁸. But the term, referred to in these ancient works has reference to ancient narratives, occurring in the Brāhmaṇas. Kautilya's explanation of the term⁹, indicates his knowledge of the 'definite work', "more or less very like the extant Mahābhārata"¹⁰. The Asvalāyana G.S. (III.4.4) distinctly

refers to the Bhārata & the Mahābhārata¹¹ & the Kausitaka G.S. only (II.5.3) only to ^{the} Mahābhārata. The mention of Itihāsa & Purāna in the Yājñavalkya smṛti¹² (I.101) has reference to the "works distinct from vedic literature"¹³. Thus the term Itihāsa is understood to be referring to the Mahābhārata, from very early period. But Devala does not explicitly mention the Mahābhārata here, while explaining the term 'Itihāsa'.

The word 'Itihāsa' is used in plural by the author. Hence it does not stand for a single work like the Mahābhārata. It cannot be understood as referring to the epics, the Rāmāyana & the Mahābhārata, as the term Itihāsa is not in dual form. Moreover, the Rāmāyana has been traditionally admitted to be the best piece of kāvya & not as an Itihāsa.

Hence, Devala refers most probably to the various, legendary, historical narratives & stories, frequently occurring in the Mahābhārata & the Purānas, with the phrase -

"Athāpyudāharantimam itihāsam purātanam"

4) THE QUALIFICATION FOR DHARMA :

DEVALA'S VIEW :

The author maintains that there is no instruction of puruṣārtha, in case of lower beings; as they are bereft of Dharma. There is two fold puruṣārtha, namely abhyudaya (wordly prosperity) & nihsreyasa (spiritual uplift), in case of gods & human beings. (2200-2202).

IMPLICATIONS :

The words of Devala reflect upon his views, about the question of qualification for Dharma. The lower beings, (animals, beasts, birds etc.) are not qualified for Dharma. But Gods & human beings are entitled to the same. Hence there is instruction of the two-fold purusārtha only to them.

LOWER BEINGS, NOT QUALIFIED :

The author explicitly mentions that animals are bereft of Dharma. In fact, the human beings have impulses for food, sleep, fear & dalliance, that are also found in lower beings. But it is the Dharma, that distinguishes them from beasts¹⁴. The lower beings, also follow instinctively the physical laws (Dharmas), without disturbing the natural order, but they do not possess the knowledge of Dharma.

From the traditional standpoint, the lower beings are incapable for understanding & practising Dharma. It is based upon vedic or scriptural authority (veda or sabdaprāmānya). The animals do not get any knowledge, from scriptural authority, due to incapability. They have only perceptual & inferential knowledge. On the contrary, human beings, right from the childhood, have to depend upon the words of an authoritative person for knowledge.

Hence, as the human beings are capable of understanding & practising Dharma, prescribed in the veda, they are entitled to it.

GODS ALSO ARE QUALIFIED :

Like human beings, Gods also are qualified for the Dharma, constituting the two fold purusārtha. Sabarasvāmī (on Mn.S.6.I.4 & 6.I.5) & Karkācārya (on Kāt.S.S.I.I.4)¹⁵ maintain that only human beings are qualified for Dharma. Gods are not at all entitled to the practice of it. Thus these commentators are opposed to the above view of Devala. While Pārthasārathī Misra¹⁶ believes like Devala, in the eligibility of Gods for Dharma.

The question of qualification of Gods for the brahmavidyā (spiritual knowledge) is thoroughly discussed in the Brahmasūtras¹⁷. The view of Jaimini is that Gods are not entitled for it. But Bādarāyana & even the commentator Śaṅkarācārya accept the eligibility of Gods for spiritual knowledge. It is remarkable that Devala also maintains the view of Gods, being qualified for the second purusārtha, namely nihsreyasa.

5) GRHYAKĀRAS FOLLOW DHARMAŚĀSRAKĀRAS :

Manu & others are promulgators of Dharmaśāstra & whatever Dharma, they have declared, is prescribed also by the Grhyasūtrakāras, in conformity with the Mantras of their recensions, according to Devala(2).

Devala, here represents the view that the Dharma, prescribed by the Dharmaśāstrakāras, is followed by the Grhyasūtrakāras, with the prescription of the Mantras of their recension. Thus according to Devala, Grhyasūtras follow the dictates of Dharmaśāstra.

The śrauta, Grhya & Dharma sūtras are the three main divisions of the kalpa. "In the corpus of the Kalpasūtras, the Dharmasūtras as a rule follow the Grhyasūtras" states Dr. Ram Gopal¹⁸. The Dharmasāstras, those of Manu etc. are historically of later period than the Grhyasūtras, Hence Devala's opinion may be explained as referring to some ancient works of the Dharmasūtras of Manu etc., the rules, contained in which, might be re-enjoined by the Grhyasūtras, in accordance with the Mantras of their recension. But on the whole, the statement of Devala, seems to be somewhat curious.

II - GURU :

MALE & FEMALE MEMBERS, WORTHY OF RESPECT, AS 'GURU' :

Generally, father, mother & preceptor, these three are understood to be the most venerable persons and are called as 'guru'. All elderly persons are also honourable, but Devala especially describes eleven elderly male persons & eight female persons to be respectable as 'guru'. (1) Preceptor, (2) father, (3) eldest brother, (4) king, (5) maternal uncle, (6) father-in-law, (7) protector, (8) mother's father & (9) grand father, (10) eldest among the castes (the Brāhmana) & (11) uncle - these are the eleven male persons, who are designated as 'guru'. While - (1) mother, (2) mother's mother, (3) wife of the preceptor, (4) sister of father & (5) that of mother, (6) mother-in-law, (7) grand-mother, (8) eldest foster mother, - these eight female members are also enumerated as 'guru' (10-11).

Later on, the author, further adds that father, mother, preceptor, elder brother & sustainer (bhārtā-king, master or husband) are also gurus i.e. worthy of respect. The first three among them are more venerable, while the mother is the most honourable among them. (18 to 20). Like Devala, the Mahābhārata¹⁹ (Vana.214.27) also mentions five gurus. However, they are father, mother, fire, self & preceptor.

Thus the treatment of the above topic also displays the peculiarity of Devala. A similar kind of exposition in almost identical words is also to be found in the Aśvinaś - smṛti (I.26 to 42) & the Kūrma purāna (12/20 to 42). But it is difficult to decide, who is the borrower. All of them might have taken from a third common source or from the floating material.

REFERENCES

- 1) Dhṛtiḥ kṣamā damo'steyam saucamindriyanigrahaḥ /
Dhīrvidyā satyama-krodho daśakam Dharmalakṣaṇam //
- Manu.S.6/92
- Ahiṁsā satyamasteyam saucamindriyanigrahaḥ /
Etam sāmāsikam dharmam cāturvarṇye'bravīnmanuḥ //
- Manu.S.X/63
- 2) Ahiṁsā satyamasteyam saucamindriyanigrahaḥ /
Dānam dayā damaḥ kṣāntiḥ sarveśāṁ dharmasādhanam //
- Yaj.S. I/122
- Satyamasteyamakrodho hrīḥ saucam dhīrdhṛtirdamaḥ /
Sāmyatendriyatā vidyā dharmāḥ sarva udāhṛtaḥ //
- Yaj.S. III/66
- Dayā kṣamā'nusūyā ca saucānāyasamaṅgalam /
Akārpanyamasprhatvam sarvasādhāraṇāni tu //
- B.S. Saṁ.489
- Kṣamā satyam damaḥ saucam dānamindriyasāmyamaḥ /
ahiṁsā gurususrūṣā tīrthānusāraṇam dayā //
Ārjavatavamalobhaśca devabrāhmaṇapūjanam /
anabhyasūyā ca tathā dharmāḥ sāmānya ucyate //
- Vsn.S. II/16-17
- 3) Athaṣṭāvātmaḡuṇāḥ / Dayā sarvabhūteṣu Kṣāntiranasūyā
Saucamanāyāso maṅgalamakārpanyamasprheti //
- GDS. I/8/23-24

Saucamaṅgalanāyāsa anasūyā'sprhā damah /
Lakṣaṇāni ca viprasya tathā dānam dayā'pi ca //

- Atri.S.33

(Atri.S.verses 34-41 explain the above virtues)

4) Nā'sramah kāraṇam dharme kriyamāno bhaveddhi saḥ /
ato yadātmano'pathayam parasya na tadācāret //

- Yaj.S. III.65

Yathaiṅvātma parastadvad draṣṭavyaḥ sukhamicchatā /
sukhaduḥkhāni tuḷyāni yathātmani tathā pare //

- Dakṣa.S. III.20

Mātrvat paradārāmsca paradravyāni loṣṭhavat /
ātmaivat sarvabhūtāni yaḥ paśyati sa paśyati //

- Ap.S. X.11

Yadanyairvihitam necchedātmanah karma pūruṣah /
na tatparesu kurvīta jānannapriyamātmanah //

- Mbh.Śānti. 259.20 (Cr.ed.12/251/19)

Sarvam priyābhyupagatam dharmam prāhurmanīṣiṇah /

- Mbh.Śānti. 259.25 (Cr.ed.12/251/24)

Na tatparasya sandadhyāt pratikūlam yadātmanah /
eṣa saṅkṣepato dharmah kāmadanyaḥ pravartate//
pratyākhyāne ca dāne ca sukhaduḥkhe priyāpriye /
ātmaupamyena pūruṣah pramānamadhigacchati //

- Mbh. Anu. 113.8-9 (Cr.ed.13/114/8-9)

- 5) Catakamārjāryoh - Pañcatantra, 3.3
- 6) Prof.Winternitz - Hist. of Indian Literature, Trans.by
Subhadra Jha, Vol.III, Part I, p.348.
- 7) Tasya ca vyavahāro vedo dharmasāstrānyaṅgānyupavedāḥ purānam -
- G.D.S. II/2/19

Purānanyāyamimānsādharma'sāstrāṅgamisritāḥ /
vedāḥ sthānāni vidyānām dharmasya ca caturdaśa //
- Yaj.S. I.3
- 8) Mm.P.V.Kane - H.D.S., Vol.V, Pt.II, pp.816-817.
Mm.P.V.Kane - H.D.S., Vol.I, Pt. I, pp.408-409.
- 9) Purānamitivr̥ttamākhyāyikodāharanam dharmasāstramarthasāstram
cetītiḥāsah / - Arth.S. I.5.14.
- 10) Mm.P.V.Kane - H.D.S., Vol.V, Pt. II, p.819.
- 11) Pailasūtrabhāṣyabhāratamahābhāratadharmācāryā.....
- Asva.G.S. III.4.4.
Kau.G.S. II.5.3 is similar, but omits 'Bhārata'
- 12) Vedātharvapuranāni setihāsāni śaktitah /
japayajñaprasiddhyartham vidyām cādhyātmikim japet //
- Yaj.S. I.101.
- 13) Mm.P.V.Kane, H.D.S., Vol.V, Pt. II, p.820.

14) Āhāranidrābhayamaithu^{na} ca sāmānyametatpasubhirnarānām /
dharmo hi teṣāmadhiko viśeṣaḥ dharmena hīnāḥ paśubhiḥ samānāḥ //

15) Phalarthatvāt karmanah sāstram sarvādhikāram syāt /
karturvā śrutisaṃyogāt vidhiḥ kārtsnyena gamyate //

- MM.S.6/I.4-5

Na ca itadasti.....tiryaḡādīnāmapi adhikārah.....iti.....

na devānām, devatāntarābhāvāt /.....na ṛṣīnām arṣeyāntarābhāvāt//

- Śābaraswāmi on MM.S.6/I/5

Sarveśāmaviśeṣāt / Manusyaṇām vā'rambhasāmarthyāt //

- Kāt.S.S.I/I/3-4.

.....Na sarveśāmadhikāre, manusyā eva karmasvadhikriyante /
Tu eva hi yathāśrutam karmārbdhum samarthā, na devādayaḥ /
Devastāvādāptakāmāḥ / Na ca teṣāmavāptavyamasti, yadyāḡādibhi-
ravāpyate/ Na ca devādīnāmānye devāḥ santi yān yajeran /
Ṛṣīnām arṣeyābhāvādanadhikārah / Rakṣaḥpiśācānāmasucitvāt /
Gavādīnāmasannacetanātvāt / Vidyāśūnyatvācca /Tasmān-
manusyaṇāmevādhikārah // Karkabhāṣya on Kāt.S.S.I/I/4.

16) Editor's footnote, Śābarabhāṣya on MM.S.6/1/5.

Cf. also Prof. Jha, Ganganatha - Pūrvamīmāṃsā in its sources, p.307.

17) Madhvādisvasambhavādanadhikāram Jaiminiḥ/ Bh.S.I/3/31.

Taduparyapi Bādarāyaṇaḥ Sambhavāt /-Bh.S.I/3/26.

Bhāvam tu Bādarāyaṇo'sti hi /- Bh.S.I/3/33.

Upapanno devādīnāmapi brahmavidyāyāmadhikārah /

- Bh.S.S.I/3.33.

18) Dr.Ram Gopal, India of Vedic Kalpasūtras, p.7.

19) Pañcaite guravo brahman puruṣasya bubhūṣataḥ /
Pitā mātāgnirātmā ca gurusca dvijasattama //

- Mbh.Vana.214/27 (Cr.ed.3/204/26)

B. THE DISTINCTIVE SOCIAL FEATURES

VARNAJĀTIVIVEKA :

1) DUTIES OF BRĀHMANA - THE PERFORMANCE OF KĀMYA & NAIMITTIKA SACRIFICES :

The author mentions & explains the prominent duties of the Brāhmanas (60-63). They are adhyayana (learning), adhyāpana (teaching), yajana (performing sacrifices), yājana (officiating at the sacrifices). While explaining the term Yajana, he mentions that it constitutes the performance of the sacrifices, that are kāmya (voluntary) & naimittika (periodical). Thus according to Devala, the sacrifices are not nitya or compulsory.

"The Trikāṇḍamāṇḍana (I.6-7) refers to the two views that ādhanā (kindling of śrauta fires) is nitya (obligatory) & the other view (discussed by Baudhāyana) that it is merely kāmya (to be performed only if one desires the fulfilment of certain objects"¹. Thus there are two views, regarding sacrifices, (1) that they are nitya (obligatory), (2) that they are kāmya (voluntary). Kātyāyana² (Kat.ŚŚI/2/10-13) has properly put forth these two views, regarding sacrifices. The commentator karkācārya has explained them by quoting two kinds of vedic injunctions, suggesting the compulsory & voluntary character of sacrifices. Thus according to Kātyāyana, the sacrifices like Agnihotra, Dharsapūrnamāsa etc. are nitya or compulsory. Even the Bhagavadgīta (19/3-7)^{2A} discusses

this point about sacrifices & maintains them to be nitya. Some smṛti³ include the 7 pākayajña, the 7 havirayajña & 7 somayajña samsthas, among sacraments & thus suggest them to be compulsory. Śaṅkarācārya⁴ has discussed these two views, regarding sacrifices, like Agnihotra etc., being nitya (compulsory) & kāmya (voluntary). He maintains, like the sūtrakāra, Bādarāyana that they are compulsory & helpful in obtaining salvation, when performed without the desire for fruit.

But Devala, as mentioned previously, supports the view of sacrifices, being kāmya (voluntary) & not nitya (compulsory). Thus according to Devala, the sacrifices can be useful in getting worldly prosperity, but like the sāṅkhyas, he seems to maintain that the sacrifices would be of no use for nihsreyasa (spiritual uplift). Thus Śaṅkarācārya maintains the performance of sacrifices to be compulsory even for the spiritual knowledge. While according to Devala, following the sāṅkhya doctrine⁵, the sacrifices are meant only for the worldly purposes & are not necessary to be practised by the aspirant for liberation. This is an important distinction between Śaṅkarācārya & the sāṅkhya follower like Devala etc. For this reason only, it seems that Śaṅkarācārya expressed his dissent for Devala's inclination towards the sāṅkhya doctrine, in the commentary on the Brahmasūtras.⁶

2) STATUS OF SŪDRA :

The smṛtis⁷ generally mention the serving of the three varṇas to be the primary duty of the sūdra. The other occupations of arts & crafts could be followed by him only as an optional duty, if

he is unable to follow his primary duty or only at the time of distress. But the duties of the sūdra, mentioned by Devala, reflect upon his improved social status. According to Devala, it seems that the sūdra could follow, even during ordinary course, the occupations like agriculture, cattle-rearing, selling of commodities, dancing, singing etc., which are common to the vaiśya. He is also allowed to play upon the musical instruments like flute, lute, drums, taber etc. (94-99).

But yet, it is remarkable that the duty of the vaiśya, according to Devala is to make others to carry loads (bhārodvāhana), while that of the sūdra is to carry loads (bhārodvahana). This distinction reflects upon the sense of slavery, associated with the duties of sūdra.

(3) NUMBER OF ANULOMAS :

Devala explicitly mentions that the anulomas are four in number. They are savarna, ambastha, pārasava (or Nisāda) & ugra (53-54) (Cf. Arthasāstra, III.7.21-25), Manu⁸ (10/6-10) & Yājñavalkya (I.91-92) mention them to be six in number. Manu explains only three of them viz. Ambastha, Nisāda (or Pārasava) & Ugra; while the other three are not given specific names. Yājñavalkya names these six anulomas as Murdhāvasikta, Ambastha, Nisāda (or Pārasava) Māhisya, Ugra & Karāna. Gautama⁹ (I/4/14) also mentions six anulomas. Their names, given by him, are - Savarna, Ambastha, Ugra, Nisāda, Dausmanta & Pārasava. Thus there is difference in the names of some anulomas.

But Devala mentions anulomas to be four. The other Smrtikāras like Manu, Yājñavalkya, Gautama mention them to be six as mentioned previously. In fact, there can be six anulomas - viz. 3 by the Brahmana in 3 lower varnas, 2 by the Ksatriya in two lower varnas, one by the vaiśya in the sūdra woman. But Devala's mention of four only is also proper, because the off-spring by the union of higher Varna male, with the next lower varna woman, is called Savarna. Hence three of them become Savarna & the remaining three are given specific names (298-300). This treatment of Devala is identical with that of Kautilya¹⁰ (III.7.21-25).

4) ANULOMASĀVARNYA :

There are three views¹¹ regarding the status of the progeny, born from the anuloma marriages of the higher varna male with the woman of the next lower varna. (I) One view, as maintained by Manu (X.6)¹² is that the status of the child is lower than that of the father, but higher than that of the mother. The child becomes similar to its father, but not of the same varna. (II) The second view is that the progeny is equal in its status to its father¹³. Cf. Kautilya III.7.21 Nārada (strī.) 106. (III) The third view¹⁴ is that the offspring belongs to the varna of his mother. (Vsn.S.16/2).

Thus pitrsadsatva, pitrsāvarnya & mātrsāvarnya - these three views are found about anulomasāvarnya. Devala follows the view of the mātrsāvarnya in case of sūdra, when he states that the son born of a sūdra woman by the vaiśya male is called sūdra only. While in case of the other two savarnas - he seems to follow the view of pitrsāvarnya. This is quite identical with

Kautilya (III.7.21-25).

5) ANTARĀLAS EXPLICITLY MENTIONED :

After enumerating the varnas, anulomas & pratilomas, Devala also enumerates the six antarālas. They are - kukkūṭa, pulkasa, vena, kuśīlava, bandī, śvapāka. These are also, later on, explained in the text. (Cf. Arthasāstra, III.7.33-37).

The term 'antarāla' occurs in the Manusmṛti¹⁵. But antarālas are not specifically mentioned & enumerated in the Manusmṛti. The Yājñavalkya smṛti also does not explain or mention the term antarāla. The treatment of antarālas, as found in the present text, is rarely to be found elsewhere. Even Mm.P.V.Kane, also has not treated the topic of antarālas separately like the Manu & Yājñavalkya smṛtis, he only discusses the anulomas & the pratilomas & includes antarālas therein, without specific distinction.

However antarālas are mentioned & explained in the Arthasāstra of Kautilya¹⁶ (III.7.33-37). The treatment of Kautilya is almost identical with that of Devala.

6) STATUS OF SEVERAL CASTES :

The author declares in one verse, the status of persons, born from different marriages. Those that are born from savarna relations are the best, lower in status than savarnas are those produced from anuloma marriages, while antarālas are beyond the system of four varnas & those from pratiloma marriages are patita (fallen or degraded).

7) DUTIES OF CĀNDĀLA ALSO TREATED :

It is noteworthy that the author also deals with the duties of the cāndāla. This kind of tolerable & sympathetic treatment of the topic is not generally found in the prominent smrtis like Manu, Yājñavalkya etc. The mention of the duties of cāndāla indicates that like other civilized people, he also has to follow certain code of conduct, as prescribed in the text, though he was generally treated¹⁷ as equal to crow & dog etc., excluded from all relations. Yet the duties of cāndāla reflect upon his social status - however low it might be.

TABLE NO. 3

VARNAJITIVIVEKA

A table, showing varnas etc. mentioned & named in the text,
(Chapter II of adhyāya I) is given below :

	<u>Male</u>	<u>Female</u>	<u>Offspring</u>
<u>Varnas</u>	1) Bhāhmana	Brāhmana	Brāhmana
	2) Kṣatriya	Kṣatriya	Kṣatriya
	3) Vaisya	Vaisya	Vaisya
	4) Śūdra	Śūdra	Śūdra
<u>Anulomas</u>	1) Brāhmana	Kṣatriya	Brāhmana
<u>savarnas</u>	2) Kṣatriya	Vaisya	Kṣatriya
	3) Vaisya	Śūdra	Śūdra or Karāna
<u>Anulomas</u>	1) Brāhmana	Vaisya	Ambastha
(contd.)	2) Brāhmana	Śūdra	Pārasava or
	3) Kṣatriya	Śūdra	Ugrā Nisāda
<u>Pratilomas</u>	1) Śūdra	Vaisya	Āyogava
	2) Śūdra	Kṣatriya	Kṣattā or Mainda
	3) Śūdra	Brāhmana	Candāla
	4) Vaisya	Kṣatriya	Magadha or Mucaka
	5) Vaisya	Brāhmana	Vaidehaka
	6) Kṣatriya	Brāhmana	Sūta

<u>Antarālas</u>	1) Ugra (Anuloma)	Niṣāda (Anuloma)	Kukkūṭa
	2) Niṣāda (Anuloma)	Śūdra (Varna)	Pulkasa
	3) Vaidehaka (Pratiloma)	Ambaṣṭha (Anuloma)	Vena
	4) Ambaṣṭha (Anuloma)	Vaidehaka (Pratiloma)	Kuṣīlava
	5) -	-	Bandī
	6) Ugra (Anuloma)	Kṣatriya (Varna)	Śvapāka

ĀSRAMADHARMA :

I BRAHMACĀRĪ :

1) MENTION OF AKSAMĀLĀ :

The author mentions various articles that are necessary for the vedic study of the brahmacārī. The mention of aksamālā, among them is significant. The words of the text suggest that it is quite essential for the brahmacārī. The word 'aksamālā' is to be construed with the term 'dhāraṇam', occurring at the end of the compound. Thus it would mean actually 'holding or wearing the aksamālā'. But wearing of garlands is always prohibited by¹⁸ smṛtis including the present text. However, according to Devala, aksamālā was at least indispensable for the vedic study of the brahmacārī. But such a rule is not generally found elsewhere.

Aksamālā means 'a rosary, string of beads' (Akārādiksakarāntah aksah tatkrta tatpratidinhibhūta vā mālā). It is made of rudrākṣa seeds, corals, crystals, rubies, gems etc. Devala has not specifically mentioned the material utilized for the aksamālā, in the present context. But it must be of rudrākṣa seeds in

the present case. Moreover, the word akṣamālā is generally used for the rosary of rudrākṣa seeds & not for garlands of other materials. Under the influence of tantras, the deities are described to have akṣamālā on their hands. In short, Devala's reference to akṣamālā indicates the saivite & tāntric influence on the present text.

2) HAIR ON THE HEAD OF THE BRAHMACĀRĪ :

There are three different views regarding the hair on the head of the brahmacārī. The question here arises - whether he should allow them to grow as matted or should shave them? There are three alternatives (1) keeping of hair & allowing them to grow as matted. (2) keeping a tuft of hair on the head & shaving the remaining head. (3) shaving the entire head.

Manu¹⁹ (2.219) & Gautama (I/I/26) mention & allow any of the above three alternatives to be followed by the brahmacārī. The Āpastamba D.S.²⁰ (I.I.2.31-32) & Vasistha D.S. (VII.11) allow only first & second alternatives. While the Viṣṇu D.S. (28)²¹ allows the first & third alternatives only. The Kāthaka G.S. (I.3) describes the brahmacārī as saṃhatakeśah (with matted hair).

The rule, mentioned in the text is remarkable. There should not be disappearance of the hair on the head & beard & of nails. This indicates that the brahmacārī should not shave his head & beard. The nails also are not to be cut by him. The term 'alupta' mentioned in the text may suggest that 'jatīlatva' (keeping matted hair) is also not intended by the author. Otherwise, the author himself would have used that term. It may be understood that

the author allows the cropping of the hair, but is against shaving.

3) ANADHYĀYA :

Several days & occasions are mentioned in the text, when there is suspension of vedic study. (anadhyāya). The observance of anadhyāya, on two dvādasīs (twelfth lunar days) that follow the sleeping & waking days of Viṣṇu^{is} remarkable. The twelfth lunar day of both fortnights is not generally prohibited²² for vedic study, but Devala here declares two special holidays on the 12th lunar day of the bright fortnight of āśāḍha & that of kārtika months. The Nāradiya Purāna (quoted in the S.C.I.58)²³ mentions anadhyāya not on the above twelfth days but on the both eleventh lunar days (ekādasīs), when the lord Viṣṇu goes to sleep & is awake.

The above reference clearly indicates the Paurānic & Vaiṣṇavite influence on this portion of the text. These anadhyāyas must have developed, when the mythological stories of the Purānas & the Vratas mentioned therein, had become popular in the society.

II. DIVISION OF GRHASTHAS - YĀYĀVARA & ŚĀLĪNA :

The author classifies the householders in two varieties, namely Yāyāvāra & śālīna. The former is superior to the latter, because he does not accumulate wealth by officiating at a sacrifice, by teaching or by accepting gifts. While śālīna is engaged in all the six kinds of activities (viz. yajana, yājana, adhyayana, adhyāpana, dāna & pratigraha). He is following the mode of life of the ordinary person & possesses servants, cattle, wealth, grain

& is having house & living at a fixed place. Thus the mode of life, followed by each of them is different.

The Baudhāyana D.S.²⁴ (III/1/1&3) also mentions these two varieties of the householders & adds one more to them, viz. that of cakracara. Hārīta²⁵ (quot. in G.R.P. 415 & 419) also mentions the two varieties of sālīna & yāyāvāra & explains them. The vaikhānasa D.S.²⁶ (I.5) divides the householder in four varieties - namely - vārtāvṛtti, sālīnavṛti, yāyāvāra, ghorācārika. The yāyāvāra is devoted to all the six kinds of activities of adhyayana etc. according to vaikhānasa, while Devala declares sālīna to be of this kind & yāyāvāra does not indulge in the three activities, of adhyāpana, vājana & pratigraha. The last variety, namely - ghorācārika mentioned by vaikhānasa, is similar in his activities to the yāyāvāra in the present text.

III. SAMNYASA :

1) BRAHMAVĀDĪ - A SIGNIFICANT EPITHET OF SAMNYASĪ :

One of the important & significant qualities, mentioned by Devala about an ascetic is that he should be 'brahmavādī'. The word can be interpreted as (1) one who teaches or expounds veda or (2) one who follows (lit. preaches) the doctrine of Brahman mentioned in the Upaniṣads. This second interpretation suits the context better. The ascetic should be the knower & preacher of the Brahman, the ultimate reality. This reflects upon the Upanisadic influence on Devala & his admittance of the ultimate reality, the Brahman. Thus though he, himself, has dealt with the sāṅkhya-yoga doctrines

in the text, he also believed in the doctrine of Brahman, propounded in the Upanisads. He is an expounder of sāṅkhya & yet is brahmavādī. This point will be dealt with in detail later on in the portion of philosophical features.

2) STAYING AT ONE PLACE, DURING RAINY SEASON :

The sannyāsī should not stay at one place, except during the period of rainy season. Acc. to Devala, rainy season is for four months, starting from the month of śrāvana. The author, further, seems to indicate that there are only three seasons in reality. After the rainy season, the next season that follows is the hemanta, which includes in itself also the sisira (winter). The third season is the grīṣma, which also includes in itself, the vasanta (spring). While the sarad has entered the rainy season. Thus varṣā, hemanta & grīṣma, these three seasons are the prominent among them.

There are two methods of reckoning months. (1) Pournimānta Method - According to this method, the month begins from the pratipat (first lunar day) of the dark fortnight & ends on the full-moon day of the bright half of the month. This method is even now prevalent in the Northwest of India. For certain religious customs & observances, this method is still prevalent throughout India & is recorded even in the Modern digests on Dharmaśāstra like Dharmasindhu. For example the completion of religious bath during the months of Vaiśākha, Kārtika, Māgha etc. (i.e. Vaiśākhasnānasamāpti & so on). Similarly the festivals like Vasantotsava,

Gurupūrnimā etc. are also based upon this method of months, ending on paurṇimā.

(2) Amānta Method - According to this method, the months start from the pratipat (the first lunar day) of the bright fortnight & end on the last, amāvāsyā day of the dark fortnight. This method is prevalent in the southern India.

Hence according to the second method, the month of āṣāḍha will start from the pratipat of the bright fortnight & will end on the amāvāsyā day of the dark fortnight. While in accordance with, the first method, the month of āṣāḍha will begin not from the pratipat of the bright fortnight, but from the pratipat, after the fullmoon day of the previous month viz. the jyestha month & the āṣāḍha will end on the full moon day i.e. on the gurupūrnimā day & from the next day i.e. on the pratipad of the dark fortnight of the month, the month of śrāvaṇa will begin.

From this standpoint of reckoning months, ending on paurṇimā, the prescription of Devala, that the ascetic should stay at one place, during rainy season, starting from the month of śrāvaṇa, is quite in conformity with the usual customs, because the ascetics perform the worship of Vyāsa etc. on the day of gurupūrnimā & there-after stay at one place, preaching dharma, to the masses, during those days of rainy season, when the external activities and travelling remain suspended due to rain.

As mentioned previously (Pt. III, Ch. II), this reference is important for determining the home of Devala. The method

of reckoning months, ending on full-moon day is still prevalent in the North-West of India. It has been prevalent in that area from very ancient period. Mr. P.V. Kane notes "that the months in North-West India were purnimanta in the Kharosthi records, drawn up in kaniska's era....."²⁹. This evidence indicates Devala to be belonging to the North-West of India.

3) SAMNYASA & AGNIHOTRA IN KALI AGE :

Devala is of the opinion that the samnyasa & the agnihotra can be practised or resorted to even in the kali age, as long as the distinctions of castes are maintained & the study of veda continues. But Vyasa²⁸ (quot.in C.M.S.p.55) forbids samnyasa to be resorted, after the lapse of 4400 years of kali age.

REFERENCES

1) Mm.P.V.Kane - H.D.S., Vol.II, Pt.I, p.677.

2) Phalayuktānamārambhe yāthākāmī phalārthivāt /
Na niyamanimittāgnihoṭradars'apurṇamās adāksāyanāgrayanapasūsu
pravṛtṭeh / Some caike / Cāturmāsyēsu caturmukhasruteh /
- Kāt.S.S. I/2/10-13.

Agnihotre'pi na yāthākāmyam / 'Yāvajjīvamagnihotram juhuyāt'
iti srūyate / Nanu ca 'agnihotram juhuyāt svargakāma'iti ca/....
- Karkabhāṣya on Kāt.S.S. I/2/11

2A) Tyājyam doṣavadityeke karma prāhurmanīṣiṇah /
Yajñadānatopahkarma na tyājyamiti cāpore //
.....
Yajñadānatopahkarma na tyājyam kāryameva tat /
.....
Etānyapī tu karmāni saṅgam tyaktā phalāni ca /
Kartavyānīti me pārtha niscitam matamuttamam //
- Bh.G. 18/3-7.

Cf. also Bh.G. VI.3.

3) Gautama (I/8/14-22), śaṅkha, Yama, Vaikhānasa etc. cf. The
sacramental features, part III, p.735 of the present chapter,
for details.

.....Śreṣṭhatamāya karmāne....Cf. V.S. I.1.

Yajño vai śreṣṭhatamam karma / śatapatha-Brāhmaṇa (I/7/1/5).

- 4) Agnihotrādi tu tatkāryāyaiva taddarsanāt /
Ato'nyāpi hyekesāmbhayoh / Yadeva vidyayeti /

- Bh.S. (4/1/16-18)

Yannityam karma vaidikamagnihotrādi tattatkāryāyaiva
bhavati /

- Bh.S.S., 4/1/16.

Ato'gnihotrādernityatvātkarmano'nyasyāpi hyasti sādhuḥkṛtyā,
Yā phalamabhisandhāya kriyate /

- Bh.S.S. 4/1/17.

.....Nityamagnihotrādikam karma mumuksunā mokṣaprayojanoddeśena
Kṛtamupāttaduritakṣayahetutvadvārena sattvasuddhikāranatām
pratipadyamānam mokṣaprayojana-brahmādhigamanimitatvena
brahmavidyayā sahaikakāryam bhavātīti /

- Bh.S.S. 4/1/18.

- 5) Dr̥ṣṭavadānuśravikāḥ sa hyasuddhikṣayātīśaya yuktaḥ /
tadviparītāḥ śreyān vyaktāvyaktajñāvijñānāt //

- Sāh.Kā. 2

- 6) Devalaprabhṛtibhiśca kaiscidharmasūtrakāraiḥ svagranthesvāśritāḥ
tena tatpratīśedhe yatno'tīva kṛto nānvādikāranavādapratīśedhe /

- Bh.S.S. I/4/28.

- 7) Ekameva tu sūdrasya prabhuh karma samāśīsat /
Eteśāmeva varnānām sūsrūsāmanasūyayā //

- Manu.S. I/91.

Paricaryātmakam karma sūdrasyāpi svabhāvajam /

- Bh.G., 18.44.

Asaknuvaṁstu sūsrūsāṁ sūdraḥ kartum dvijammanām /

Putradārātyayam prāpto jīvetkārūkakarmabhiḥ //

Yaiḥ karmabhiḥ pracaritaiḥ sūsrūsante dvijātayah /

tāni kārūkakarmāṅsilpāni vividhāni ca //

- Manu.S. 10/99-100.

Sūdrasya dvijasūsūsā tayā'jīvan vaṅik bhavet /

Silpairvā vividhairjīved dvijātihitamācaran //

- Yāj.S. I. 120.

Sūdrasya dvijasūsūsā sarvasilpāni cāpyatha /

- Śaṅkha.S. I. 5

Vāṅijyam pāsūpālyam ca tathā silpopajīvanam /

Sūdrasyāpi vidhīyante yadā vṛttirna jāyate //

- Mbh.Śānti. 294/4 (Cr.ed. 12/283/3)

8) Viprasya triṣu varṇeṣu nṛpatervarnayordvayoḥ /

vaiśyasya varṇe caikasmin śadete'pasadhā smṛtāḥ //

- Manu.S. X/10.

Viprānmūrdhābhisikto hi ksatriyānām viśaḥ striyām /

ambasthāḥ sūdryām niśādo jātaḥ pārasavo'pi vā //

Vaiśyāsūdryayostu rājanyānmāhisyoḡrau sutau smṛtau /

vaiśyāttu karanāḥ sūdryām vinnāsveṣa vidhiḥ smṛtāḥ //

- Yāj.S. I/92-93.

- 9) Anulomānāntaraikāntaradvyanterāsu jātāḥ savarnāmbasthogranisāda-
dāusmantaparāsavāḥ //
- G.D.S. (I/4/14).
- 10) Brāhmaṇakṣatriyayoranāntarā putrāḥ savarnā ekāntarā asavarnāḥ/
Brāhmaṇasya vaiśyāyāmambasthah /
Sūdrāyām niśādaḥ / Pārasavo vā / Kṣatriyasya sūdrāyāmugrah /
Sūdra eva vaiśyasya //
- Arth.S. III/7/21-25.
- 11) Mn.Kane, P.V. - H.D.S., Vol. II, Pt. I, pp.55-56.
- 12) Strīśvanantarajātāsu dvijairutpāditān sutān /
sadrśān eva tānāhurmatrdoṣavigarhitān //
- Manu.S. X.6.
- 13) Arth.S. III/7/21, Cf.N.10 above.
Savarnā brāhmaṇīputrah kṣatriyāyāmanantarah /
- Nārada S. (strī.) 106.
- 14) Anulomāsu matrvarnāḥ /
- Vsn.S. 16/2.
- 15) Varnānām sāntarālānām sa sadācāra ucyate /
- Manu.S. II/18
- 16) Ugrānnaiśādyām kukkuṭah / Viparyaye pulkasah /
Vaidehikāyāmambasthād vainah / Viparyaye kuśilavaḥ /
Kṣattāyāmugracchvapāka ityete cāntarālāḥ /
- Arth.S. III.7.33-37.

- 17) R.T., Sr.no.1082.
- 18) Varjayen madhu māmsam ca gandham mālyam rasān striyah /
- Manu.S. II/177.
Cf.R.T., Sr.no.121.
- 19) Muṇḍo vā jaṭilo vā syādathavā syācchikhājataḥ /
- Manu.S. II/219.
Muṇḍajaṭilasikhājataśca /
- G.D.S. I/I/26.
- 20) Jaṭilah' sikhājaṭo vā / Vāpayeditārān /
- Ap.D.S. I/I/2/31-32.
Jaṭilah' sikhājaṭo vā /
- V.D.S. VII/11.
- 21) Brahmācārīnā muṇḍena jaṭelena vā bhāvyaṃ /
- Vsn.S. (28/41).
- 22) Amāvāsyācaturdasyoḥ paunamāsyastakāsu ca /
amāvāsyā gurum hanti' śiṣyam hanti caturdasī //
Brahmāstakāpaundamāsyau tasmāttāḥ parivrajat //
Pañcadasyām caturdasyāmastamyām rāhusūtake // - Manu.S. 4/113-114.
- Yaj.S. I/146.
- 23) Ayane viṣuve caiva' śayane bodhane hareḥ /
anandhyayastu kartavyo manvādiṣu yugādiṣu //
- Nārādīya purāna - S .C. I, p.58.

- 24) Atha sālīnayāyāvaracakracaradharmakāhksinām /
 Sālāśrayatvācchālīnatvam / Vṛtyā varayāyātīti
 Yāyāvaratvam / Anukramacaranāccakracaratvam //

- BDS. III/1/1 & 3.

- 25) Dvividhamapi gr̥hastham prāhuḥ sālīnam yāyāvaram ca /
 sālīnat paṇyataro yāyāvarah sreyān //.....
 Sarvāsvavasthāsu bahvosya sālā iti sālīnah sālāvāniti
 vā sālīnah sālāyāmātmavṛttibhirlīnah sālīnah /
 sālīnādātmaṇṣṭīyāpanād vara iti yāyāvarah /
 Daśa daśa rātrīrvasan yātīti yāyāvarah /
 Parāsvaṣṭasu vṛttisvātmanam yāpayatīti yāyāvarah /.....

- Hārīta quot. in G.R., p.415 & 419

- 26) Gr̥hasthāscaturvidhāḥ vārtāvṛttih sālīnavṛttiryāyāvargharācārikas-
 ceti / Yāyāvaro haviryajñaiḥ somayajñaisca yajate yājayatya-
 dhīte dhyāpayati dadāti pratigrhṇāti śatkarmanirato.....
 Ghorācāriko niyamairyukto yajate na yājatyadhīte nādhyāpayati
 dadāti na pratigrhṇāti....//

- Vai.D.S., I.5.

- 27) Mm.P.V.Kane, H.D.S., Vol.III, p.905, n.1766.

- 28) Catvāryabdasahastrāṇi catvāryabdasatāni ca /
 kaleryadā gamisyanti tadā tretā parigrahaḥ/
 Saṁnyāsastu na kartavyo brāhmaṇena vijānatā //

- Vyāsa quoted in C.M.S., p.55.

C. THE DISTINCTIVE SACRAMENTAL FEATURES : PART-I

1) IMPORTANCE OF SĀMSKĀRAS :

The text contains a fine simile, emphasizing the importance of the sāmskāras (329). Just as a work of painting is gradually unfolded by the various colours, used for its painting, the status of a brāhmana is also similarly brought out or manifested by the numerous sāmskāras, performed in the prescribed manner (329). Parāśara (VIII.26) is identical with the above verse of Devala. The term 'brāhmanya' may be taken as an illustration or it might have been used to emphasize the importance of sāmskāras, in case of brāhmana, who is the spiritual teacher & promulgator of Dharma for all varnas.

2) FOURTH NIGHT ALLOWED FOR COHABITATION :

There is difference of opinion, regarding the fourth night after menstrual flow, to be allowed for cohabitation (garbhādhāna). Manu (3.47)¹ & Yājñavalkya (I.79) explicitly prohibit the first four nights after menstrual flow for conception. The Laghu-Āsvalāyana smṛti (III.1)² also enjoins it to be performed only after the fourth day. But Devala like Āpastamba G.S. (III.IX.1), Hārīta (quoted in S.C., I.p.15)³ explicitly allows the fourth night for conception (garbhādhāna) (332/345).

The above peculiar view of Devala is quoted by Renukācārya in his dated work, namely, Paraskaragrhyakārikā (an unpublished work, Manuscript of which is available in Oriental Institute of Baroda, Acc.No.12092) of 1266 A.D. This fact, indicates not only the

authenticity of the text, but also antiquity of the verses of Devala to the period of the said work. Thus the verses, even from the prāyāścitta section of Hemādri must be presumed to be earlier than 12th century A.D.

3) GARBHĀDHĀNA & SĪMANTONNAYAYA SACRAMENTS TO BE PERFORMED ONLY ONCE & NOT AT EACH CONCEPTION :

There are two views, regarding the performance of the garbhādhāna sacrament. Some regard⁴ it to be the sacrament of the child to be born & hence it is to be repeated at each conception. While others⁵ maintain it to be the sacrament of the lady. It is, therefore, not to be repeated at each conception when it is once performed, it will sanctify all the subsequent children to be born.

Dr. Raj Bali Pandey, rightly observes, "logically speaking, the garbhādhāna was a garbhasaṃskāra in the beginning & the second school represents the tendency of simplifying & omitting the saṃskāras & certainly is of a later origin⁶".

And Devala believes in the second view, that garbhādhāna is not to be repeated at each conception, but it is to be performed only once at the first occasion. (336,337). The portion of the present text, representing this view is definitely later than the sūtra period. But it is noteworthy that the latter view, represented by Devala, has become very popular in the subsequent period & even some Nibandhas like the S.C., the S.T. etc. follow the same view.

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The same problem, as discussed previously arises in case of the sīmantonnayana sacrament. "Āpastamba, Baudhāyana, Bhāradvāja & Pāraskara expressly say that this samskāra is to be performed only once at the first conception"⁷. Most of the commentators & digest-writers follow the same view. Devala(351) also definitely maintains this view. But there is a tradition, represented by Viṣṇu⁸, that some hold it to be the sacrament of the garbha (the child to be born) & should be repeated at each conception.

4) POLYGAMY - WHICH WIFE IS TO BE APPROACHED FIRST ?

The polygamy was quite common in ancient India & was prevalent during the period of the present text. When there are many wives, the question naturally arises about the priority or preference to be given to a wife for cohabitation. Devala (347) represents three alternatives here. (1) that the wives should be approached, according to the caste-status; or (2) the wife, without any male issue is to be given preference or (3) the preference should be given in accordance with their seniority - the order of their marriage. Kautilya⁹ (3.2.54) also has considered this point. He mentions two alternatives. Like Devala, he also mentions the order of marriage, as one of the options. While he refers to another option of giving preference to the wife, having a son. But this is quite opposed to Devala's mention of giving priority to the sonless wife.

5) DESCRIPTION OF KARNAVEDHA :

The Karnavedha sacrament is "omitted in almost all ancient smritis"¹⁰. However, it is referred to in the Kausītaka G.S. (I.20), the Kātyāyana G.S. (Interpolated portion) (II.2), the Baudhāyana G.

Sesa.S. (I.12), the Vedavyāsamṛti (I.14), the Brhaspati smṛti (reconstructed Sañ. 86-101) etc.

The present text contains the verses, (372,373) emphasizing the importance or necessity of the piercing the lobes of ears (Karnavedha). All merits, accumulated previously, disappear on seeing a brāhmaṇa, through whose holes of ears, the rays of the sun do not pass. He should not be invited for the srāddha ceremony. If one invites him, that srāddha becomes āsura-demonish. Thus the brāhmaṇa, whose earlobes were not pierced, was regarded as the most unauspicious & sinful. He was also not given proper honour due to his status as a brāhmaṇa. Thus the Karnavedha had become an indispensable or compulsory ceremony, during the period of the present text.

6) VIDYĀRAMBHA OR AKSARASVĪKARANA :

The sacrament of Vidyārambha (commencement of learning) or Aksarasvīkarana (learning of alphabet), is not generally treated in the Gṛhya-sūtras, Dharmasūtras & the early smṛtis¹¹. It is referred¹² to in the Brhaspati smṛti (Reconstructed) & the Mārkaṇḍeya purāna. Mm.P.V.Kane remarks, "It appears that from the early centuries of the Christian Era, a ceremony called, Vidyārambha (commencement of learning alphabet) was celebrated"¹³.

The present reconstructed text also contains a verse that deals with this ceremony (377). According to Devala, this sacrament is to be performed in the fifth year of child, when the sun is in the Northern Hemisphere. The goddess sarasvatī & gods, viṣṇu & vināyaka should be properly worshipped with the offering of guda (mollasses), Odana (cooked rice) etc.

7) VEDAVRATAS :

Gautama (8)¹⁴ refers to four Vedavratas, while enumerating the forty sacraments. Similarly, these are also counted among the forty-eight sacraments¹⁵, referred to by Śaṅkarācārya (Bh.S.S.III.4.34). Some grhyasutras and the laghu-āsva-smṛti mention the vedavratas, but they vary with regard to the number & names of these vratas. Their names mentioned in the above works are as follows¹⁶

- 1) Mānava.G.S. - Cāturhautrika, Āgnikī, Āsvamedhikī, Traividya.
- 2) Kāthaka G.S.- Traividya, Cāturhautrika, Godāna, Aṣṭācatvāriṁsat-sammita.
- 3) Śāṅkhā G.S. - Śukriya, Śākvara, Vratika, Aupaniṣada.
- 4) Khādira G.S.- }
5) Gobhila G.S.- } Godānika, Vratika, Āditya, Aupaniṣada, Jyesthasāmika
- 6) Baudhā.G.S. - Hotārah, Śukriyah, Aupaniṣadah, Godānam, Sammitam
- 7) Laghu-Asvalā- Mahānāmnivrata, Mahāvratā, Upaniṣadvrata.
vana smṛti

The four Vedavratas mentioned by Devala (388-392) are different. They are - Prājāpatya, Saumya, Āgneya & Vaiśvadevaka.

8) THE MARRIAGE SACRAMENT :THE SONLESS DOES NOT GO TO HELL :

The sonless person may be afraid of falling into Hell, on account of various declarations to that effect, in the smṛtis. But, Devala seems to suggest that they should not be so frightened, if they have only daughters & no son. Neither the father nor the mother,

giving birth to female offsprings goes to hell, if he or she properly brings up their daughters & give them to some appropriate persons (395).

THE FOUR KINDS OF MARRIAGEABLE GIRLS :

The four kinds of marriageable girls are mentioned in the text (408-412). The girls from seven years upto the time of puberty are called nagnikas & are considered most suitable for marriages. The girls between these years are designated by four different names - viz. (1) Śaisavī of 7 years, (2) Gaurī of 8 years, (3) Rohinī of nine years, (4) Gāndhārī from 10 upto puberty.

This reflects upon the fact that Devala, like Manu¹⁷, Yājñavalkya Parasara etc. advocates pre-puberty marriages. During the period of ancient Grhya & Dharma sūtras, "girls were married just before the time of puberty or immediately after it"¹⁸ & that "from about 600 B.C. to about the beginning of the christian Era, it did not matter at all if a girl was married a few months or a few years after puberty. But by about 200 A.D. (when the Yājñavalkya-smṛti was composed) popular feeling had become insistent on pre-puberty marriages"¹⁹. The above verses of Devala are definitely later than the period of the Yājñavalkya smṛti, when the pre-puberty marriages became prevalent.

AGE OF THE BRIDEGROOM :

The pre-puberty period is advocated by the author as the age for the bride, but great age-difference was prescribed to be maintained between the bride & the bridegroom (409-410). For śaisavī

bride of 7 years, the bridegroom was to be of 18 years & for gaurī of 8 years, he was to be of 25 years. From this, it follows that in case of rohini & gāndhārī types of brides also, the bridegroom must be of higher age, as considered from the above two cases. The Manusmṛti²⁰ (IX.94) also enjoins a similar rule that the bridegroom of 30 years & 24 years should marry brides of 12 & 8 years respectively.

THE QUALIFICATIONS OF THE BRIDE :

According to Devala (408) the five qualifications of the bride were to be considered & given importance for marriage. They are (1) Kula-family, (2) Śīla-character, (3) Vaya-age, (4) Vṛtta-Conduct, (5) Rūpa-beauty. The beauty is mentioned at the end & hence it is only a last qualification to be considered. Learning or education is not at all mentioned here by the author. This reflects upon the fact, that girls were mostly illiterate & education was not given much importance in case of women. This also shows the attitude of the author towards education as a qualification for marriage. The Bhāradvāja G.S.²¹ (I.11) also mentions four qualifications namely - wealth, beauty, intellect & family. The smṛtis like those of Manu, Yajñavalkya, etc. also dilate upon the external signs of beauty.

It may be remarked that Devala's enumeration of qualifications of the bride is the most ideal & perfect one and may be with vidyā or education, to modernize it.

SĀPINDYA :

The general rule about sāpindya (common ancestor - ship) is that - it does not remain after the fifth degree on the mother's side & the seventh degree on the father's side; But Devala (416-417) also introduces an alternative or option. If a girl of the proximate relation is to be married, she should at least be beyond three degrees from the father's & mother's side. This view of Devala is remarkable.

RELIGIOUS CEREMONY, NECESSARY FOR ALL FORMS OF MARRIAGES :

The eight forms of marriages are described in the text. In the later forms of marriages (i.e. in the gāndharva, āsura, rāksasa & paisāca), there is prior acceptance or kidnapping of the bride. But the marriage ceremony should ^{be} performed afterwards, in the presence of fire, in case of persons, belonging to the three varnas. (407). As long as the marriage ceremony is not performed in the presence of fire, the marriage is not considered valid & irrevocable. Thus the sacrament of marriage, was considered quite necessary & even compulsory, in every form of it, in the society.

The above injunction of Devala also reflects upon another fact. The latter forms of marriages were also prevalent in the society, but the marriage sacraments might not be performed intentionally by some. Hence there was necessity of explicit declaration that the marriage sacraments were compulsory for legalizing all forms of marriages.

9) HALAPRAVARTANAM - PLOUGHING :

The grhyasūtras²² like pāraskara, kausika, āśvalāyana, sāṅkhāyana, kausītaka etc. deal with the topic of hala-pravartanam or ceremonies of ploughing. The parāśara²³ & Brhat-parāśara smrtis also refer to some such rites, related with agriculture. The present text also contains (458-469) the description of the rite of yoking the plough, which is a sacrament specially connected with vaisya & farming.

- 7) Mn.Kane, P.V. - H.D.S., Vol.II, Pt.I, p.226.
- 8) Sīmantonayanam karma tatstrīsaṁskāra isyate /
kecidgarbhasya saṁskāro garbham garbham prayujyate //
- Viṣṇu.quot. in S.C.,I,p.17.
Sīmantonayanam karma na strīsaṁskāra isyate /
garbhasyaiva tu saṁskaro garbhe garbhe prayojayet //
- Laghu.Vsn.S. (Ānand.)(I.10).
- 9) Tīrthasamavāye caśām yathāvivāham pūrvodhām jīvatputrām vā
pūrvam gacchet /
- Arth.S. (3/2/54).
- 10) Mn.Kane, P.V. - H.D.S., Vol.II, Pt.I, p.196.
- 11) Dr.Pandey, Raj Bali - Hindu Saṁskāras, pp.179-180.
- 12) B.S. (Samh) 230-258.
Mārkaṇḍeya - quot. in S.C.,I,p.26.
- 13) H.D.S., Vol.II, Pt.I, p.266.
- 14) Catvāri vedavratāni - G.D.S. (I/8/15).
- 15) Cf. The Sacramental Features, Pt.III-2.
- 16) Cf. Ram Goptal - India of Vedic Kalpasūtras, p.307,
& Mn.Kane, P.V., H.D.S., Vol.II, Pt.I, pp.370-375.
- 17) Trīṁsadvārsodvāhet kanyām hr̥dyām dvādaśavārsikīm /
tryaśṭavarṣo'sṭavarṣām vā dharme sīdati satvarah //
- Manu.S. (IX.94).

Aprayacchan samāptoti bhrūnahatyāmṛtāvṛtau /
gamyantyaabhāve dātṛnām kanyā kuryāt svayamvaram //

- Yaj.S. (I/64)

Mātā caiva pitā caiva jyestha bhrātā tathaiva ca /
trayaste narakam yānti dr̥ṣṭvā kanyām rajasvalām //

- Parāśara S. (VIII/6-9)

18) Mm.Kane, P.V.- H.D.S., Vol. II, Pt. I, p.440.

19) Ibid., p.443.

20) Cf.Note 17 above.

21) Catvāri vivāhakaranāni vittam rūpam prajñābāndhavamiti /
- B.G.Ś. (I/11)

22) Dr.Ram Gopal - India of Vedic Kalpasūtras, pp.425-427.

23) Parāśara S. (II), Brhatparāśara S. (V).

D. THE DISTINCTIVE SACRAMENTAL FEATURES : PART-IITHE FUNERAL CUSTOMS & RITES :I. ĀSAUCA :1) SRĀVĀSAUCA :

The general & simple rule about srāvāsauca is prescribed in the text. (1144). The impurity is for the days, corresponding to the months of pregnancy, according to Devala. Parāśara (3/17)¹ also mentions a similar rule. He further points² out that abortion upto 4 months of pregnancy is called srāva & abortion during fifth & sixth months of pregnancy is called pāta. However there is impurity for ten days, if there is abortion, after 6 months of pregnancy. But the view of Marīci³ is still quite different. He maintains that impurity to mother only is for three days on srāva & that impurity for three days to father etc. & the days corresponding to the months of pregnancy to the mother is to be observed, when there is pāta. The Yāj.S.⁴ (3.20) also contains a rule that is similar to that of Devala. The impart of Manu (5.66)⁵ is also similar. Thus Devala agrees with Manu & Yājñavalkya, in this respect.

2) DAYS OF IMPURITY FOR THE FOUR VARNAS :

The days of impurity in case of four varnas are 10,15,20 & 30 respectively according to Devala (1146). This is similar to Vasistha (4/27-30)⁶. But other smrtis⁷ (viz. Manu, Yājñavalkya, Dakṣa, Atri, Saṅkha etc.) lay down the period of 10,12,15 & 30 days respectively

for four varnas. While Gautam^{D.S.} (II/5/1-3) prescribes 10,11,12 (or half month) & 30 days respectively for the same.

Devala (1148) also refers to the view of 'others' (apare) that the impurity on birth or death should be observed for ten days by all varnas. The author may be referring to the view of śātātapa by the term 'apare' as is clearly indicated by the verse of Āṅgiras⁹.

3) TOUCHABILITY ALLOWED AFTER PRESCRIBED DAYS :

The impurity may be lasting for 10,15,20 & 30 days respectively for the four varnas, but they can be touched, after the period of 1/3 days of the total number of days of impurity (1149). The author further declares that the four varnas can be touched, after 3,4,5 & 10 days of impurity respectively & their food can be partaken after 10,12,13 & 16 days respectively (1150). The view of samvarta (41)¹⁰ is different. He mentions that the four varnas become touchable, during impurity, on 4th, 6th, 8th & 10th day respectively.

4) ĀSAUCA FOR ONE DAY TO SAGOTRAS :

Devala's view about āsauca for sagotras (those belonging to the gotra of the dead) is noteworthy. He prescribes (1154) the impurity for one day to the sagotras but bath only (snānamātra) is prescribed for sagotras by Brhaspati¹¹ (Reconstructed, Āsauca 29). The Dharmasindhu¹² notes that the former view (i.e. āsauca for one day) is followed by Nāgoji Bhaṭṭa, while others do not prescribe āsauca (impurity) to the sagotras.

5) ĀSAUCA TO THE SLAVES :

The slaves also have to observe āsauca (impurity) for the days, similar to those, observed by their master. Similar view about āsauca to the slaves is also to be found in the visnu-smṛti (22/19), the Atrismṛti (89) & the Brhaspatismṛti (Reconstructed, Āsauca¹³ 35). This would reflect upon the fact that slavery was prevalent, during the period, when this rule about impurity to the slaves was introduced.

6) ĀSAUCASANNIPĀTA :

The impurity is of two kinds (1) caused by birth (sūtaka) & caused by death (Mṛtaka or sāva) of a person. But there may be simultaneous occurrence of the two impurities. Another similar or dissimilar kind of impurity may occur during the period of an earlier impurity. The question of days of observance of impurity in such cases requires consideration. Devala deals with the problem in the following manner (1168-1172).

1) The sūtikā (the lady, that has delivered), can be pure only at the end of the period of ten days. There is no relaxation in her impurity, due to the occurrence of another impurity.

2) When another impurity of death occurs during the period of an earlier impurity caused by death, the persons become pure at the end of the earlier impurity only. This another impurity of death, must occur, before the lapse of ten days. If it falls on the last i.e. tenth day the impurity is to be extended by two days. If another impurity of death is heard in the morning of the

eleventh day, the earlier impurity is to be extended by three days. The Vasistha D.S. (4/24-26) & the Gautama D.S. (II/5/5-7) contain similar rules.

- 3) The impurity, caused by death is severe & strict as compared to the impurity caused by birth. Hence the latter cannot affect the earlier one, when there is any conflict between the two.
- 4) The impurity of lesser days can be got rid of that of more days, but not the vice versa.
- 5) If there is increase in the days of impurity by the occurrence of another impurity, the person can be pure at the end of the later impurity, if the subsequent impurity occurs after the fifth day of the previous impurity.

Manu & Yājñavalkya do not consider all such possible alternatives of this topic. Both of them, merely prescribe the general rule that when there is occurrence of another similar āśauca, during the period of ten days of the earlier one, the person becomes pure at the end of the earlier impurity only. (Cf. Manu.S.5/79, Yāj.S.3/20a)¹⁴.

II. ANPYESTI :

1) DEATH AT A PLACE OTHER THAN ONE'S BIRTHPLACE :

The death, in a country or a place, which is other than the birth-place of the dead, leads him to hell. Hence an expiation is necessary to remove the taint, associated with the dead. On the contrary, the death at one's birth-place & on the bank of the river ganges are declared to be leading the deceased to liberation (1202-1205).

2) DAY FOR MUNDANA :

The person, who performs the obsequial rites, has to undergo mundana (shaving of head & beard), on the first & tenth day of impurity & other younger brothers of his should undergo it only on the tenth day (1265 & 1266) according to Devala. Thus the author mentions only the first & last day for the eldest son & tenth day only for other sons, as the time, prescribed for mundana. But Baudhāyana¹⁵ mentions several alternatives. It can be performed on the second, third, fifth, seventh or on any other day until the offering of śrāddha rites continue upto śapindikarāna.

But the above difference in the practice of mundana is due to the several usages, prevalent in the various parts of the country. ".....According to the Benares school, the person, who performs the cremation shaves his head at the time of cremation, whereas under the Mithilā school, there is no such shaving at that time¹⁶". Mm.P.V.Kane cites these judicial remarks.

3) OBSERVANCE OF RESTRICTIVE RULES FOR ONE YEAR :

The spirit of the dead person becomes mane after the completion of one year. Hence certain rules are prescribed to be observed by the son, on the death of his father or mother for one year. The body of the son is considered impure, for the practice of certain religious observances, as are mentioned in the verses (1301-1304).

III. ŚRĀDDHA RITES :

1) DUTIES OF AN IDEAL SON :

The present text (1307) mentions three important duties of an ideal son. The 'sonness' of the son lies in the proper performance of them. His appellation as a 'son' becomes meaningful only, if he ideally follows them. (1) When the parents are alive, he should carry out the orders of them. (2) When they are not alive, he should regularly perform the śrāddha rites, every year, on the day of their death, by giving ample food to Brahmanas, in honour of them. (3) He should offer the lump of rice at the sacred place Gayā. This is a very famous verse. It attaches great importance (1) to the obedience to the words of parents, (2) the performance of yearly śrāddha & (3) to the offering of pindas, at Gayā.

2) FOOD, OFFERED IN ŚRĀDDHA REACHES THE ANCESTOR :

The deceased person might have obtained birth in a different form of existence. The food is offered in the śrāddha, in honour of him. Food to the deceased ancestor, in his next birth, would naturally be different in different forms. Then, how can the human food satisfy the deceased? This question naturally arises in the present context of śrāddha. Devala elaborately describes, how the food can satiate them (1316-1319). This view, in brief, is that the food, transformed in an article, suitable for their enjoyment is cherished by them in every form of their existence. viz. If the dead has become god, the food is transformed into amṛta (nectar) and thus reaches them. These verses of the text are also

found in some Purānas¹⁷ (like - eg. Matsya, Padma (Sṛṣṭi), Garuda Mārkandeya). The Viṣṇu Smṛti¹⁸ (20/35) paraphrases the idea of these verses in a single verse.

3) PERIOD FOR MAHALAYASRĀDDHA :

The Dharmasindhu (p.68) maintains that ordinarily there are fifteen days only for mahālaya srāddha. If there is an increase (vrddhi) in the lunar days, they may become 16 in number. Devala, on the contrary, mentions the period of the mahālaya to be for sixteen days (1330). The first lunar day (pratipad) of the bright half also is included among the days of mahālaya. Thus the fifteen days of dark fortnight & the first day of the bright fortnight form the 16 days of mahālaya. The mānava srāddhakalpa, śātyāyani¹⁹ etc. also mention sixteen days for mahālaya srāddha, like Devala.

4) APĀNKTEYAS :

While mentioning the apānkteya brāhmanas (the brāhmanas that defile the row) i.e. who are not fit to be invited for srāddha ceremony, the author classifies them into five groups (1) patitas (apostates), (2) upapātakins (perpetrators of minor sins), (3) pātaniyakas (sinners) (4) pañktidūṣakas (defilers of the row) & (4) pāpisthatamas (the most sinful). Several kinds of sinful persons are enumerated under each group & later on the important terms occurring in the enumeration are also explained (1334-1383). The impotent persons are also mentioned in the above enumeration. Hence the author enumerates & explains six kinds of impotent persons (1379-1383). Nārada²⁰ (strī.11-13) enumerates impotent persons of

fourteen kinds.

5) GHEE OF THE MILK OF BUFFALO ALLOWED :

Devala prescribes that the milk and its products, of sheep, ewes & she-buffalo should not be used for the śrāddha, but the ghee of she-buffalo is beneficial i.e. it can be used for it. Some purānas²¹ like Vāyu (78/17), Brahma (220/169), Mārkandeya (32/17-19), Viṣṇu (3/16/11) have prohibited even the use of ghee, prepared from the milk of buffalo.

6) TIME OF OFFERING PINDAS :

The lumps of cooked rice are offered in honour of the manes at the śrāddha. There is no unanimity about the time, when these are to be offered. The grhya S. & smrtis mention different & conflicting views. The Dharmasindhu has noted that there are in all six alternatives, mentioned in different smrtis²².

Devala appears to maintain the view of offering pindas, before the brāhmanas have taken food. The pindas are to be offered at the beginning, after the brāhmanas have taken their seats, before worshipping and feeding them in the śrāddha, as described in the present text. (1456, 1479, 1483). Manu (3/219) also describes the offering of pindas before the meal of brāhmanas, but he also refers to the opposite view (Manu 3/261). The Mānavasrāddhakalpa (249-251) prescribes the pindadāna, after the feeding of brāhmanas.

7) THE FORMULA FOR OFFERING PINDAS :

The formula for offering pindās, mentioned by Devala is 'Etatte tata ye ca tvāmanu' (This is for thee, o Father ! & also for those who follow thee !). This is similar to the expression, occurring in the Ap.M.P. (2/20/13). Similar formulas are also found in the T.S. (I/8/5/1), AV (18/4/71-77), ASV.S.S. (2.6.15), Gobhila G.S. (3.3.6), Khādīra G.S. (3/5/17), Bhāradvāja G.S. (II/12)²³ etc.

But the satapatha Brāhmana (2/4/2/19) finds fault with the above formula of offering pindās. The person, offering pindās would also be included by the expression 'ye ca tāmānu' & this inclusion is not proper. This formula, mentioned in the text clearly indicates that the author of the text is not at all the follower of the school of white Yajurveda in which recension, the formula of the text is not followed & is even criticised in the satapatha Brāhmana.

8) GIVING OF GIFTS (DAKSINĀDĀNA) :

The author points out that all acts, relating to manes are to be performed with the apasavya (with the sacred thread worn on the right shoulder), but the act of giving gifts (dakṣiṇā) only is to be performed with the savya (with sacred thread held on the left shoulder). Moreover, all acts, pertaining to the deva brāhmanas are to be performed first, & then for the Manes, but the act of giving dakṣiṇā only is to be performed in the reverse order, i.e. the brāhmanas, invited in the place of Manes should receive the dakṣiṇā first & then after the brāhmanas, in the place of gods are to be given. (1494)

9) THE PERIOD FOR ELABORATE ŚRĀDDHA :

After having described the entire procedure of the elaborate śrāddha, the author remarks that śrāddha should be performed in the prescribed manner, once, thrice or four times in a year or in each month or on each day, according to one's faith in that ritual. Thus several alternative periods for its performance are suggested. Manu²⁴ (3/281) also enjoins like Devala the performance of śrāddha thrice in a year (i.e. in three seasons, hemanta, grīṣma & varṣā) and daily as a part of five great sacrifices. But the two alternatives, those of its performance once or four times in a year, mentioned by Devala, are not found in the above verse of the Manusmṛti. However, Manu mentions the performance of śrāddha on amāvāsyā day of every month, (3/122)²⁵ at another place.

10) SUBSTITUTES FOR ŚRĀDDHA :

Devala prescribes several substitutes or alternatives, if one is unable to perform the extensive śrāddha ritual. (1503-1509).

(1) Offering of pindas only, if dravya (articles) & brāhmanas are not available. (2) A fast on that day. (3) Offering water in honour of Manes to satiate them. (4) If a qualified brāhmana is not available, another daily pitryajña is to be performed and the food is to be donated to the qualified brāhmana. (5) The darbha grass is to be strewn in the place of brāhmanas & the śrāddha is to be performed properly with śrāhmanas seeking their sanction (praisa) & the performance accordingly (anupraisā). (6) In the absence of everything else, one should at least offer into the fire in honour of Manes or give something to cow, or throw in water.

But the ritual, relating to Manes should not be omitted. (7) If only one brāhmana is available, the srāddha can be performed with the offering of six pindas & six arghyas & food is to be given to the six Manes. All of them, are to be considered as receiving food in the hand, mouth, palate, throat, heart & navel of the invited brāhmana. Thus the elaborate srāddha can be performed even with a single brāhmana, but omission thereof is forbidden.

11) INDEBTEDNESS TO MANU :

The author explicitly mentions that his description of the srāddha rite is the same, as was proclaimed by Manu. Hence it is necessary to consider how far Devala agrees with the extant Manusmṛti & other works like Mānavagrhyasūtra, Mānavasrāddhakalpa etc., that deal with the srāddha rite.

From the comparative study of the srāddha rite, in the extant Manusmṛti & the present text, it appears that Devala is not indebted to the extant Manusmṛti, because the treatment of various topics like (1) praise of srāddha, (2) brāhmanas, unfit for being invited, (3) Time of srāddha, (4) the entire procedure of srāddha etc. is not in full accordance with the extant Manusmṛti. A few cases of similarity may be there in some verses, but on the whole, the exposition of Devala is quite distinct from that found in the extant Manusmṛti. There is agreement between Manu & Devala, in respect of the time of offering pindas, before the meal of the brāhmanas. But the worship of brāhmanas & offering ^{to} be made in the fire (agnaukarana) are prescribed by Manu, before offering

of pindās, while Devala prescribes them after it. The supplication for blessings (varayācanā) is mentioned by Manu, at the end of the whole ritual; while Devala has enjoined the same, after the offering of pindās & before the worshipping & feeding of the brāhmanas. The act of taking out three portions from each of the three pindās & offering them to the invited brāhmanas respectively, occurring in the Manusmṛti is not at all found in the present text. Thus there are various fundamental points of disagreement between the extant Manusmṛti & the present text of Devala, Hence Devala's exposition is not based upon the extant Manusmṛti, in its entirety.

Moreover, the description of śrāddha in the present text is not based upon that in the Mānavagrhyasūtra or the Mānavasrāddhakalpa. The treatment of śrāddha rite in the Mānavagrhyasūtra is very scanty. Devala's exposition does not tally with that also. Devala explicitly refers to the Mānavasrāddhakalpa in the verse - "Mānavah śrāddhakalpōyam manunā samudāhrtah" (1511). Hence it would appear that Devala may be indebted to the text of Mānavasrāddhakalpa. But the extant text of the Mānavasrāddhakalpa²⁶ does not exhibit any such similarity, on the basis of which Devala's indebtedness can be proved. The Mānavasrāddhakalpa prescribes the worship of brāhmanas, agnaukarana & feeding of brāhmanas, before the offering of pindās, while Devala enjoins all of them to be performed after the offering of pindās. Thus there is fundamental difference in the procedure described in the two texts.

Hence Devala is indebted to Manu for the exposition of śrāddha rite, but not to the extant texts ascribed to Manu, mentioned

previously. Devala's words may be interpreted as referring to Manu as the promulgator of the institution of srāddha.

REFERENCES

- 1) Yadi garbho vipadyeta sravate vāpi yositām /
Yāvanmāsam sthito garbho dinam tāvat sa sūtakah //
- Parāśara s. .3/17.
- 2) Ā caturthād bhavet srāvaḥ pātaḥ pañcamasasthayoh /
ata ūrdhvam prasūtiḥ syaddasāham sūtakam bhavet //
- Parāśara s. .3/18.
- 3) Srāve māustrirātram syātsapindāsaucavarjitam /
pāte māturyathamāsam pitrādīnām dinatrayam //
- Marīci quot. in Mitā. on Yāj.S.3/20.
- 4) Garbhasrāve māsatulyā niśāḥ suddhestu kāraṇam /
- Yāj.S. (III/20).
- 5) Rātribhirmāsatulyābhīrgarbhasrāve viśudhyati /
- Manu.S. (5/66).
- 6)Brāhmaṇo dasarātrena/ pañcadasarātrena rājanyah /
viṃsatirātrena vaiśyah / sūdro māsenā sudhyati/
- V.D.S. (4/27-30).
- 7) Sudhyed vipro dasāhena dvādasāhena bhūmipah /
Vaiśyah pañcadasāhena sūdro māsenā sudhyati //
- Manu.S. (V/83).
Brāhmaṇasya dasāham tu bhavati pretasūtakam /
Kṣatrasya dvādasāhāni viśah pañcadasaiva tu //

Triṁsaddināni sūdrasya.....//

- Yāj.S. (3/22).

Jātivipro daśāhena dvādaśāhena bhūmipah /
Vaiśyah pañcadaśāhena sūdro māsenā sudhyati /

- Dakṣa S. (6/7).

Brāhmaṇo daśarātrena dvādaśāhena bhūmipah /
Vaiśyah pañcadaśāhena sūdro māsenā sudyati //

- Atri.S. (85).

Nāmadhārakavipraṣtu daśāhena visudhyati /
Kṣatriyo dvādaśāhena vaiśyah pakṣena sudhyati /
Māsenā tathā sūdraḥ suddhināptoti nāntarā //

- Śaṅkha S. (15/2-3).

8) Śāvamāsaucam daśarātram...../ Ekādaśarātram kṣatriyasya /
Dvādaśarātram vaiśyasyārdhamāsameke / Māsam sūdrasya...../

- G.D.S. (2/5/1-3).

9) Sarveśāmeva varṇānām sūtakeṁrtaketathā /
daśāhācchuddhireteśāmiti śātātapo'bravīt //

- Āṅgiras quot. in Mita. (on Yāj.S. 3/22).

10) Caturthe'hani viprasya śaṣṭhe vai kṣatriyasya ca /
aṣṭame daśame caiva sparśah syād vaiśyasūdrayoḥ //

- Saṁvarta S. (41).

11) Daśāhena sapindāstu sudhyanti pretasūtake /
triṅrātrena sakulyāstu snātvā sudyanti gotrajāḥ //

- B.S. (Recon. Āsauca) 29.

12) Sagotrānāmekarātramiti nāgojībhāṭṭīye, anye'tu sagotrānām
nā'saucamityāhuh /

- Dharmasindhu (3). p.367.

13) Patnīnām dāsānāmānulomyena svāminastulyama'saucam /

- Vsn.S. (22/19).

Mṛtasūtake tu dāsīnām patnīnām cānulominām /
svāmitulyam bhavecchaucam mṛte svāmini yaunakam //

- Atri.S. (89)

Dāsāntevāsibhṛtakāh śiṣyā'scaikatravāsīnah /
svāmitulyena saucena sudhyanti mṛtasūtake //

- B.S. 35 (Recon. Āśaṅca)

14) Antardaśāhe cetsyātām punarmaraṇajanmanī /
tāvat syādasucirvipro yāvat tatsyādanirdaśam //

- Manu.S. 5/79

Antarā janmamarane śeṣāhobhirvisudhyati //

- Yāj.S. 3/20a.

15) Aluptakeso Yāḥ pūrvam so'tra keśān pravāpayet /
dvitīye'hni tṛtīye'hni pañcame saptame'pi vā //
yāvaccchrāddham pradīyeta tāvadityaparam matam //

- Baudhāyana quot. in P.M. I/2, p.2

16) Mn.Kane, P.V. - H.D.S., Vol.IV, p.218.

17) Cf. Ibid., pp.335-336.

18) Devatve yātanāsthāne tiryagyonau tathaiva ca /
mānuse ca tathāptoti śrāddham dattam svabāndhavaiḥ //

- Vsn.S. 20/35.

- 19) Kanyāgate savitari yānyahāni ṣoḍaśa /
 Kratubhistāni tulyāni pitṛnām dattamakṣyam //
 - Gelder J.M.V. - Mānavasautasūtra
Śrāddhaparīṣiṣṭa on p.254,verse 7.

Nabhasyasyāpare pakṣe tithiṣoḍaśakam tu yat /
 Kanyāsthārkanvitam cet syāt sa kālah śrāddhakarmani //
 - Śātyāyani quot. in P.M. I/II/p.319.

Ādau madhye'vasāne vā yatra kanyām vrajed ravih /
 Sa pakṣah sakalah pūjyah śrāddhaṣoḍaśakam prati //
 - Smṛti quot. in Dharmasindhu,p.69.

- 20) Caturdaśavidhah śāstre sandho dr̥sto maṅsibhiḥ /
 Cikitsyāścācikitsyāśca teṣā mukto vidhiḥ kramāt //
 Nisargaśandhā vadhrīśca pakṣaśandhastathaiva ca /
 abhiśāpād guro rogād devakrodhāt tathaiva ca //
 Īrśyāśandhaśca sevyāśca vātaretā mukhe bhagah /
 ākṣipto moghabījaśca śālīno'nyāpatistathā //
 - Nārada (Strīpum.11-13).

- 21) Māhiṣam cāmaram mārgamāvikaikaśaphodbhavam /
 Strainamaṣṭramāvikam ca (°ṣṭramajāvīkam?) dadhi kṣīram
 ghṛtam tyajet //
 - Quot. by Mm. Kane, P.V., H.D.S., Vol. IV,
 p.415, no.935.

- 22) Atha pindadānam / Taccārcanottaramagnau-karano-ttaram
 bhojanottaram vikīrottaram svadhāvācanottaram vipravisarjāno-
 ttaramiti satpakṣah smṛtyuktāh //
 - Dharmasindhu, p.350.

- 23) Kane, P.V. - H.D.S., Vol. IV, p.476, n .1067-1068.
- 24) Anena Vidhinā śrāddham trirabdasyeha nirvāpet /
hemantagrīsmavarsāsu pāñcayājñikamanvahan //
- Manu.S.3/281.
- 25) Pitryajñam tu nirvartya vipras'candraḥṣaye 'gnimān /
pindānvāhāryakam śrāddham kuryānmāsānumāsikam //
- Manu.S.3/22.
- 26) Cf. Gelder J.M. Van - Mānavasrautasūtra, pp.249-251.

(E) THE DISTINCTIVE SACRAMENTAL FEATURES : PART III1) ENUMERATION OF 21 KINDS OF SACRIFICES :

The text contains enumeration of 21 kinds of sacrifices (428-430). They are the seven pākayajña, seven haviryajña & seven somayajña saṁsthās. The ancient sūtrakāras like Gautama (I/8/14-22), Vaikhānasa (Sm̄rt.S.I.I.) have enumerated these sacrifices among saṁskāras. Following the practice of the ancient sūtrakāras, Devala also refers to 21 kinds of sacrifices, but it is not clear, whether he accepts them as saṁskāras or not. In the latter period, the sacrifices might have lost their significance in the society, due to the influence of Bauddhas & Jainas and the result was that they were not even generally mentioned among saṁskāras. Only the sixteen saṁskāras became more popular. Even the Manu & Yājñavalkya sm̄rtis do not mention the 21 kinds of sacrifices. Thus the peculiarity of Devala lies in the fact that he not only mentions and dilates upon the popular sixteen saṁskāras, but also enumerates the 21 kinds of sacrifices like ancient sūtras. This may reflect upon the priority of the sūtra portion of the text to even the Manu & Yājñavalkya sm̄rtis.

But it may be remarked here that though Devala has enumerated 21 kinds of sacrifices, he maintains them to be kāmya & not nitya (62), as discussed previously, Thus according to Devala, they can bring about worldly prosperity, but not the spiritual uplift. While Saṅkarācārya (Bh.S.4/1/16-18) propounds them to be helpful

even for emancipation, if they are performed without desire & he includes them in 48 samsk̄aras that are nitya; The Bhagavadgītā (6/3 & 18-3 to 7) also seems to expound the same doctrine.

2) INCLUSION OF SACRIFICES IN 48 SĀMSKĀRAS :

The Gautama D.S. (I/8/14-22), Śaṅkha (quoted in S.C., p.13) etc. mention forty sacraments. The vaikhānasa sm̄art S. (I.I) speaks of 18 sarīra samsk̄aras & twenty-two yajñas (i.e. 21 kinds of sacrifices + pañcamahāyajñas as one). Mm.P.V.Kane remarks, "Most of the Grhya-sūtras, Dharmasūtras & sm̄rtis do not enumerate so many".¹

But Śaṅkarācārya (Bh.S. 3/4/34)² refers to forty-eight samsk̄aras, the highest number of them ever known. No modern scholar including Mm.P.V.Kane, has ever taken notice of this fact. However while commenting upon the above statement of Śaṅkarācārya, Ānandagiri² has enumerated the fortyeight samsk̄aras. But they are not yet traced in any of the available texts of G.S., D.S., & Sm̄rtis. Among Nibandhas the Vidhānapārijāta contains a single verse ascribed to Yama,³ in which 48 samsk̄aras are referred to. The same work⁴ contains two verses from the author's own collection, in which the fortyeight samsk̄aras are enumerated. The three kinds of yajñasms̄thas each consisting of 7 kinds of sacrifices are included among them.

3) SĀMSKĀRAS MENTIONED IN THE TEXT :

Names - (1) Garbhādhāna (2) Puṁsavana (3) Sīmantonayana (4) Jāta-karma, (5) Nāmakarma (6) Annaprāsana (7) Karṇavedha (8) Cūdākarma, (9) Akṣarārambha (10) Upanayana, Upākarma (11) Vedavratas,

(12) Godāna (13) Vivāha (14) Paitṛmedhika i.e. Antyeṣṭi & śrāddhas,
(15) 7 Pākayajñas (16) 7 Haviryajñas (17) 7 Soma yajñas (18) Lāṅgala-
yojanam.

REFERENCES

1) Mm.Kane, P.V. - H.D.S., Vol.II, Pt. I, p.194.

2) Yasyaite 'stācatvāriṃsat saṃskārā ityādyā ca saṃskāraprasiddhi-
rvaidikeṣu karmasu tatsaṃskṛtasya vidyotpattimabhipretya
smṛtau bhavati /

- Bh.S.S.-3/4/34.

Ānandagiri's explanation -

Garbhādhānādayaḥ sahadharmacāriṇīsaṃyogāntāścaturdaśa /
Pañca mahāyajñāḥ, sapta somasaṃsthāḥ sapta haviḥsaṃsthāḥ sapta
pākasaṃsthā itī catvāriṃsatsaṃskārāḥ / Anaśnat saṃhitādhyāyanam,
prāyaṇam karma, japa, utkramanam, daihikam, bhasmasamūhanama-
sthisāncayanam srāddhānītyevamaṣṭācatvāriṃsat saṃskārāḥ //

3) Aṣṭācatvāriṃsadete saṃskārā vihitādviḥ /
Ya etaiḥ saṃskṛto vipro brahmalokam sa gacchati //

- Yama quot. in Vidhānapārijāta II/372.

4) Garbhādhānamatho hi puṃsavanakam sīmantajātakriyānamānādāna
caulakopanayanam vedavratānyapyuta /
Catvāri snapanam vivāhakaranam pañcāpi yajñā atho
Saṃsthāḥ sapta ca sapta sapta gaditāḥ trimsaddasāpyatra tu //
Evam cānaśanena vedapathanam karṇe japastomiti
Prānotkrāntirathaurdhvadehikamataḥ saṃvyū(vū) hanam basmanāḥ /

asthnām sāncayanam tatah paramapi śrāddhāni sāpinda¹akam
catvāriṃsā¹ḍiti smṛtau ngaditā¹h saṃskāra¹kā hyaṣṭa ca //

- Ityetau māmakau saṅgraha¹lokau
- Vidhānapārijāta II / pp.370-372.

F. THE DISTINCTIVE RITUALISTIC FEATURES

I. THE NECESSARY INGREDIENTS OF RITUAL - DARBHA, PAVITRA, KURCA ETC.

1) ENUMERATION OF SEVEN KINDS OF DARBHAS :

The seven kinds of darbhas (sacrificial grass) are mentioned in the text (469). They are kusa, kāsa, usīra, dūrvā, vrihi, visvāmitra & kutha. (The verse contains repetition of the word kusa & hence the reading 'kuthāścaiva' for 'kusāścaiva' is suggested. But yet the phrase 'visvāmitrāḥ kuthāścaiva' is ambiguous. Devala intends to refer to two kinds of darbhas by it. The other kinds of darbhas are wellknown & are enumerated also in the lists of ten varieties of darbhas, occurring in the quotations¹ found in the Nirayasindhu & the Dharmasindhu.

Devala (470) also prescribes that the darbhas, of the following kinds should always be avoided. (1) those that are pregnant with other darbhas (2) short-tips of which are cut with nails (3) those that are boiled (4) those that are burnt with fire.

2) WEARING OF RING IN THE ANĀMIKĀ FINGER :

It is prescribed that the ring (whether of gold or of kusa etc.) should always be worn in the finger next to the smallest one (anāmikā). The reason is also pointed out for such a use. The wearing of it, on the thumb, the tarjanī (finger near the thumb), the middle one, & the smallest one brings about the loss of father, loss of oneself, loss of son & all kinds of calamities,

respectively. (471-474). This point is noteworthy.

3) THE PREPARATION & UTILITY OF KŪRCA :

The important technical information about kūrcā (a bundle or handful of kusa grass) is also found in the text (475-478). It is said to be of three kinds (1) uttama (the best), (2) madhyama (middling), (3) adhama (the lowest). The seven, five or three darbhas (sacred grass) are to be used for its preparation. The knot, made with right turn should be of the size of one finger.

The upper part of the kūrcā should be of four fingers, & its lower part of the length of four fingers. The kūrcā, with its tips upwards, brings about prosperity. It is used in the rituals of sānti, with its tips, turned downwards; while during the activities of magical purposes, it should be used with tips, turned inside. The kūrcā can be prepared with 27, 21 or 15 darbhas.

4) YAJŪPĀVĪTA :

PREPARATION & WEARING OF YAJŪPĀVĪTA :

The sikhā (tuft of hair on the head) & the yajūpavīta had become quite indispensable, by the time of the text. In the absence of these two, all religious acts, performed by a person, become futile (479).

The text deals with the procedure of preparation & wearing of yajūpavīta (480-497). It should be made up of nine strands (tantu), possessing three or two threads, tied with one knot. All the nine strands are believed to be having nine different

deities in them. The deities are Om̄kāra, Agni, Nāga, Soma, Pitrs, Prajāpati, Vāyu, Sūrya & all deities respectively in the nine strands. The material, out of which the Yajñopavīta is to be made, is also enlisted. It can be made up of cotton, ksumā, hair of cow's tail, hemp, bark of a tree & kuśa-grass. Any kind of material can be used, for its preparation, according to availability. But Manu (2.44) & Viṣṇu (27/19) prescribe² the use of cotton, hemp & sheep-wool respectively, for the three varṇas. While the Baudhāyana D.S. (I/5/8/5) & the Gobhila gr.s. (I.2.1.) mention³ only kuśa grass & cotton thread. Thus Devala, not only mentions different kinds of material for the Yajñopavīta, but also allows the use of any of it, according to the availability.

With regard to the length of Yajñopavīta, it is prescribed that it should not be too small as would go above the chest nor should it be so long as would go beyond the navel. The Yajñopavīta of the first type destroys the wealth, while the latter is destructive of the penance. Hence the length should be measured. The technical description, about the method of preparation of Yajñopavīta from cotton etc. is to be found in verses 483-494.

While wearing the Yajnopavita, the following procedure is to be followed, (495-497) according to Devala. The smooth cotton, made threefold, in the prescribed manner should be placed in the left hand & sprinkled with water to the accompaniment of the sāvitrī mantra, recited ten times. It is also to be sanctified with recitation of three mantras, Bhūrāṅniḥ etc. (T.B. III.10.2). It should be worn, after saluting Hari, Brahmā & Īsvara (probably Brahmā, Viṣṇu & Mahēsa), with the chanting of the mantra

Yajñopavītam etc. or the Vyāhrtis.

The Baudhāyana Sūtra, quoted in Saṁskāra Ratnamālā (p.188) contains the description of preparation & wearing of Yajñopavīta. But the detailed process & procedure as found in the present text, is rarely met with elsewhere in other smṛtis.

NUMBER OF YAJÑOPAVĪTAS TO BE WORN :

The number of Yajñopavītas to be worn by a person is also considered in the text (499-503). The general rule is that two Yajñopavītas (sacred threads) should be worn for all kinds of śrauta & smṛta rituals & the third may be worn in the absence of the upper garment. The decision of śāstra is that it should be one for brahmacārin, two for gṛhastha & vānaprastha & one only for śaṁnyāsin; The snātaka may wear two or more of them. A person, desiring longevity should put on more number of Yajñopavītas. Those, desiring son & piety should wear even five of them.

THE CIRCUMSTANCES, WHEN THE YAJÑOPAVĪTA IS TO BE DISCARDED :

The Yajñopavīta is to be discarded under the following circumstances (506). If it is prepared by a widow, or is prepared on the days, prohibited for vedic study or is made after taking meals or is broken or has gone below (the navel). This shows that certain rules, mentioned above, were also to be followed, while preparing & wearing it.

THE YAJÑOPAVĪTA CAN BE TAKEN OFF FOR WASHING :

The text contains a very curious view that Yajñopavīta can be taken off for washing (507-511). The general rule is that the sanctified sacred thread, worn by the twice-born, can not be taken off for purifying it & if it is taken off, the person has to undergo an expiation. But it is also pointed out that the twice-born person, belonging to the Taittirīya, Kātha, Kānva, Caraka, Vājasaneyin schools, may take off the Yajñopavīta for washing it, while those belonging to the Bāṛṇa, Sāmaga & schools of Yajurveda (except those mentioned previously) should never take off the sacred thread. If they take it off, the rite of wearing a new Yajñopavīta, after discarding the old one, is to be performed by them. But ultimately, it is prescribed that all the twice-born persons can take off the Yajñopavīta, for washing it on the three occasions - (1) While smearing the body with oil (abhyāṅga) (2) While taking bath in the ocean (3) On the day of annual śrāddha ceremony of parents.

II. ĀHNĪKA (DAILY RITUALS) :

1) THE EIGHT AUSPICIOUS SIGHTS :

The Vyāsa smṛti (3.2)⁴ prescribes that during the last watch of night, one should get up and remember Hari. After seeing the auspicious object (maṅgaladravya), he should perform the necessary work. Thus the observance of maṅgaladravya is an important duty, after getting up from bed. The verses (512-513) enumerate the eight auspicious or lucky objects. They are brāhmana, cow, fire, gold, ghee, the sun, water, the king. He, who sees, bows down,

worships & circumambulates them, his life is not diminished. These verses in the text are identical with those in the Nāradaśmṛti (prakīrnaka - 54/55).

2) MŪTRAPURĪSAVIDHI -- ANSWERING CALLS OF NATURE)

DIRECTION TO BE FACED :

According to Devala, while answering the calls of nature, one should always face towards the north in the morning & the south in the evening, while it should always be avoided, during the two twilights. Thus two directions only are allowed by Devala, while Yama⁵ prescribes that one should face the west in the morning (pūrvāhna), the east in the afternoon, the north at the noon & the south, during the night. Thus there is explicit disagreement between the two.

According to the Kṛtyakalpataru Brah. (p.149 & 150), the following solution can be suggested. In accordance with the statement of Devala, in the morning time (i.e. prātaḥ or pūrvāhna of three Mahūrtas - that is the first part of the fivefold division of the day) & in the sāyāhna (the last three muhūrtas of the day), one may face the north & south respectively, but at the remaining time of the day (i.e. in the remaining part of pūrvāhna, other than prātaḥ of three muhūrtas & in the aparāhna), one should follow the statement of Yama & face west and east respectively. The vīramitrodaya (Āhn.p.29) remarks that in the opinion the Kṛtyakalpataru, the statement of Devala is from the standpoint of the fivefold division of the day, while that of Yama is from the point of view of threefold division only.

Devala prohibits the answering of natural calls, during the two twilights & the middle time of the day (madhyāhna) (cf.199). But Yama allows it during madhyāhna with face to the northern direction. Manu⁶ (4.50) & Gautama (I/9/41-43) allow the answering of calls even during two twilights, with face towards the north. Manu (4.50) & Gautama (I/9/41-43) mention a simple rule that during daytime, & the two twilights, one should face towards the north, while during nighttime, one should face the south.

NO PRESCRIPTION OF PRAMĀNA & DRAVYASANKHYĀ FOR PURIFICATION :

While answering the calls of nature, the lump of clay^{was} used for cleaning the parts of the body. Some smrtis consider the point as to how much of it was¹ to be used & how many times it was to be employed.⁷ (Cf. Manu S. 5/136-137, Vsn.S. (60/25-26), Dakṣa S. V/5-12)). The smrtis prescribe the pramāna (number of times) & dravyasankhyā (number of lumps), in various manner. But Devala, going against the above views of Manu, Viṣṇu etc. declares that the wise do not prescribe the number of times & the lumps for purification, but the cleansing can be done as long as one thinks to be purified. Thus according to Devala, there is no necessity of prescribing such details. They can be followed to the extent of one's own concept of purification. They depend upon the various conditions like the individual, the situation, time, availability of material like water, clod etc. (527).

HANDS & FEET TO BE WASHED UPTO WRIST & KNEES RESPECTIVELY :

It is remarkable to note that while washing hands & feet, they are to be washed with water upto the wrist & the knees respectively, for purification after answering calls, according to Devala (544).

3) SNĀNA :BATH EVEN DURING NIGHT ON ECLIPSE ETC. :

Generally, the bathing & giving gifts are prohibited to be performed during the night time. Both these acts can be performed even during night on certain occasions like - the eclipse, saṅkrānti, marriage, birth, death or voluntary vows (557).

MĀNĀSASNĀNA :

A nice description of the mānasasnāna (mental bath) is to be found in the text (588-599). One should meditate upon the Purusottama (Viṣṇu), residing in oneself; The Ganges, arising from his feet should be thought of as falling upon one's head & entering the body through the brahmarandra. With it, one should purify the internal & external dirt & become pure like crystal. The three nāḍīs, namely idā, piṅgalā & susūmnā are respectively the three rivers, Gaṅgā, Yamunā & Sarasvatī. One, who thus bathes in this Mānasatīrtha which is considered to be the lake of knowledge, with water in the form of meditation, which is destructive of attachment & hatred, he attains the Highest state. One should also think oneself to be Acyuta, Ananta, Govinda & Hari. One should imagine oneself to be blissful, complete, unborn, immortal, eternal, doubtless, unchanging & immutable. One should think oneself to be Brahmana & liberated, not a samsārin, involved in worldly affairs. Thus whosoever performs this Mānasasnāna, daily, reaches the Highest Brahman, at the end of his life. This bath has been declared by Harihara & others. It is the best & divine bath,

superior even to the Mantrasnāna. He, who, regularly performs this snāna is really Nārāyaṇa. He lives long over-coming the Kālamṛtyu (timely death).

Some peculiarities of this description are noted below :

(1) There is influence of the Vaiṣṇava sect upon the author of the verses. (2) There is also influence of Tantra literature, as there are explicit references to the brahmarandhra & the nāḍīs like īḍa, piṅgalā & susumnā (3) The vivid description of one's own real nature, as identical with the supreme Brahman, is purely vedantic & the Brahman is also referred to at two places. (4) This Mānasasnāna is said to have been declared by Harihara & others. But it is not known, who this Harihara, who declared the Mānasasnāna is & who are meant by the term 'ādibhiḥ'. (5) The description of the Mānasasnāna is, after all, marvellous & interesting.

PURIFICATION OF PERSONS, SUFFERING FROM DISEASES :

The author prescribes a peculiar method of purification of a woman, suffering from disease, in her monthly course. The lady has to take bath on the 4th day for purification or she may be required to take bath, during course, but as she is suffering from disease, she may be unable to do so. Hence a different method of purification of such a lady is mentioned in the text. (585 & 586). She is not to be bathed. But another lady, who is not suffering from disease, should touch her & bathe for ten times, wearing fresh garments at each time, after bath. The sick lady becomes pure, by giving meals to the brāhmanas on some auspicious day. The same rule is to be followed in case of sick person, who is unable to take bath, but when the bath is quite necessary to be taken by him. (587).

The Usanas smrti⁸ quoted in the S.C. (I.p.121) mentions similar method for the purification of a woman, in her course, but there the woman that touches, the sick lady, has not to change her clothes for ten times, as mentioned by Devala. Similarly, Yama⁹ (53), mentions that the other healthy person has to take bath & touch the sick person for ten times for purification of the sick, but he also like Usanas does not mention wearing of new clothes at each time after bath. Yama's prescription is for the purification of a sick person. The Brhatparāśara smrti¹⁰ (8/305) also prescribes a rule like Yama for the purification of a sick person.

4) WEARING OF GARMENTS :

Some rules about wearing of garments, mentioned in the text are noteworthy.

(1) A healthy person should not rinse his limbs, with a scarf or hand, because the water of the head, face, chest & the lower part is drunk by the Gods, Manes, Gandharvas & all creatures respectively. An alternative rule is prescribed that one should at least rinse the body with an already washed garment & wear two dry garments (575 & 576).

(2) The religious activity should be performed by the wise, with a garment, washed by himself. It should never be performed by a garment, that is new (unwashed) or is washed by a washerman. This shows that, for the religious purposes, one has to wash his own garments. The garments, washed by a washerman are not allowed.

(3) The garments dipped in indigo are not at all allowed by the author. These garments are prohibited for all religious activities and if they are performed with such garments, those activities become futile. One should undergo Yāvaka expiation on wearing it for one day, parāka on occasional wearing of it & cāndrāyana, on wearing it for one year.

5) MĀRJARA, UPASTHĀNA, VAISVADEVA ETC.:

MĀRJANA AT THE END OF A PĀDA :

The Mārjana is to be performed with nine quarters (padaih) of eight syllables. The three Mantras, namely āpohisthā etc. contain three lines in each Mantra & these lines have eight syllables. The sprinkling of water is to be done at the end of each quarter or line. The sprinkling of water is to be done for nine times, as there are totally nine lines of the three Mantras. The divine lustre would be lost, if the person does not practise it in the prescribed manner (603).

There are three alternatives¹¹ about Mārjana. It can be done at the end of each rc or half of it or at the end of each pāda or line. Devala prescribes only the last one & does not allow the other two alternatives. Brhaspati¹² is also of the same opinion.

From the Dharmasindhu (p.239-241) it appears that the above method of Mārjana is followed by the followers of Bahrca (Rgvedins) & Kātyāyana (white Yajurvedins) recensions, while the Taittirīyas follow the 'rgante' method of mārjana. Thus the statements of

the Dharmasindhu would suggest that Devala does not follow the Taittirīya recension of the Veda or that the Taittirīyas do not follow the method, prescribed by Devala.

MANTRAS FOR UPASTHĀNA :

The Upasthāna (Mantras, recited during the worship of the sun in the twilight-worships) is to be performed with the recitation of the four Mantras viz. the three Mantras from Mitrasya etc. (V.S. 11.62-64) & the fourth, 'Vasavasvā' etc. (VS.11.65) during the morning worship, while during the evening adoration, the four Mantras from 'imamme etc.' (VS.21.1-4) are to be recited. Like Devala, Bauḍhāyana D.S.¹³ (II/4/7/9-11) also refers to the recitation of Mantras, addressed to Mitra in the morning & with those addressed to Varuna in the evening. But he prescribes the recitation only of two Mantras at both times - viz. Mitrasya carsani (RV.3/59/6) & 'Mitro janān' (RV.3/59/1) in the morning & 'imam me (RV.I.25.19) & tatvāyāmi (RV.I.24.11) in the evening. Thus, in this respect, Devala & Bauḍhāyana are different. The Upasthāna-Mantras, recited by Bahrcas (Rgvedins), Taittirīyas (followers of Taittirīya recension of Black Yajurveda) & Katyāyanas (followers of white Yajurveda) are quite different from those mentioned by Devala. (Cf. Dharmasindhu pp.240-242).

The Mantra 'Vasavastvā' is not found in the Rgveda, Sāmaveda & Atharvaveda Saṁhitās, which may indicate that the author does not follow any of these saṁhitās here.



URDHVAPUNDRĀ - INFLUENCE OF VAISNAVA CULT :

The necessity of Ūrdh vapundrā is emphasized at two places in the text. All activities like sacrifice, giving gifts, homa (offerings), the study of veda & the offering of water to the Manes become futile, if these are performed without Ūrdh vapundrā (perpendicular mark on the forehead) (172). Even a knower of veda & vedānta is regarded as the vilest person & a thief among men, if he does not possess the Ūrdh vapundrā mark on his forehead (607). This reflects upon the influence of the vaiṣṇava cult upon the present text. The Bhaviṣya Purāna & Kātyāyana (quoted in A.M.38)¹⁴, on the contrary emphasize the necessity of tripundra, in a similar manner. Thus the followers of śaiva & vaiṣṇava sects have given importance even to the external aspects of dharma, as indispensable, as they distinguished their sects from the other sects.

The two epithets 'cakrāṅkitatanuh' & 'Līṅgākitah' refer to the followers of the Vaiṣṇava & Śaiva cults, who make the external peculiar marks of wheel & phallus respectively on their body. The text (699) prohibits taking food in the row of such persons. The influence of Vaiṣṇava cult is also indicated by the statements like "He does not remember Govinda at the time of his death" (731) & 'from him Hari is quite away' (727).

VAISVADEVA - KRATVARTHA OR PURUSĀRTHA :

The Vaiṣvadeva is considered to be Purusārtha only (i.e. for effecting some saṁskāras on the person) by the Mitākṣara (on

Yāj.S.I.103), the Smṛticandrikā (I.213), the Parāśaramādhava (I.I.390) etc., while there is also another view that it is both puruṣārtha & also for effecting saṃskāra (the unseen spiritual result) on the food¹⁵ (smṛtyārthśāra p.46 & Laghu-Āṣṭ.Smr.I.116).

But if it is performed only for effecting saṃskāra on the person, it is not necessary to be repeated, when food is cooked, again on the same day. On the contrary, if it is a saṃskāra on the food-cooked, it must be performed at each time when it is cooked. Devala prescribes the first alternative, that the vaiśvadeva is to be performed only once, even when food is prepared again on the same day (619-622). Thus according to Devala, the vaiśvadeva is puruṣārtha only. But it is to be noted that the verse (618), also explicitly mentions that it is to be performed for sanctifying or purifying the food. This verse is most probably of a later period than the sūtra portion of the text.

BLOWING OF FIRE WITH MOUTH :

It is necessary to blow the fire to kindle it. Blowing of fire is not to be done with a cloth, or a leaf or hand or a winnowing basket or mouth or a ladle or even with a fan. This is the declaration of the śruti, according to the author (624). If the fire is blown with a leaf or a winnowing basket or hand or mouth, the result is the ill-health, loss of wealth, death, diminishing of life respectively (625). But the kātyāyana smṛti¹⁶ (9.14 & 15) allows to blow it with a fan and the śrauta fire even with the mouth. The Grhyasaṅgraha parisista¹⁷ (I.70) also allows the blowing

with the mouth, which is quite opposed to the explicit prohibition of Manu (IV.53) and Gautama (I/9/32).

But according to Devala, the fire should be blown with the mouth only, as the śruti declares it to have been produced from the mouth. (VS.31.12). But it is not to be blown only with the mouth, some other material like the dharanī (blowing pipe), grass, stick etc. should^{be} kept between the fire and the mouth (626).

The last quarter of the verse (626) reminds one of the last quarter of the mantra in the puruṣasūkta of the VS (31.12d). This may suggest the influence of this sāṃhitā on the author.

6) BHOJANA :

PLATES OR VESSELS FOR EATING :

The general rule is that a broken vessel or plate is not to be used for eating. But the present text (646) allows taking food, even in the broken plate, made up of copper, silver, gold, stone, conchshell & crystal. A similar rule is ascribed to paithīnasī in the smṛticandrikā (I.p.222). It is also enjoined by Devala that one should always eat in a plate made up of gold, silver or copper & not in plate, made up of a material different from these (652). (If the word 'tadbhinnaṃ' is understood in the sense of a broken vessel, this rule would go against the above view of Devala of taking food in a broken plate of gold etc. but the sūtra (646) is chronologically of earlier period of than the present verse (652)). The taking food

in a silver (pisāca) & a copper (udumbara) plate is highly praised, as destroying all sins & leading to the Highest State.

MANDALA FOR BHOJANA :

Devala (657) declares that the four varṇas should make square, triangle, circle & crescent figures below the plate with water as a mandala. All strength of that food is taken away by the spirits & goldins, when the mandala is not made below the plate (658). Some other smṛtis (e.g. Atri V.1)¹⁸ do not prescribe the crescent figure, in case of a sūdra, but they enjoin only the sprinkling of water below the plate.

FOOD OF SOME SŪDRAS CAN BE PARTAKEN EVEN BY BRĀHMANAS :

The food of the following five persons of sūdra caste could be partaken even by the Brāhmanas. They are one's own servant, barber, cowherd, potter & farmer, according to Devala (686). Other smṛtis¹⁹ like - Yājñavalkya (I.168), Parāśara (11.20), Yama (20), Viṣṇu (57/17) also enumerate the sūdras, whose food could be partaken. Devala enumerates only five such persons, but Yājñavalkya (I.168) & others enumerate five & add one more i.e. vascātmanam nivṛdayet (whosoever surrenders himself as a dependent). The servant cowherd, cultivator, barber - these four are common. Family-friend (kulamitra) mentioned by them is absent in Devala's enumeration and the potter, mentioned by Devala is not found in the other smṛtis. Moreover, the author specifically adds 'sva' in the beginning with 'dāsa' which may indicate that other persons also related with oneself are bhojyāna & not others²⁰ (Cf. K.K.N., p.263).

OCCASIONS, WHEN THE TAMBULA IS PROHIBITED :

The use of tāmbūla for eating is not found in the sūtras and early smṛtis. Hence, the rules, prescribing & prohibiting the eating of tāmbūla are of a later period, when it became current in India (i.e. first or 2nd century A.D.).

Several occasions on which the partaking of the tāmbūla is prohibited are mentioned in the text. They are (1) amāvāsyā, (2) day of śrāddha to the ancestor, (3) pilgrimage, (4) impurity due to death, (5) death of a kinsman, (6) eleventh lunar day in both fortnights, (7) when one is impure, (8) on a road, (9) during both the twilights, (10) in a temple, (11) in an assembly hall, (12) during conversation, (13) when many people are suffering, (14) when there is great danger, (15) fall of empire, (16) unrest in the public, (17) during the worship of gods & preceptors, (18) when vow is undertaken, (19) while listening purāna - (703-706).

The mention of 'Hari's day during both fortnights' clearly indicates the influence of vaiṣṇava cult on the text. The prohibition of the tāmbūla, while listening purāna suggests that the purāna recitation and exposition had become very much popular in those days. This indicates the later emergence of the present verses.

7) BHAKSYĀBHAKSYĀ :

IMPORTANCE OF GHEE IN BHOJANA :

The ghee is the most necessary article in the food of a householder. He should not take food, without ghee at any time, because the ghee is not only purifying and agreeable, but also

destructive of sins according the author (716). Plenty of ghee was also to be served to the guest. The author adds that the householder, not serving ghee to the guest, even when it is available in the house, goes to Hell (635).

EATING OF SEEDS PROHIBITED :

The text prescribes that seeds, should not^{be} eaten except for curing diseases, as the eating of them would destroy the production of future innumerable fruits (717). This shows that seeds can be used for curing diseases. But in ordinary circumstances, the seeds should not be destroyed by eating. Numerous other trees, giving plenty of fruits can shoot forth from seeds.

CUSTOMS CONNECTED WITH THE USE OF MILK :

The following two customs, connected with use of milk in the text (718) are noteworthy. (1) Any article, which is a product of milk is not to be partaken during night-time. The Brahmānda-Purāna²¹ (quoted in G.R.370) strictly prohibits the partaking of curds at night, even at the time of commencing the journey during night-time. (2) The milk is the most pure & purifying article of food & hence it should not be denied, when served. Both these customs are still prevalent in some parts of Mahārāstra.

KAUSUMBHA - FORBIDDEN :

Kausumbha means the product of kusumbha, known as karadai in Marathi, safflower in English, Kuṣmbi, Kasambi, Kabri (seed) in Gujarati, Kusambar, Kusum in Hindi. It is prohibited by the

author (721). But the green leaves of it are freely used as a vegetable, even by brāhmins in the Mahārāstra, before the ground-nut oil became popular.

DRINKING OF URINE ETC. FOR CURING DISEASES, NOT ALLOWED :

The diseases can be cured by the use of urine etc. This remedy was known from very ancient times. Even the works like caraka etc. do contain references to such use. The present text (796-802) indicates that not only urine, but the intoxicants, human semen, ordure, milk etc. can work as a remedy for diseases, but are strictly prohibited & an expiation is prescribed for such a use by a person. The expiation, mentioned in the text for drinking human semen, ordure, urine etc. is somewhat liberal than that mentioned by Manu (11.151) & Yājñavalkya (3.254) smrtis²².

Devala maintains that the twice-born person should fast for three days, if he drinks urine, semen etc. through ignorance and should perform the tapakrcchra penance, if these are drunk intentionally, while Manu & Yājñavalkya enjoin punaḥsaṃskāra, even when these are drunk through ignorance.

DRINKING OF WINE :

Many varieties of wine are mentioned in the text. The eleven kinds of intoxicants are referred to in the verse (1635). The verses 769 & 770 enumerate seven & ten varieties of wine. The Viṣṇu smr.²³ (22/83-84) also mentions ten kinds of intoxicants like Devala (verse 770), while pulsatya²⁴ (quoted by Mitāksara on Yājñā.3.253) refers to eleven varieties of them, excluding surā, which would be the twelfth one.

All these varieties of intoxicants are strictly prohibited for brāhmanas, but the ksatriya & the vaiśya are allowed to drink them (771). Even the expiation also is enjoined, only for the brāhmana by Devala (1633 & 1635). The Viṣṇu Smr. (22/83-84) also contains similar rule. But Manu²⁵ (XI.94,95) prohibits the drinking of three kinds of surā for all the three varnas viz. for brāhmana, ksatriya & vaiśya also.

III. PERIODICAL RITES & CUSTOMS :

1) THE AUSPICIOUS PERIOD ON VARIOUS SAṆKRĀNTIS :

Certain practices of bath, giving gifts etc. are to be observed, when the sun passes from one rāśi to another but the exact time of the sun's transit is so minute that it is difficult to be known by the ordinary naked eyes (819). Hence several alternatives are suggested about the time of observance of religious activities on that day.

- 1) The most general rule is that the whole day is auspicious, when the saṅkramana is during daytime, while only the half of the day is auspicious, when it is during night-time. (825).
- 2) Another general rule is that it is 30 ghatikās (12 hours) before and after the time of saṅkrānti (819).
- 3) The 30 ghatikās on karka, 20 ghatikās after saṅkramana for magāra, 10 ghatikās before and after the time of transit on mesa & tulā saṅkrāntis, 60 ghatikās after the transit in case of sadaśīti - i.e. mithuna, kanyā, dhanu, & mīna saṅkrāntis & 16 ghatikās

before & after the saṅkramaṇa for viṣṇupada (i.e. siṃha, vr̥scika, kumbha, & vr̥sabha saṅkrāntis (823 & 824).

TABLE NO. 4

The following is a table showing the auspicious time on each saṅkrānti, according to Devala. It is also compared with the information, supplied by the Dharmasindhu (p.2).

	<u>Devala</u>		<u>Dharmasindhu</u>	
	<u>Ghatikāḥ</u>		<u>Ghatikāḥ</u>	
	<u>Pūrvāḥ</u>	<u>Parāḥ</u>	<u>Pūrvāḥ</u>	<u>Parāḥ</u>
1. <u>Mesa</u>	10	10	15 or 10	15 or 10
2. <u>Vrsabha</u>	16	16	16	-
3. <u>Mithuna</u>	-	60	-	16
4. <u>Karka</u>		30 (<u>pūrvā</u> or <u>parā</u> not clear)	30	-
5. <u>Siṃha</u>	16	16	16	-
6. <u>Kanyā</u>	-	60	-	16
7. <u>Tulā</u>	10	10	15 or 10	15 or 10
8. <u>Vr̥scika</u>	16	16	16	-
9. <u>Dhanu</u>	-	60	-	16
10. <u>Makara</u>	-	20	-	40
11. <u>Kumbha</u>	16	16	16	-
12. <u>Mīna</u>	-	60	-	16

@4) The most auspicious time is the nādīs or ghatikās that are nearest to the time of saṅkrānti (822).

Mm.P.V.Kane is of the opinion that "in any case the observances & festival of makarasāṅkrānti do not appear to be much older than the beginning of the christian era"²⁶. The observances relating to each saṅkrānti, were prevalent at least during the period of the present position of text, in which the auspicious time on each saṅkrānti is laid down.

2) THE FAMOUS VERSES OF TITHINIRNAYA :

The verses 828 & 829 are very much popular and are frequently quoted by almost all the digests & commentaries, in connection with the subject of decision of a lunar day (tithi). The variants of these verses would also indicate that there is no unanimity about the last quarter of them. Some follow the reading as given in the present text, but some other read 'Dānādhyayanakarmasu' as the last quarter of the first verse & 'snānadānājapādisu' as the last quarter of the second verse. The general import of the verses is as follows : The tithi may not sometimes be for the whole day & hence whichever portion of the tithi is at the time of rising of the sun, it should be taken to be for the whole day for performing acts like bath, giving gifts and japa (muttering of mantra). Whichever tithi is at the time of setting of the sun, it should be considered fit for the acts like gifts & study.

3) SIMPLE DICTUM OF TITHINIRNAYA :

The author also mentions a very simple & easy rule for the decision of tithi. It may happen that on one & the same day, there

may be two tithis, at the different parts of the day. In such cases, the decision of tithi for a particular rite becomes difficult. The simple solution is suggested by the author. The tithi at the time of the sunrise, though it may be for 24 minutes that should be taken for vows, fast, bath etc. i.e. for daiva karma. While that tithi which is at the time of the sunset, should be understood for śrāddha i.e. for pitṛkarma. Thus instead of suggesting some calculations from the point of view of threefold or fivefold division of the day for determining tithi, the author has advocated a very easy rule, which can be understood & followed even by the ordinary person.

4) FAST FOR LONG DURATION PROHIBITED TO VAIŚYA & ŚŪDRA :

The vaiśya & śūdra can observe fast, but they should not observe it continuously for three or five days. The fast for days less than three or five may be observed by them (840). Similar rule about observance of upavāsa by vaiśya & śūdra occurs in the Mahābhārata²⁷ (Anu.106.12) but the difference is that according to the verse in the Mahābhārata the vaiśya & śūdra can observe fast only for three or two days, while according to Devala, they can observe the same for three or five days.

The varsakriyākaumudī (p.67)²⁸ has properly explained the implications of the term 'puṣṭi' in this verse. It means 'fruit' & thus according to Govindānanda, there is prohibition only of kāmya or voluntary fast. Thus the vaiśya & śūdra should not observe a kāmya or voluntary fast for three or five days but the fast, which is compulsory or occasional (nitya & naimittika) & extends for longer duration, can be observed by them.

5) RULES TO BE OBSERVED DURING THE PERIOD OF VRATA :

The person must observe certain restrictive rules during the period of the observance of a vow. He should avoid drinking water repeatedly, eating the tāmbūla, sleep during day time and cohabitation (848); If these are practised, they would break the fast. Moreover, certain virtues are also necessary to be observed in all vows. Devala mentions the four virtues, namely celibacy, non-violence, truthfulness, avoidance of eating meat. (849). The Agnipurāna²⁹ (175/10, 11a) prescribes ten such virtues, generally to be observed in all vows.

As regards, celibacy, the author remarks that it is lost by passionately looking at, touching, talking unnecessarily to women, but not by cohabitation with one's own wife at the proper period (850).

6) AVOIDANCE OF FOUR MEALS WHILE OBSERVING FAST :

The person, observing religious fast should avoid taking four meals, i.e. he should not eat in the evening of the previous day, both in the morning and evening on the day of the fast & in the evening of the next day (841). In other words, the taking of food is to be avoided on the day of the fast, & during the evening time of the previous as well as the next day of the fast. The ekabhukta is to be observed on the previous & the next day of the fast. Referring to the views of the works like Kālanirnaya, Ekādasitattva etc., Mm.P.V.Kane³⁰ remarks, "All these works say that the word sāyam is not to be taken literally, but is only

indicative & what is really intended is the giving up of four meals in three days".

7) AVRATAGHNĀNI :

The vow must be properly & strictly observed, but sometimes it may be broken due to some accidental causes. The text mentions four causes, that do not break the vow, when they occur only once, during the period of the vow.

The vow is not considered to be broken, when the breaking of it, takes place only once, due to (1) danger from or to all beings, (2) disease, (3) mistake, (4) the command of the elder person (844). In the Agnipurāna³¹ (175/43), eight such causes are mentioned, that do not cause obstruction or impediment to the observance of vow. They are water, root, fruit, milk, sacrificial food, desire of brāhmana, advice of the preceptor, & medicine.

8) RULES ABOUT EKABHUKTA, NAKTA & PĀRANĀ :

In the ekabhukta vow, the food is to be taken, according to Devala (845), after the half of the day has passed. The three morsels are to be taken less than those that are ordinarily eaten. Generally, eight morsels are prescribed for an ascetic, sixteen for the forest permit, thirty-two for the house-holder & unlimited for the student.³² (Cf. A.D.S. 2/4/9/13). A similar verse ascribed to the skanda purāna (quot. in H.K., p.108) reads the last quarter as atāstat-syāddivaiva hi & thus emphasises the importance of its performance during day time, while Devala adds the rule of

restricting the number of morsels to be taken.

In respect of nakta vow, the question arises about the time, when the food is to be taken. The term nakta itself clearly indicates that in this kind of vow, the food is to be eaten, during night time & should be avoided during day time. The Bhavisya Purāna³³ (K.K.V., p.3) mentions two views about nakta. According to some, it is the time, when the stars become visible, while according to other wise men, it is the time of the last muhūrta (i.e. 48 minutes) of the day, before the sunset. The Bhavisyapurāna itself favours the former view. Hemādri³⁴ (kāla, p.114) explains the former to be the primary period & the latter as the secondary period for nakta.

Devala also seems to be aware of the above two views about nakta & permits both of them, by pointing out a very logical reason for this kind of twofold distinction. He states that (846) the wise declare the nakta, in case of householder, to be, when the stars are visible, but the 8th part of the day is prescribed for an ascetic, as he is not allowed to take food, during night time, after the sunset.

About parāna (completing the vow by taking food), the author prescribes that it should always be performed in the morning, otherwise half of the fruit of the fast would vanish (847). But it may happen that due to some adverse circumstances, the performer may not be able to complete his vow, by taking food in the morning. But it is a rule that evening meal is to be avoided on the next day of the fast. Hence the observer should break his vow, merely by drinking water in the morning, so that

even if he takes food at any time of day, it does not go against the rule, as he does not take food at the second time (870). Thus the parānā, which is performed by drinking water, amounts to both, eating & non-eating (871).

9) FAST ON EKĀDASĪ :

There are divergent views about the observance of fast on eleventh day of both fortnights. According to Devala, the fast on the eleventh day of both the fortnights should be observed only by the foresthermits & ascetics, but the householder should observe it only on the ekādasī of the bright fortnight. (863). Nārada³⁵ (Nirṇayasindhu, p.26) also like Devala, prohibits the ekādasī fast in the dark fortnight for householder, having son. The Brahmavaivarta Purāna³⁶ (4/26/38) also allows the omission of the ekādasī of the dark half in case of persons, other than vaiṣṇava.

Some other views may also be noted. (1)³⁷ The ekādasī fast on both the fortnights should be observed by all devotees of Viṣṇu at all times. (2)³⁸ The fast on both ekādasī is to be observed by all, during the cāturmāsya period. These views are opposed to the above statement of Devala. Thus though Devala is influenced by the Vaiṣṇava cult, he does not prescribe like orthodox sectarian the fast to be compulsory on both ekādasī^s to all persons.

10) FESTIVALS :

WORSHIP OF COWS ON PRATIPAD :

The worship of cows is to be performed on the pratipad of bright fortnight in the month of kārtika. The pratipad which is

mixed with the amāvāsyā is to be taken here for the worship of cows & not that which is connected with the dvitīyā tithi. The sons, wife & wealth are lost, if the cows are worshipped on the pratipad, associated with dvitīyā, while there is enrichment of progeny, cows & the king, if they are worshipped on the pratipad, connected with the amāvāsyā (852-854). Moreover, if the moon is seen at night on the day of worship & sporting of cows, the moon, the soma king, destroys the beasts and the worshipper of cows (855). Hence the pratipad, mixed with amāvāsyā only, is considered to be valid for cow-worship.

It is prescribed that worshipping of fire^{and}/cows should not be done on the pratipad & dvitīyā respectively, as that would destroy the warrior caste, wealth & family (852). Here the term 'pratipadya-gnikaranam' seems to prohibit the worshipping of fire (the festival of Hutāsani), on the full-moon day of phālguna, connected with the pratipad, but it is to be observed on the full moon day, mixed with the caturdasī day only. Similarly, the worship of cows is also prescribed on the pratipad, connected with amāvāsyā of the bright half of Kārtika & not on pratipad, mixed with the second lunar day.

Thus these are references to the two popular festivals namely - cow-worship on the pratipad of the bright-half of Kārtika & Hutāsani i.e. the fire-worship on the full moon day of the phālguna.

SERPENT WORSHIP :

The vow of worshipping serpents, known as Nāgapañcamī is mentioned in the text (856-858). It is to be performed on the fifth lunar day. A fast is to be observed on the previous

day i.e. on caturthī, when it is extending upto mid-day.

IV. DĀNA :

1) ELABORATE DESCRIPTION OF NATURE OF DĀNA :

Devala has dealt with very elaborately with the subject of dāna (giving gifts), by explaining all the different constituents & varieties of it, with minute details. Such an extensive treatment of this topic is rarely to be found in other smrtis.

DEFINITION :

The gift (dāna) is an act of donating of objects or wealth with faith to a qualified recipient, as laid down in the sāstra (891).

ESSENTIAL ELEMENTS :

The essential elements of dāna are (a) two causes (b) six grounds (c) six constituent elements (d) six effects (e) four varieties (f) three fold division (g) three destructive elements (892).

It is remarkable that Devala deals with each of these points, in a very systematic & comprehensive manner. He explains each of these essential elements of gifts, in the very order of enumeration & thus brings forth the nobility of giving gifts.

a) TWO CAUSES (DVIHETU) :

The faith & devotion are the two causes, in the absence of which anything that is given becomes null and void (893).

b) SIX GROUNDS (SADABHISTHĀNAM) :

The dharmā (piety), artha (motive), kāma (selfish desire), vṛidā (shame), harsa (joy), bhaya (fear) - these six are grounds, when gifts are required to be given (894). (I) Dharmadāna is the real gift in which only with the notion of dharmā, something is given to a competent person, without any consideration for its return or reward (895). Gifts, that are given due to other causes like artha (motive), kāma (selfish desire), vṛidā (shame), harsa (joy), bhaya (fear) are really not gifts (dāna), in the strict sense of the term. But in this world, such occasions of gift do occur, in our life. There is giving of something to other, with the renunciation of one's ownership upon it, due to above causes; Hence the author has also mentioned them as the grounds or causes that impell giving gift. (II) The gift, that is given on some occasion, with some purpose, in view & which gives only some material, benefit to the donor, is known as arthadāna (896). (III) The Kāmadāna is a gift given to an unworthy person through love or passion, on the occasion of enjoying; ladies, wine, hunting & dice-playing (897). (IV) When the wealth or object is given to the supplicant in an assembly, through shame or pride is called Vṛidādāna (898). It is only to retain one's prestige & reputation, the gift is given through shame & bashfulness to the supplicant in the assembly. Such occasions also occur in the society. (V) On seeing or hearing something agreeable, whatever is given through delight is termed as harsadāna (899). (VI) While giving up of things to thieves, rubbers etc., who harass the

donor is designated as bhayadāna, as it is given through fear, with a view to avoiding the calamity, (that may befall upon him otherwise) (900).

c) SIX CONSTITUENT ELEMENTS (SADĀṄGAM)

There are six constituents of gift namely - the donor, the donee, faith, the object of gift, the time and place of gift (901). Of these, only first four are clearly indicated in the Manusmṛti (IV.226-227)³⁹, while all these are to be found in the Yājñavalkya smṛti⁴⁰ (I.6, I/203). But the detailed explanation of all of them is to be met with only in the present text (902-907).

The 'donor' is a person, free from pāparogas, pious, desirous of giving gift, free from vices, pure, & having blameless means of livelihood free from censurē. While 'donee' (the worthy recipient) should be a brāhmana, who is trisukla (endowed with good family descent, knowledge & means of subsistence), with insufficient means of livelihood, compassionate, without any physical defect & bereft of sexual vices. The attitude of greeting the supplicant with smiling face & showing honour & goodwill towards him is described as 'faith'. Whatever amount of wealth, whether more or less, one obtains by one's own efforts, by not causing trouble to anyone & without any affliction could become a worthy object of gift. The time and place, most appropriate for gift are those, when and where a particular thing is difficult to be obtained.

d) SIX EFFECTS (SADVIPAKAYUK) :

There are six kinds of effects of giving gifts. (908).

(I) The gifts, given to atheists, thieves, aggressors etc. becomes dusphala (of bad result). (II) The gift, given without faith becomes fruitless, though it may be of great amount. (III) The gift, causing trouble to others becomes hīna or inferior, though it is of a higher kind. (IV) That, given with bad attitude of mind, on account of bad intention becomes tulyaphala or of equal nature i.e. becomes ineffective or indifferent. That, endowed with all kinds of six constituent elements is called vipula or magnificent & one, given with compassion or pity becomes inexhaustive (aksaya).

Parāśara⁴¹ (I.29) speaks of four such varieties of dāna (namely, uttama (best), madhyama (middling), adhama (inferior) & nisphala (fruitless); while Mahābhārata⁴² (Sānti.293/18-19) mentions three such varieties namely abhistuta (praiseworthy) madhyama (middling) & adhama (heinous).

e) THE FOUR VARIETIES :

The vedic classification of gifts is of four kinds -

(I) dhruva (permanent), (II) ājasrika (continuous), (III) kāmya (voluntary), (IV) naimittika - occasional (913-917).

(I) The construction of well, garden, lake etc. that brings about benefit for all times is dhruva (or permanent), (II) Whatever is given daily is called ājasrika (continuous), (III) The gifts, donated through the desire for progeny, victory, glory, women

& children is termed as kāmya, (IV) That gift, which depends upon the time, ritual & object (wealth etc.) is naimittika.

It is thus of three kinds & may or may not be performed with homa (sacrificial offering). Similarly, whatever is given on such occasions like eclipse, saṅkrānti, pilgrimage & birth is also called as naimittika gift.

f) THE THREE KINDS OF OBJECTS OF GIFT - (DEYA) :

The objects of gift are said to be of three kinds - viz. best (uttama), mediocre (madhyama), & of a low variety (adhama). (918-923). Food, curds, honey, protection, cow, land, gold, horse, & elephant - these nine are gifts of the best (uttama) variety. The gifts of garment, house, things of enjoyment and medicines, are of a mediocre (madhyama) type. While shoes, swings, carts, umbrellas, vessels, seats, lamps, fuel-sticks, fruits etc. & chowry that would last for a long period - these & other numerous things are considered to be the gifts of low nature (adhama).

g) THREE DESTRUCTIVE ELEMENTS :

The gifts, presented are nullified, by three destructive causes, namely - declaration of it to others, by praise of oneself & repentance for the thing, given up. Hence one should avoid these, if one wishes to obtain the real merit of the act of giving gift (dāna) (924- & 925).

Thus the whole treatment of dāna is indeed a novel & original contribution of the author.

2) THE THINGS, NOT FIT TO BE GIVEN TO CERTAIN INDIVIDUALS :

Some objects are prohibited to be given to certain individuals (931-933). The cooked food should not be given to the house-holders, curds to the forest hermit & livelihood to those who live on alms. The sūdra should not be given the clarified butter, milk, sesamum, honey & word 'svasti' nor should one take these things from him. The milk, gold, land, cow, sesamum, honey, ghee & all kinds of juices should not be presented to a cāṇḍāla.

2) THE EIGHT KINDS OF QUALIFIED BRĀHMANAS :

The gifts are to be given to the brāhmanas. The brāhmanas, who are 'pātra', qualified for accepting gifts are described to be of eight kinds, according to their qualities & conduct. They are enumerated as mātra, brāhmaṇa, srotriya, anūcana, bhrūṇa, ṛṣikalpa, ṛṣi & muni. Each latter is superior to the earlier one, with advanced qualities & character. They are then explained by pointing out characteristic features of each of them. (934-944). The vaikhānasa G.S. (I.1) also explains briefly these eight kinds of brāhmanas.

V. PURIFICATION OF SUBSTANCES (DRAVYASUDDHI) :

1) NATURE OF PURITY & IMPURITY (MEDHYĀMEDHYANTRŪPANA) :

The most salient feature in Devala's treatment of dravyasuddhi topic, is the elaborate elucidation of the nature of purity & impurity.

NATURE OF PURITY :

The author first enumerates the four varieties of purity explains each of them in the order of enumeration (1052-1075).

Similarly, the four kinds of impurity, are also enumerated & explained in the same systematic manner. (1079-1086).

The 'purity' (medhyatva) is said to have been declared by Manu to be of four kinds, namely (1) sūci (2) pūta (3) svayam sūddha (4) pavitra. While making such a division of medhya into four kinds, Devala declares it to be in accordance with the view of Manu. But such a division is not found in the extant Manusmṛti. This may reflect upon the priority of the present text to the extant text of Manusmṛti & it further indicates that the author may be referring to some ancient text of Manu, that embodied such explanation.

DEFINITIONS :

(1) The thing or object, which is fresh & stainless is said to be sūci (pure). (2) The purified & sanctified object is called pūta (refined or sanctified). (3) Whatever thing, whether movable or immovable, which is pure by its very nature is designated as svayamsūddha (self-purified). (4) The object, which is not tainted by any other object, which purifies other objects & is fit to be given honour, in the acts of worship of gods & manes is termed as 'pavitra' (purifying).

Then several objects, that fall under the above four categories are mentioned. (1) All kinds of objects, ornaments, grains, etables & objects of enjoyment are 'sūci' or pure only. (2) For the entire group of objects, that are prohibited, the word 'sūci' is employed, but when such object is used in a ritual,

that is considered 'pūta'. (3) The stainless & refined object, befitting a ritual is declared as 'pūta'. (4) For explaining the 'thing pure by nature' (svayamsuddha) the author refers to the three fold classification of 'pure objects' (visuddha) namely - (1) unspoilt (adusta), (2) praiseworthy lit. praised by speech (vākprasastam), (3) pure by nature (svayamsuddha); in accordance with the view of Manu. There is a verse in the Manusmṛti (V.127)⁴³ which is of a similar import. The three points, mentioned by Devala are compared below with those in the Manusmṛti.

TABLE NO. 5.

<u>Devala</u>	<u>Manu</u>
<u>Trīni pavitrāni</u>	<u>Trīni visuddhāni</u>
1. <u>Adusta</u>	1. <u>Adrsta</u>
2. <u>Vākprasastam</u>	2. <u>Yacca vacā prasasyate</u>
3. <u>Svayamsuddham</u>	3. <u>Adbhīrnirniktam</u>

Thus there is some difference in the actual import of the two texts. This difference also reflects upon the priority of the text. Of Devala to the extant Manusmṛti, in which the present view of the Devala-text can not be traced. Devala may be presumed to be referring to some ancient text of Manu.

Numerous objects, that are pure by nature (svayamsuddha) are enumerated. Similarly, the objects, considered as pavitra, are also mentioned. The water, fire, cow-dung & clay are the best among the objects, termed as pavitra. They are pure & purifying all kinds of impurities of objects at all times, in all ways.

NATURE OF IMPURITY :

The impurity is first explained generally by enumerating different impure things like human bones, corpse, faeces, semen, urine etc. The other smritis like Manu (V.135), Visnu (22/83) etc. mention twelve such impure things.

The author, then classifies the impurity into four varieties : (1) dūṣita (vitiated), (2) varjita - (prohibited), (3) dusta (soiled), (4) kaśmala (dirty). Each of these are also explained in an orderly manner.

(1) The pure thing, which is closely connected with the impure is called dūṣita, (2) The eatables & drinks, prohibited for partaking are said to be 'varjita'. Similarly, the outcaste, patita, caṇḍāla, village hog, cock & dog are also always 'varjya' (fit to be avoided). While the wounded person, sūtakī (person, observing impurity), sūtī (the delivered lady), the intoxicated, the mad person, a woman in her course, a person, whose kinsman is dead & an impure person - all these are varjya (fit to be avoided) only during their specific period. The sweat, tears, foam, nails, hair, the wet skin & blood, these are proclaimed to be dusta. The human bones, corpse, faeces, semen, urine, womanly discharge, the dead body (kunapam) & pus all these are instances of impurity known as kaśmala.

The 'dūṣita' substance can be purified by sprinkling water, the dusta thing, by the purificatory means of cleansing, while the 'kaśmala' articles are to be sanctified by all means of purification, together.

Thus the author has explained the nature of purity & impurity. Such a systematic & elaborate treatment of this topic is not generally found elsewhere. This is a special contribution of the author.

2) PURIFICATION OF SUBSTANCES :

PURIFICATION OF GROUND : BHUMIS'UDDHI :

The author also deals elaborately with the topic of purification of ground (1088-1092) . The polluted ground can be of three types, namely (1) amedhyā - impure, (2) dustā - soiled, (3) malinā-polluted or dirty. These three types of impurity, associated with the ground are explained with illustrations. Due to the delivery of a lady, death of a person, placing of dead body, residence of a cāṇḍāla, association with faeces, urine etc. & appearance of stench, the ground becomes impure. The ground becomes dustā - soiled, when it is associated with dog, pig, donkey, camel etc. while by charcoal, husk, hair, bones, & ashes etc., it becomes malinā (polluted or dirty).

The impure (amedhyā) ground can be made pure by four or five means of purification, the soiled (dustā) by two or three means only & the dirty (malinā), by one purificatory means only.

The five means of purification for ground, mentioned in the text are - (1) burning, (2) digging, (3) swearing with cowdung, (4) replacing with another lump of clay, (5) the fall of rain.

Manu⁴⁵ (V.124) & Yājñavalkya⁴⁶ (I.188) also enumerate different means of purification of the ground. The sammārjana (sweeping & sprinkling of water) & gokramana (striding of cows), mentioned by both of them do not occur in the present text. While vāpana (replacing with another lump of clay) is not found in Manu & Yājñavalkya smrtis. Moreover, dahanam (burning) is also not found in the Manusmṛti.

PURIFICATION OF WATER :

This topic is also more extensively dealt with in the present text (1093-1100) than that in the Manu & Yājñavalkya smrtis. The Manusmṛti contains one and the Yājñavalkya smṛti, just a $\frac{1}{2}$ verse, that deals with this topic (Manu.S.V.128; Yāj.S.I.192).

(1) Water, having smell, & taste, free from dirt, stored in the earth, not exhausted by drinking of it by cows, is said to be extremely pure. This is similar to Manu & Yājñavalkya verses, referred to above. (2) Water, drawn up from well etc. & stored properly in the clean vessels is pure, but it becomes impure, when kept over night. (3) The water, which is not agitated & is in great quantity does not become impure, but when it is of small quantity or is drawn out of well - can be vitiated by dirty things. (3) The dirty & impure things may sometimes be found in the water of lakes, rivers, wells, tanks etc., the water of which is always unagitated, the entire water does not become impure; The water, from the part of the steps or descent (tīrtha) should be avoided. (4) The water in the well, pond, lake etc. may become impure due to some impure things like dead body of

animal, bird etc. If the water is of less quantity, the entire water-reservoir should be emptied and the pañcagavya is to be poured into it. If the water is too much, it is not possible to empty the entire water, the impure thing should be removed & 100, 60 or 30 pots of water should be taken out from it to purify it. The pañcagavya along with the recitation of mantra is also to be poured into it.

PURIFICATION OF GARMENTS :

The method of purification of garments of different materials, is also dealt with in the text (1124-1128). The dirty clothes, made up of tantu (cotton fibres) should be purified firstly with water & acidic substances & later on, they should be dried up by keeping them in the sunlight or wind. The simple means of purification - drying & sprinkling of water - are to be employed generally for the garments, prepared from wool, (ūrṇā), silk (kauseya), kuśa grass (kutapa), fine cloth (paṭṭa), linen (ksauma), the woven silk (dukūla). But when they are too much polluted, the use of chaff, juices of fruits & acidic substances, may be made for purification. ⁴⁸Manu & Yājñavalkya also treat this topic, but in a different manner. They enumerate particular distinct purificatory articles for each kind of garment. For example, both of them, maintain that the garments, made up of kutapa, paṭṭa, ksauma are to be purified with aristaka (soapberry), srīphala (bilva tree), & gaurasarsapa (white mustard) respectively, while the kauseya & āvika garments are to be made pure by ūsa (salt ground or acid) according to Manu & with salt or acid, water & gomūtra according to Yājñavalkya, Devala does

not mention distinct purificatory substances for each kind of garment. He points out the general means of purification for all of them. Moreover, the purificatory articles, like aristaka, gaursarsapa etc., mentioned by Manu & Yājñavalkya in the present connection are not found in the Devala-text.

PURIFICATION OF WOODEN SUBSTANCES :

Devala also points out the means of purifying wooden substances (1130). The wooden vessels & things can be made pure by planing and also by such means like clay, cow-dung & water. Manu (V.115d)⁴⁹ merely refers to the planing as a means of purification of such objects. The Visnu.Smr .(23/5)⁵⁰ maintains that wooden substances should be given up, when they are extremely polluted. But in ordinary circumstances, they are to be purified by planing.

REFERENCES

- 1) Kusāḥ kāsāḥ saro gundro yavā dūrvā'tha balvajāḥ /
gokēsamūñjakundāśca pūrvābhāve parāḥ parāḥ //
- N.S., p.288.
- kusāḥ kāsā yavā dūrvā usirāścasakundakāḥ /
godhūmavriḥayo maūñjā daśa darbhāḥ sabalvajāḥ //
- Dharmasindhu, p.63.
- 2) Kārpāsāṃpavītam syād viprasyardhvavṛtam trivṛt /
śanasūtramāyam rājño vaiśyasyāvikasautrikam //
- Manu.S. 2/44.
- Kārpāsāśanāvīkānyupavītāni vāsāṃsi ca //
- Vsn.S. 27/19.
- 3) Kausam sūtram vā tristrivṛdyajñopavītakam //
- B.D.S. I/5/8/5.
- 4) Yāminyāḥ paścime yāme tyaktanidro harim smaret /
ālōkya maṅgaladravyam karmā'vāśyakamācāret //
- Vyāsa S. 3/2.
- 5) Pratyāṃmukhastu pūrvāhne'parāhne prāṃmukhastathā /
udaṅ mukhastu madhyāhne nisāyāṃ daksīṇāmukhāḥ //
- Yama in K.K.B., p.150 (footnote)
- 6) Mūtroccārasmutsargam divā kuryādudaṅmukhāḥ /
daksīṇābhīmukho rātrau sandhyayośca yathā divā //
- Manu.S. 4/50.

Ubhe mūtrapurīṣe divā kuryādudañmukhah / sandhyayośca /
Rātrau tu dakṣiṇāmukhah //

- G.D.S. I/9/41-43.

- 7) Ekā linge gude tistrastathikatra kare daśa /
ubhayoḥ sapta dātavyā mṛdah 'suddhimabhīpsatā //
Etacchaucam grhasthānām dvigunam brahmacārinām /
trigunam syād vanasthānām yatīnām tu caturgunam //

- Manu.S. V/136-137.

Cf. Vsn.S.60/25-26 reads tistrastu pādayoḥ for 'suddhimabhīpsatā
& tu for syād in the fourth line above.

ekā linge gude tisro daśa vāmakare tathā /
ubhayoḥ sapta dātavyā mṛdastistrastu pādayoḥ //
grhastha-saucamākhyātām trisvanyesu yathākramam /
dvigunam trigunam caiva caturthasya caturgunam //
Arthaprāśrtimātram tu prathamā mṛttikā smṛtā /
dvitīyā ca trītiyā^{ca} tadardham parikīrtitā // etc. etc.

- Dakṣa.S. V.5-12.

- 8)sā sacailā'vagāhyāpah snātvā snātvā punaḥ spr̥ṣet /
.....Daśa dvādaśakṛtvo vā ācāmecca punaḥ punaḥ /
ante ca vāsasām tyāgastataḥ 'suddhā bhavettu sā //

- Usanas in S.C., p.121.

- 9) Āture snānasamprāpte daśakṛtvo hyanāturaḥ /
snātvā snātvā spr̥ṣettantu tataḥ 'sudhyeta āturaḥ //

- Yāma.S. 53.

- 10) Utpannamāture snānam daśakṛtvastvanāturah /
snātvā snātvā spr̥sedenam tatah suddhyet sa āturah //
- Brhatparāśara S.8/305.
- 11) Ṛgante'rdharucānte vā pādānte vāpi mārjayet /
gāyatrī sirasā cānte mārjayitvā'ghamarsanam //
- Dharmasindhu, p.239.
- 12) Āpohiṣṭhā suprasiddhā nava pādā bhavanti te /
pādā pādā ksiped vāri brahmahatyām vyapohati //
- Brhaspati S.(Recon.Ācāra.27).
- 13) Vārunībhyām rātrimupatiṣṭhata 'Imam me varuna'
'tatvā yāmīti dvābhyām / evameva prātaḥ prānmukhasthiṣṭhan /
Maitrībhyāmaharupatiṣṭhate 'mitrasya carsanīdhrto'
'mitro janānyātatayātīti dvābhyām //
- B.D.S., II/4/7/9-11.
- 14) Śpādhe yajñe jape home vaiśvadeve surārcane /
dhr̥tatripundrah pūtātma mṛtyum jayati mānavah //
- Kātyāyana in A.M., p.38.
Satyam saucam japo homastir̥tham devādipūjanam /
tasya vyarthamidam sarvam yastripundram na dhārayet //
- BhV.P. quot. in A.M., p.38.
- 15) Ḡr̥hastho vaiśvadevākhyam karma prārabhate divā /
annasya cātmanascaiva susamskārārthamisyate //
- S.S., p.46.
Sudhyartham cātmano'nasya vaiśvadevam samācāret //
- L.Asv.S., I/116.

- 16) Hotavye ca hute caiva pānisūrpasphyadārubhih /
na kuryādagnidhamanam kuryād vā vyajanādina //
Mukhenaike dhamantyagnim mukhādhyeso'dhyajāyata /
nāgnim mukheneti ca yallaukike yojayanti tat //

- Kat.S., 9/14, 15.

- 17) Mukhenopadhamedagnim mukhādhyeso'dhyajāyata /

- G.S.P., I/70.

- 18) Caturastram brāhmanasya trikoṇam ksatriyasya tu /
Vartulam caiva vāśyasya sūdrasyābhyukṣanam smrtam //

- Atri.S., V.1

- 19) Śūdreṣu dāśagopālakulamitrārdhasīriṇah /
bhojyānā nāpitascaiva yascātmanam nivedayet //

- Yāj.S., I/168.

Smrtis of Parāśara (11.20), Yama (20), Viṣṇu (57/17) contain
a verse of similar import.

- 20) Yattu devalena kumbhakāro bhojyāna ityuktaḥ sa svakīyo
boddhavyaḥ //

- K.K.N., p.263.

- 21) Api prayānasamaye rātrau na prāsayed dadhi /
madhuparkapradānam tu varjayitvā tu kāmataḥ //

- Bd.P., quot. in G.P., p.370.

- 22) Ajñānāt prāsya vinmūtram surāsamsprṣṭameva ca /
punaḥsamskāramarhanti trayo varṇā dvijātayah //

- Manu.S., 11/151.

- Ajñānāttu surām pītvā reto vinmūtrameva ca /
 punahsaṃskāramarhanti trayo varṇā dvijātayah //
 - Yāj.S., 3/254.
- 23) Mādhūkamaikṣavam tāṅkam kaulam khārjūrapānase /
 mrdvikārasamādhvike maireyam nārikelajam //
 Amedhyāni dasaitāni madyāni brāhmanasya ca /
 rājanyaścaiva vaiśyaśca sprstvaitāni na duṣyatah //
 - Vsn.S., 22/83-84.
- 24) Pānasam drākṣamādhūkam khārjūram tālamaikṣavam /
 madhūttham sairamarīṣṭam maireyam nālikerajam //
 samānāni vijānīyāt madyānyekādaśaiva tu /
 dvādaśam tu surā madyam sarveśāmadhamam smrtam //
 - Pulastya in Mitā.on Yāj.S., 3/253.
- 25) Surā vai malamannānām pāpmā ca malamucyate /
 tasmād brāhmanarājanyau vaiśyaśca na surām pibet //
 Gaudī paṣṭī ca mādhvī ca vijñeyā trividhā surā /
 yathaivaikā tathā sarvā na pātavyā dvijottamaih //
 - Manu.S., XI/94-95.
- 26) Mn.Kane, P.V., H.D.S., Vol.V, Pt. I, p.224.
- 27) Vaiśyā sūdrāśca yanmohādupavāsam pracakrire /
 trirātram pañcarātram vā tayorvyuṣṭirna vidyate //
 - Mbh.Anu. 106/12 (Cr.ed.13/109/12).
- 28) Puṣṭiḥ phalam / Etena kāmyasyaiva niśedhaḥ /
 - Varsakriyakaumudī, p.67.

- 29) Kṣamā satyam dayā dānam saucamindriyanigrahaḥ /
devapūjā'gniharaṇam santoso'steyameva ca //
sarvavratesvayam dharmah sāmānyo dasadhā smṛtaḥ //
- A.P., 175/10-11.
- 30) Mm.Kane, P.V., H.D.S., Vol.V, Pt. I, p.106.
- 31) Aṣṭau tānyavrataghnāni āpo mūlam phalam payah /
havirbrāhmaṇakāmyā ca gurorvacanamausadham //
- A.P., 175/43.
- 32) Aṣṭau grāsā munerbhakṣah ṣoḍaśāraṇyavāsinaḥ /
dvātriṃsatam grhasthasyāparimitam brahmacāriṇah //
- AP.D.S., 2/4/9/13.
- 33) Nakṣatradarsanānnaktam kecidicchanti mānavāḥ /
muhūrtonam dinam kecit pravadanti maṇiṣinaḥ //
nakṣatradarsanānnaktamaham manye narādhipa //
- Bhv.P. quot. in K.K.V., p.3.
- 34) Nakṣatradarsanādūrdhvam naktasya mukhyaḥ kālah; Aham
manye iti vacanāt / Itaro gaṇah paramatatvenopadeśat /
- H.K., p.114.
- 35) Saṅkrāntyāṃupavāsam ca kṛṣṇaikādasivāsare /
candrasūryagrahe caiva na kuryāt putravān grhī //
- Nārada-quot. in N.S., p.26.
- 36) Śuklāmeva tu kurvanti grhīṇo vaiṣṇavetarāḥ /
na kṛṣṇālaṅghane doṣasteṣāṃ vedesu nārada //
- BV.P. 4/26/38.

37) Yathā sukḷā tathā kṛṣṇā tathā kṛṣṇā tathetarā /
tulye te manute yastu sa vai vaiṣṇava ucyate //

- H.K., p.181.

38) Śayanībodhinīmadhye yā kṛṣṇaikādasī bhavet /
saivoposyā grhasthena nānyā kṛṣṇā kadācana //

- BV.P.4/26/39.

39) Śrāddhayeṣṭam ca pūrtam ca nityam kuryādatandritah /
śrāddhākṛte hyakṣaye te bhavatah svāgatairdhanaih //
Dānadharmam niṣeveta nityamaistikapaurtikam /
paritustena bhāvenapātramāsādyā śaktitah //

- Manu.S.IV/226-227.

40) Dese kāla upāyena dravyam śrāddhā samanvitam /
pātre pradīyate yat tat sakalam dharmalakṣaṇam //

- Yāj.S.I/6.

41) Dātavyam pratyaḥam pātre nimittesu viśeṣatah /
yācitenāpi dātavyam śrāddhāpūtam ca śaktitah //

- Yāj.S.I/203.

42) Abhigamyottam dānamāhūtam caiva madhyamam /
adhamam yācyamānam syāt sevādānam ca nisphalam //

- Parāśara S.I/29.

43) Abhigamya ca tat tuṣṭyā dattamāhurabhistutam /
yācitenā tu yad dattam tadāhurmadhyamam budhāh //

Avajñayā dīyate yat tathavāsraḍḍhayāpi vā /
tamāhuradhamam dānam munayah satyavādinah //

- Mbh.Śānti.293/18-19 (Cr.ed.12/282/19)

43) Trīṇī devāḥ pavitrāṇi brāhmaṇānamakalpayan /
adr̥stamābhīrnirniktam yacca vācā prasasyate //

- Manu.S.V.127.

44) Vasāsukramasrīmajjā mūtravit ghrānakarṇavit /
slesmasru dūsikā svedo dvādasāite nṛṇām malāḥ //

- Manu.S.V.135, Cf. Vsn.S.22/81.

45) Sammārjanopāñjanena sekanollekhanena ca /
gavām ca parivāsena bhūmih sudhyati pañcabhiḥ //

- Manu.S.V.124.

46) Bhūsuddhirmājanāddāhāt kālād gokramaṇāttathā /
sekādullekhanāllepād grāham mārjanalepanāt //

- Yāj.S.I/188.

47) Āpah suddhā bhūmigatā vaitṛṣṇyam yāsu gorbhavet /
avyāptāścedamedhyena gandhavarnarasānvitāḥ //

- Manu.S.V.128.

Suci gotṛptikṛttoyam prakṛtistham mahīgatam //

- Yāj.S.I/192.

48) Kauseyāvikayorūkhaiḥ kutapānāmarīṣṭakaiḥ /
Śrīphalairāṁsupattānām kṣaumānām gaura-sarṣapaih //

- Manu.S.V.120.

Sokhairudaka gomūtraih 'suddhatyāvīkakausikam /
 sas'frīphalairāmsupaṭṭam sārīṣṭaiḥ kutapantathā //
 sagorasarsapaiḥ kṣāumam.....

- Yāj.S.I/186.

49)Dāravānām ca takṣanam //

- Manu.S.V/115d.

50)Dāravam mṛnamayam ca jahyāt /

.....Takṣanena dāravānām /

- Vsn.S.23/5.

(G) THE DISTINCTIVE LEGAL FEATURESI. GENERAL REMARKS :1) MODERATE TREATMENT OF VYAVAHĀRA :

There are only 83 verses, dealing with vyavahāra in the present text. Only four topics namely (1) Rājadharmā, (2) Ātatāyin (3) Strīpūṁdharmā & (4) Dāyavibhāga are treated in them. The exposition of the other topics of vyavahāra is not found in the available verses. The verses of Devala, on the different topics of ācāra & prāyascitta are available, in the various digests & commentaries. But those, dealing with the varied topics of vyavahāra are not available. It is evident that Devala's verses, on the other topics of vyavahāra, were not available even from the period of 11th & 12th century A.D. The extensive works like the Mitākṣarā, Aparārka, the Kṛtyakalpataru etc. do not quote such verses. This may suggest that those verses might not be available, even to those early writers of the said works, eventhough Devala's smṛti was possibly available to them. These writers, would not have missed to incorporate them in their comprehensive works. This suggests that Devala might not have dealt with the other topics of vyavahāra.

2) ABSENCE OF ROYAL RECOGNITION :

The smṛtis, those of Manu, Yājñavalkya, Kātyāyana, Nārada, Brhaspati etc. deal exhaustively with various titles of vyavahāra.

But Devala does not treat them elaborately like other smrtis. This may reflect upon the following facts.

There might be a state of anarchy & chaos in the society, with the loss of kingdom, due to foreign invasion. In fact, the precepts, dealing with vyavahāra, are meant for the guidance of king, who would follow them, in the legal matters. Some smrtis, like those of Manu, Yājñavalkya etc. must have had such a royal recognition. Moreover, such smrtis were circulated among the friendly states, for the guidance & adherence. But in the absence of royal recognition & prevalence of the state of anarchy or foreign rule, there would be no significance & necessity of the directives regarding vyavahāra. This might be the reason for the omission of the other topics of vyavahāra by Devala. He has dealt with only such topics, that are of general interest & application.

II. STRĪPUMDHARMA :

1) REMARRIAGE OF LADIES ALLOWED :

A lady can supersede her husband in the following circumstances (1549). When the husband is (1) lost (nastā) - not seen & unheard of, (2) has become an ascetic, (3) is impotent, (4) has become patita (outcaste), (5) has committed a great sin or is a traitor to the king, (6) has gone to other world. Nārada¹ (strīpum) v.97) is quite similar to Devala, but 'rājakilbisī' mentioned by Devala is absent to Nārada, who thus refers only to five circumstances.

The three circumstances (3, 4 & 5 mentioned above) are common with those mentioned in Kautilya's Arthasāstra² (3/2/59).

Devala (1550) further strictly ordains that for the propagation of race only and not though freedom a lady can approach another husband, even when her earlier husband is alive or dead.

Devala (1551 to 1555) also points out the period, after the lapse of which, a lady, belonging to a particular caste can be entitled for remarriage. Nārada (Strīpuṁ.98-101) has similarly dealt with this point.

(1) The ladies of the four castes having progeny should wait for 8, 6, 4 & one year respectively for their husband, who has gone abroad & after this period, they may approach another person. (2) When the ladies of the four castes are without any progeny or issue, the period of waiting is further relaxed 4, 3, 2 years respectively, for the woman of the first three castes. No period of waiting is prescribed for a Śūdrā lady, having no progeny. (3) The husband can be set aside even when he is living & is heard of. But in such cases, the lady has to wait for double the period, ordinarily prescribed.

Above statements would reflect upon the fact that Devala (like Nārada) favoured the view of 'the remarriage of ladies'. Manu³ is opposed to the 'remarriage' but practically allows⁴ the same in some cases, in accordance with the popular usage & sentiment. Moreover, Manu (IX.76) does not clearly state, what the woman should do after the period of waiting, when the husband has gone abroad, while vasiṣṭha⁵ (17.67) prescribes that woman

should approach her husband, after the lapse of certain period of waiting (i.e. return to her own husband only). Kautilya⁶ (3.4.45-47) allows her to marry with brother, or a sapinda or the nearest family member of her husband.

This comparison can indicate the peculiarity of Devala, regarding the problem of 'remarriage of ladies'. Both Devala & Nārada seem to agree with Kautilya, in allowing remarriage in certain cases, under certain conditions.

2) SUPERSESION OF WIFE (DIVORCE) :

The circumstances & the period, when a person can supersede his wife, for another (adhivedana) are mentioned in the text. (1556 & 1557). The person can abandon his wife (1) who is beyond the limit of procreation (who is rendered unfit for procreation, on account of age), (2) who is barren & censurable & (3) who gives birth to female issues, after 8, 10 & 12 years respectively. After this period, he may obtain another wife, for getting son. But while marrying another wife, he should satisfy his previous wife with wealth. Manu's rule is slightly different. He mentions⁷ (IX.81) 8 years for the barren & 11 years for the lady, giving birth to female progeny, as a period for waiting before supersession. But Manu also refers to other two circumstances (1) 10 years for one who gives birth to the stillborn, (2) immediately a woman not having agreeable to speech (i.e. of harsh tongue) Baudhāyana⁸ (II.2/4/6) also prescribes, 10 years for the barren woman, & 12 years in case of woman giving birth to female issues, while he mentions 15 years for one giving birth to still-

born & allows immediate abandonment of one who has unagreeable speech.

Thus Devala is identical with Baudhāyana in two respects, while quite different from Manu, in all respects, in this topic of period & circumstances of supersession of wife. But it is remarkable that Devala is much closer to Kautilya⁹ (3.2.47/48) in this respect. Kautilya mentions eight years for a barren woman & a lady, who is beyond procreation, 10 years for lady giving birth to stillborn child & 12 years for one, having female progeny only. The difference between Kautilya & Devala is with regard to the barren woman. Devala mentions 10 years, while Kautilya prescribes 8 years in such a case. Moreover, Devala does not refer to the lady, giving birth to the stillborn - child.

3) NUMBER OF WIVES :

The number of wives that a person can marry are mentioned in the text (1560). The persons, belonging to the four varnas, can marry four, three, two & one wife respectively. While a king can marry any number of them, at his sweet will. This rule reflects upon the prevalence of polygamy in the society.

The above rule of Devala is similar to the view of Manu, as expressed in the verse (3.13)¹⁰. But later on, (3.14)¹¹ Manu, clearly expresses his disapproval for marrying sūdrā lady by brāhmana & ksatriya. Yājñavalkya¹² (I.56-57) & Pāraskara (I/4/8-11) do not allow marrying of sūdrā lady by the three higher varnas. It is only referred to as a view of some, not approved of by them.

The king could marry any number of wives, according to Devala. "This only reflected the prevailing practice of kings"¹³.

III. DĀYAVIBHĀGA :

1) TIME FOR THE PARTITION OF PROPERTY :

Devala declares like Manu¹⁴ (IX.104) that the sons should divide the property of his father, only after his death. They have no right on his wealth, as long as he is alive & is free from defect. (1563). In other words, the sons have right on the father's estate only after his death, but even when he is alive, the sons make partition of property in some exceptional cases, of his having some defect, such as his being an outcaste, an ascetic etc.). This view is known as Uparamasattvavāda. Manu (IX.104), Devala (1563), Nārada¹⁵ (Dāyā.2) & Kautilya (3.5.1) hold this view. While there is also another view, known as janmasattvavāda, represented by¹⁶ Yājñavalkya (II.124), Kātyāyana (839), Viṣṇu (17.2) etc. According to this second view, the ownership of sons, in the ancestral property, arises from the very birth of them in the family. Sons are also owners of the ancestral estate from their birth along with father.

The partition could be done even during the life-time of mother, when her monthly illness is suspended (1564).

2) ORDER OF SUCCESSION OF PROPERTY OF THE SONLESS :

The order of succession of property, in case of a sonless person, laid down in the text (1570-1571) is as follows - the full brothers (unmarried) daughters, father, half-brothers,

mother & wife. The place of wife, coming at the end of this order of succession is noteworthy.

The widow of the sonless person is not admitted as an heir in some smrtis (Cf. Manu IX.185, Ap.D.S. II.6.14.2, Nārada (Dāya 50-51) etc.). While some smrtis like Yājñavalkya (II.138-139), Viṣṇu (17-4) etc. give the first & the foremost place to the widow, as the heir for the property of the sonless. Devala, like Gautama (III/10/19), Śaṅkha (Mitā. on Yāj.S. II.135) does not give her the foremost place, but only as the last member to inherit, if the earlier heirs are not there.

The order of succession, mentioned by Devala, in case of the sonless person, does not agree with most of the smrtis (Manu, Yājñavalkya, Nārada, Viṣṇu, Gautama, Śaṅkha, etc.). But it is remarkable that Devala here also agrees much with Kautilya¹⁷ (3.5.8 to 11). But the difference is that Devala admits mother & wife as heirs, while Kautilya does not.

3.) NO SHARE TO PATITA AND HIS SON :

The patita (outcaste) & his son are not considered fit for getting any share in the ancestral property. Patita is not entitled for maintenance & raiment. While other disqualified persons like impotent etc. are given food & raiment. (1573-1574). Baudhāyana (II/2/3/41) & Kautilya (3.5.19/32) mention a similar rule. Manu (IX.10) & Nārada (21.22) do not seem to exclude the son of patita from share; while Yājñavalkya (II.143) like Devala excludes patita & hisson from inheritance, but seems to allow maintenance & raiment to be given to patita also.

4) ENUMERATION OF 12 KINDS OF SONS :

The number & status of sons are differently mentioned in the various smrtis. Devala also enumerates 12 kinds of sons. The names & status of sons, mentioned in the text are compared below, with those in other smrtis. The highest number of kinds of sons is 13; Devala enumerates only 12 types of sons & omits 'saudra', in the list. The order of sons, given by the author is not identical with any of other smrti. But Devala is quite closer to Kautilya in respect of number & order of sons. The only difference between Devala & Kautilya is with regard to the position of Kanina, to whom Kautilya has given a lower place.

TABLE NO. 65

Devala	Gau- tama	Baud- haya- na	Kaut- ilyā	Vasīṣ- -tha	Hār- itā	Saṅkha likhi- ta	Manu	Yāj Nāra -na	Brhas pāti	Vis nu	Ādi- par- va	Yama	Brah ma Purā- -na
1. Aurasa	1	1	1	1	1	1	1	1	1	1	1	1	1
2. Putrikā	10	2	2	3	5	3	2	2	3	2	3	3	2
3. Ksetraja	2	3	3	2	2	2	3	3	2	3	3	2	3
4. Kānina	7	8	6	5	4	5	8	5	4	10	5	5	10
5. Gūdhota- pāna	5	6	4	6	6	6	6	4	6	12	6	6	9
6. Apavidha	6	7	5	11	9	7	7	12	8	5	11	7	18
7. Sahodha	8	9	7	7	10	8	9	11	5	11	7	11	8
8. Paunar- bava	9	11	8	4	3	4	11	6	7	9	4	4	12
9. Dattaka	3	4	9	8	7	9	4	7	9	4	8	7	9
10. Svayamu- pegata	11	12	10	10	11	12	12	10	12	-	10	10	12
11. Kr̥trima	4	5	11	-	-	-	5	9	11	7	12	9	10
12. Kr̥ita	12	10	12	9	8	10	10	8	10	6	9	8	11
13. -	-	13	-	12	-	11	13	-	-	8	-	12	-
		sau- dra		sau- dra		sau- dra	sau- dra				sau- dra		sau- dra

The above table is prepared, on the basis of a similar chart, given by Mm.P.V.Kane in H.D.S., Vol.III, p.645.

The text also contains verses (1576-1577), enumerating 15 kinds of sons. No smṛti, mentioned in the above table refers to so many sons. The three additional sons, mentioned here are bījin, putrikāsuta & yatrakvacotpādita. The last one is mentioned in the Viṣṇu Smṛ. (15/27). The earlier two can be explained by understanding (1) ksetraja as a son of the begetter & also of the husband of the lady & (2) putrikā as the daughter appointed as a son & the son of the appointed daughter.

5) CLASSIFICATIONS OF SONS :

The text refers to three kinds of classifications of the twelve kinds of sons. (1578-1583).

UTTAMA, MADHYAMA & GARHITA :

The aurasa & the putrikā are considered as the best (uttama) as heir for the ancestral property. While the dattaka, apavidha, kṛita, kr̥trima & saudra are sons, that are of middle (madhyama) kind. The ksetraja, paunarbhava, kānīna, sahodha & gūḍhotpanna are considered as unworthy (garhita). But it is noteworthy that here there is reference to saudra son, not mentioned in the prose and verse enumerations, found in the text (1575-1577). This classification into uttama, madhyama & garhita sons, would be in conflict with the following classification of sons as bandhudāya-da & pitṛdāyāda. The verses, containing similar classification of sons are found in the reconstructed text of the Brhaspatismṛti (Vyav. 26-70 & 72, 73 & Smṛ. 270 & 271).

ĀTMAJA, PARAJA, LABDHA & YĀDRĀCCHIKA :

Devala (1582) also indicates the classification of sons into four kinds, namely (1) ātmaja (born of oneself), (2) paraja (born of others), (3) labdha (obtained), (4) Yādrācchika (accidental). "The aurasa, putrikā, paunarbhava & saudra would be ātmaja. The ksetraja would be paraja. The dattaka, krtrima, krīta, svayamādatta & apavidha would be labdha (& also paraja) & gūdhaja, kānīna, sahodha may be called yādrācchika"¹⁸.

BANDHUDĀYĀDA & PITRĀYĀDA :

Devala (1583) has also suggested the classification of the twelve sons into two groups namely - bandhudāyāda & pitrāyāda. Among the first group of bandhudāyādas (that get share not only in the father's property, but also in the ancestral property of his kinsmen) - the six sons, the aurasa, putrikā, ksetraja, kānīna, gūdhotpanna, apavidha are included. While the remaining six namely - sahodha, paunarbhava, dattaka, svayamupagata, krtrima, krīta are included in the latter group of pitrāyādas (that inherit the property of father only & not his kinsmen). Manu¹⁹ (IX.159-160) also divides the sons in the similar manner as bandhudāyāda & adāyādabāndhavas, but the sons, mentioned by him in these groups are different. "Vas.(17/5/25), Śaṅkhalikhita (quot. in V.R.P.247), Nārada (Dāyabhāga 47), & Hārīta include in the first group - Aurasa, ksetraja, putrikāputra, paunarbhava, kānīna, gūdhaja & the rest in the 2nd group"²⁰.

6) SAVARNA SONS GET ONE THIRD SHARE :

Devala (1585) completely agrees with Kautilya (3/7/19-20)²¹, when he states that the sons that are savarna (belonging to the same caste), obtain 1/3 share, when the aurasa son is existing. While those of lower caste should be given only food & raiment. Kātyāyana (857)²² mentions 1/4th share to be given to the savarnas. But there is also reading 'tr̥tīyāṁsaharāḥ' for 'caturthāṁsaharāḥ' in the verse of Kātyāyana.

7) STATUS OF PUTRIKĀPUTRA :

The status of putrikā or putrikāputra is the next to the aurasa son, according to Devala & is considered equal to aurasa as in Manu (IX.130), Kautilya (3/7/5), Yājñavalkya (II.131) etc. But some smrtis (like Vasistha, Śaṅkhalikhita, Nārada, Viṣṇu, Yama - cf. previous table) consider Ksetraja to be superior to the putrikā or putrikāputra. Gautama gives tenth place, & Hārita mentions the putrikā at the fifth place, in the order of sons. This reflects upon the status of putrikā according to the different smrtis. In this respect of the position of putrikāputra also, Devala agrees with Kautilya's Arthśāstra.

8) POSITION OF DATTAKA :

It would be clear from the table of sons, given previously, that Devala gives ninth place to the dattaka son, like Kautilya, Śaṅkhalikhita, Nārada & Yama. While some Smrtikāras like Gautama, Baudhāyana, Manu, Brhaspati etc. place him at a higher position. It is also noteworthy that Devala has indicated the inclusion of

the dattaka among sons, that are not bandhudāyādas (that are not eligible to inherit the property of the Kinsmen), but are heir only to the property of the father. But Manu (IX.159) includes dattaka among sons that inherit collatorally (i.e. are bandhudāyādas).

Thus Devala does not agree with Manu in this respect. But Devala's enumeration of dattaka, at the ninth place, among 12 sons & not allowing collateral succession to dattaka - both these dictums are quite in conformity with the Arthasāstra of Kautilya.

9) PLACE OF KĀNĪNA :

Kānīna is given higher place (4th) by Devala, Hārīta & Nārada, but he is given a very lower place, viz. tenth by Brhaspati & Brahmapurāna, & eighth by Manu & Baudhāyana smrtis.

10) SHARE OF UNMARRIED DAUGHTERS :

Devala (1598) lays down that the 'unmarried daughters' should be given nuptial wealth from the estate of the father. But if the father has no male issue, the legitimate or lawful daughter gets the entire property of the father like the son. This indicates that the 'unmarried daughters' actually do not get any share in the property, but only the wealth, needed for their marriage is to be kept apart. This is similar to the opinion of Kautilya (III.5.21) & Viṣṇu (15/31)²³. But some law-givers like Manu (9/118), Yājñavalkya (II.124), Kātyāyana (858)²⁴ etc. state that $\frac{1}{4}$ th share of the entire property should devolve upon the 'unmarried daughters'. Saṅkha²⁵ (qut. in S.C. II.p.269) maintains that nuptial wealth (vaivāhikam strīdhanam) & maiden ornaments should devolve upon her.

Thus there is great disagreement between Devala & Manu etc. (as noted above). But here also Devala seems to follow Kautilya, more closely than even Kātyāyana & Brhaspati.

III. STRĪDHANA - ITS NATURE & DEVOLUTION :

According to Devala (1604), the strīdhana (woman's peculiar property) consists of Maintenance (vr̥tti), ornaments, bride's gratuity (sulka) & profits of money-lending (Lābha). Kautilya²⁶ (3/12/16) explains strīdhana to be consisting of means of subsistence (vr̥tti) & ornaments. Thus there is much verbal & doctrinal parity between the two. While Manu²⁷ (IX.194), Yājñavalkya (2/143-144) enumerate & explain strīdhana in a different way. Devala does not verbally agree with them.

The author (1611) maintains that strīdhana is to be equally shared by her sons & unmarried daughters, when she is not alive. But if she has no progeny, it should devolve upon her husband, mother, brothers or father. Thus the order of succession or devolution of strīdhana is also pointed out.

It is remarkable that Devala like²⁸ Kautilya (3/2/42-45) & some smṛtis²⁹ like Manu, Brhaspati, Śaṅkhalikhita, Kātyāyana etc. maintains that both, daughters & sons, possess equal right of inheritance for strīdhana. While others³⁰ (e.g. Gautama, Yājñavalkya, Viṣṇu, Nārada, Pāraskara etc. opine that it devolves upon daughters only as immediate successors.

6) Tatah patisodaryam gacchet / Bahusu pratyāsannam dhārmikam
bharmasamartham kanīṣṭhamabhāryam vā / Tadabhāve'pyasodaryam
sapindam kulyam vāsannam //

- Arth.S.3/4/45-47.

7) Vāndhyāṣṭame'dhivedyābde da'same tu mṛtaprajā /
ekādāse strijananī sadyastvapriyavādinī //

- Manu.S.IX/81.

8) Aprajām dasame varṣe striprajām dvādāse tyajet /
mṛtaprajām pañcadāse sadyastvapriyavādinīm //

- B.D.S.II/2/4/6.

9) Varṣānyāṣṭāvaprajāyamānāmaputrām vāndhyām cakāṅkṣeta /
Daśa bindum dvādāsa kanyāprasavinīm //

- Arth.S.3/2/47-48.

10) Sūdreva bhāryā sūdrasya sā ca svā ca viśaḥ smrte /
te ca svā caiva rājñaśca tāśca svā cāgrajanmanah //

- Manu.S.3/13.

11) Na brāhmanakṣatriyayorāpadyapi hi tiṣṭhatoh /
kasmiṃscidapi vṛtānte sūdrā bhāryopadisyate //

- Manu.S.3/14.

12) Yaducyate dvijātīnām sūdrāddāropasaṅgrahah /
Na tanmama matam yasmāttatrātmā jāyate svayam //
Tisro varṇānupūrvyena dve tathaikā yathākramam /
brāhmanakṣatriyaviśām bhāryā svā sūdrajanmanah //

- Yāj.S.I/56-57.

REFERENCES

- 1) Naṣṭe mr̥te pravrajite klībe ca patite patau /
 pañcasvāpatsu nārīnām patiranyo vādhīyate //
 - Nārada S. (Strīpuṁ. V. 97)
- 2) Nīcatvam paradesam vā prasthito rājakilbiṣī /
 prānābhihantā patitastyājyah klībo'pi vā patih //
 - Arth.S. 3/2/59.
- 3) Na dvitīyasca sādhvīnām kvacid bhartopadiṣyate /
 - Manu.S.V.162.
 Pañgrahanikā mantrāḥ kanyāsveva pratiṣṭhitāḥ /
 - Manu.S.VIII.226.
 Sakṛtkanyā pradīyate //
 - Manu.S. IX.47.
 Na vivāhavidhāvuktam vidhavāvedanam punaḥ /
 - Manu.S. IX.65.
- 4) Sā cedakṣatayoniḥ syādgatapratyāgatā'pi vā /
 paunarbhavena bhartā sā punaḥ saṁskāramarhati //
 - Manu.S. 9/176.
- 5) Proṣitapatnī pañca varṣānyupāsīta/ūrdhvam pañcabhyo
 varṣebhyo bhartṛsakāsam gacchet //
 - V.D.S.17/75-76.

Tisro brāhmanasya varṇānupūrvyena / Dve rājanyasya //
 Ekā vaiśyasya / Sarveśāṃ sūdrāmapyeke mantravarjyam //
 - Paraskara G.S. I.4/8-11.

13) Mm.Kane, P.V., H.D.S., Vol. II, Pt. I, p.552.

14) Ūrdhvam pituṣca mātuṣca sametya bhrātaraḥ samam /
 bhajeran paitrkam rikthamanīśāste hi jīvatoḥ //
 - Manu.S. IX/104.

15) Pitaryūrdhvam gate putrā vibhajeran dhanam kramāt /
 māturdhitaro 'bhāve duhitrṇām tadanvayah //
 - Nārada S. (Dāya.2)
 Anīśvarāḥ pitrmantaḥ sthitapitrmātrkāḥ putrāḥ //
 - Arth.S. 3/5/1.

16) Bhūryā pitāmahopāttā nibandho dravyameva ca /
 tatra syāt sadṛśam svānyam pituḥ putrasya caiva hi //
 --Yāj. S. II/124.

Paitāmahaṃ samānam syāt pituḥ putrasya cobhayoḥ /
 svayam capārjite pitrā na putrah svānyamarṇhati //
 - Ka.S.Sa.839.

Paitāmahe tvarthe pitrputrayostulyam svāmitvam /
 - Vsn.S.17/2.

17) Dravyamaputrasya sodaryā bhrātaraḥ sahajīvino vā hareyuh
 kanyāśca riktham / putravataḥ putrāḥ duhitaro vā dharmistheṣu
 vivāheṣu jātāḥ / Tadabhāve pitā dharamānaḥ / Pitrābhāve
 bhrātaro bhrātrputrāśca //
 - Arth.S.3/5/8-11.

- 18) Mn.Kane, P.V., H.D.S., Vol.III, p.649, n.1232.
- 19) Aurasah ksetrajascaiva dattah kr̥trima eva ca /
 gūḍhotpanno'paviddhasca dāyādā bāndhavāsca śat //
 kānīnasca sahodhasca kr̥tītaḥ paunarbhavasthathā //
 svayamdattasca saudrasca śadadāyādabāndhavāḥ //
 - Manu.S. IX/159-160.
- 20) Mn.Kane, P.V., H.D.S., Vol.III, p.651.
- 21) Aurase tūtpanne savarnāstrīyāms'aharāḥ /
 asavarnā grāsācchādanabhāgināḥ //
 - Arth.S. III/7/19-20.
- 22) Utpanne tvaaurase putre caturthāms'aharāḥ sutāḥ /
 savarnā asavarnāstu grāsācchādanabhājanāḥ //
 - Kat.S.Sa. 857.
- 23) Kanyābhyasca prādānikam //
 - Arth.S. 3/5/21.
 Anūdhānām svavittānurūpena saṃskāram kuryāt //
 - Vsn.S. 15/31.
- 24) Svābhyah svābhyastu kanyābhyah pradadyurbhrātarah prthak /
 svātsvādāms'āccaturbhāgam patitāḥ syuraditsavah //
 - Manu.S. 9/118.
 Asaṃskṛtāstu saṃskāryā bhrātr̥bhīḥ pūrvasaṃskṛtāḥ /
 bhagīnyasca nijādāms'āddattvāmsam tu turīyakam //
 - Yāj.S. II/127.

Kanyakānām tvadattānām caturtho bhāga isyate /
putrānām tu trayo bhāgāḥ svāmyam tvalpadhane smṛtam //

- Kat.S.S.858.

25) Vibhajyamāne dāyādye kanyālakāram vaivāhikan strīdhanam ca
kanyā labheta //

- Śaṅkha quot.in S.C. II, p.269.

26) Vṛttirābadhyam vā strīdhanam //

- Arth.S. III/2/16.

27) Adhyagnyadhyāvāhanikam dattam ca prītikaramaṇi /
bhrātrmātrpitrprāptam śadvidham strīdhanam smṛtam //

- Manu.S. IX.194.

Pitr̥mātr̥patibhrātr̥dattamadhyagnupāgatam /
ādhivedanikādyam ca strīdhanam parikīrtitam //
bandhudattam tathā sulkamanvādheyakameva vā //

- Yāj.S. II/146-147.

28) Jīvati bhartari mṛtāyāḥ putrā duhitaras'ca strīdhanam vibhajeran/
aputrāyā duhitarah / Tadabhāve bhartā / sulkamanvādheyamanyad
vā bandhubhirdattam bāndhavā hareyuh //

- Arth.S. 3/2/42-45.

29) Jananyām saṁsthitāyām tu samam sarve sahodarāḥ /
bhajeran mātṛkam riktham bhaginyas'ca sanābhayaḥ //

- Manu.S. IX.192.

Strīdhanam syādapatyānām duhitā ca tadamsinī /
aprattā cet samūdhā tu labhate mānamātrakam //

- B.S.Recon.vyava.26/31.

Samam sarve sahodarā mātṛkamṛkthamarhanti kumāryasca /

- Śaṅkhalikhita quot. in P.M.III,p.551.

Bhaginyo bāndhavaiḥ sārḍham vibhajeraṇ sabhartṛkā /
strīdhanasyeti dharmo'yam vibhāgastu prakalpitaḥ //

- Kat.S.Sa.917.

30) Strīdhanam duhitṛṇāmaprattānāmapratiṣṭhitānām ca //

- G.D.S.29.

Māturduhitarah sesamṛnāttābhya rte'nvayah //

- Yaj.S.II/117.

Sarveṣveva prasūtāyām yad dhanam tad duhitṛgāmī /

- Vsn.S.17/21.

Māturduhitaro'bhāve duhitṛṇām tadanvayah /

- Nārada.S.Dāyā.2.

Aprattāyāstu huhituh strīdhanam parikīrtitam /

putrastu naiva labhate prattāyām tu samānsabhāk /

- Paraskara (quot.P.M.III,p.552).

(H) THE DISTINCTIVE EXPIATORY FEATURESI. PRĀYASCITTA :1) INTERPRETATION OF THE PHRASE 'GURUTALPAGAMANAM' :

Generally, the term 'guru' in the phrase 'gurutalpagamana' is interpreted as referring only to the father. But the author has mentioned eleven gurus like Upādhyāya etc. in the verse (10). Hence gurvaṅganāgamana or gurutalpagamana would mean in that case as, cohabitation with the wife of any of these eleven gurus (elderly persons). This must be understood to be the interpretation, suggested by Devala, because he states that in the offence of gurutalpagamana, the cohabitation, especially with the wives of Upādhyāya (teacher), rājā (king) & pitā (father) to be the most severe heinous offence (1619). This clearly indicates that Devala not only understands, the teacher, king and father by the word guru in gurutalpagamana, but also other gurus, enumerated by him (verse 10). Thus the author seems to give a very wide interpretation of the above term. This is not a generally accepted meaning of it. The Prāyaviveka (p.134) also points out that though Devala has enumerated eleven gurus, the father only is to be understood here as guru & not ācārya etc., as the cohabitation with his wife would not be equal to gurutalpagamana & is understood as 'anupātaka'.

The above agreement between the import of sūtra in the prāyascitta section (1613) & the verse in the ācāra section (verse 10), about eleven guru's suggests that this sūtra portion of Devala-text & the verses in the first chapter, may be probably of the

same period of composition. This reflects upon the antiquity of the verse-content of text like the sūtra portion of it.

2) EXPIATION FOR DRINKING SURĀ :

The expiation for drinking surā is death only for a brāhmana. But the method by which the death is to be effected, is differently mentioned in various smrtis. Manu¹ (IX.91), Brhaspati (Prāya 45), Āpastamba (I.9.25.3), Gautama (24) suggest that the wine, shining like fire, heated upto high temperature, should be drunk by the person drinking surā. Manu² (XI.92) Yājñavalkya (3.253), Brhaspati (prāya.46) also point out other alternatives of drinking boiling hot urine of cow, water, milk, ghee, or liquid cowdung, until he dies by drinking it.

But Devala has not referred to any of the above articles for effecting death. He ordains that the brāhmana, drinking surā, can be purified by destroying his body by drinking red-hot liquid of any such metal like silver, copper, tin or lead (1633). This drinking of liquid metal, as an expiation, is not met with in the smrtis, mentioned previously.

3) WINE ALLOWED EVEN FOR BRĀHMANA DURING SACRIFICES :

The wine is completely prohibited for a brāhmana & even an expiation of ending life is suggested for him who drinks it. Yet there is one option (1634). It is prescribed that the wine, that comes, unasked (in the sacrifice) does not spoil the brāhmana belonging to the vājasaneyi recension of sukla Yajurveda. These brāhmanas, can drink the wine offered them when unasked for, during

the sacrifice & no sin accrues from it. (cf. V.D.S.23/13).

The express reference to the vājasaneyins & their peculiar custom of partaking surā in the sacrifice, reflect upon the prevailing custom of the society. It may be noted that even "Meghasthanes (p.69) & strabo (XV.1.53) note that Indians did not drink wine except at sacrifices (in the 4th century B.C.)³". It can be maintained that the drinking of surā in the sacrifices, was practised only by the vājasaneyi brāhmanas, during the period of the present text.

4) DIFFERENCE BETWEEN DEVALA & MANU REGARDING CONTACT WITH PATITA :

Manu (XI.181)⁴ maintains that the person, associated with pati-
ta also becomes patita, only after one year. This first part of the
verse of Manu is clear, but the second half is somewhat ambiguous
& is differently interpreted by Kullūka & Govindarāja. Govindarāja
interprets that he becomes patita, after one year, if he has relati-
ons of officiating at his sacrifice, teaching him & having marriage
relations with him. But he does not become patita, by merely having
such relations as sitting at the same conveyance or seat or eating
with him. Kullūka, however, on the authority of some smrtis like
Devala, Baudhāyana etc., interprets that the person becomes patita,
after one year, on having such relations, as sitting on the same
conveyance; or seat or eating along with him; but by such relations
as becoming his priest, teacher, or having matrimonial relations,
he immediately falls from his status & becomes a patita.

Thus the verse of Manu is differently interpreted by the two
commentators. The verses of Devala (1648 & 1649) treat the above

subject of degradation by the contact with patita, more clearly. Even kullūka had to take recourse to the verse of Devala to explain & clarify the view of Manu. Devala prescribes that the person becomes patita, after one year by having constant & continuous (sārvakālika) contact with him, by performing such acts like dining, being with him on the same seat or bed. He further adds that by officiating at sacrifice, having marriage relations, teaching veda to him & taking food along with him, the person, no doubt immediately becomes patita. This sense of 'instanteneity' or 'promptness' in degradation is not clearly seen in the Manusmṛti.

5) SIN IN STEALING BOOKS ETC. :

Sins, associated with stealing the various objects are mentioned in the text. The stealing of books and various materials, is also referred to. The stealer of books or manuscripts, the cover, the thread, holder, wrapper etc. becomes very sinful. He becomes completely dumb on this earth.

This reflects upon the condition of the society. Not only the manuscripts, but also various materials of it, were stolen. This indicates that there was much scarcity of both of these.

II. ANUGRAHA :

1) RELAXATION OR CONDONATION IN THE PRESCRIBED EXPIATION :

Several expiations are prescribed for eliminating sins, but the weak may not be able to stand them, Hence for the sake of protection of masses, the host of learned Brahmins, the knowers of Dharma, are required to suggest concession or

relaxation in the prescribed penance (1885-1889). This concession should not be awarded by one person, though proficient in vedas, but assembly or group of knowers of Dharma are authorised to prescribe it. This is opposed to Yājñavalkya⁵ (I.9), who alternatively allows to accept the verdict, even of one person, expert in spiritual knowledge.

The concession, varies in accordance with severity or otherwise of the offence. It has not to be declared through the force of any such element like love, greed, fear or ignorance. The rule of relaxation in the prescribed penance is to be resorted to only, when, it amounts to danger to the life of the person, undergoing it & not at all, in case of a healthy person.

2) CIRCUMSTANCES TO BE CONSIDERED FOR THE PRESCRIPTION OF A PARTICULAR TYPE OF PENANCE :

Many circumstances are to be considered for imposing the expiation on the sinful. (1890-1907). The caste, capacity, strength, wealth, qualities, age & sex of the performer, the number of times, the sin^{is} committed; whether the act has been done with intention or without it; whether it is committed secretly or publicly, the time & place of the sin perpetrated - these & several other conditions are to be taken into consideration.

The following rules are recommended for prescribing the penance.

(1) The half of the penance, prescribed to brāhmaṇa should be enjoined for ksatriya, half of that of ksatriya to the vaiśya

& half of that of vai'sya to the sūdra. Thus the hierarchical, caste-wise distinction is made in respect of prescription of penance.

(2) Whatever expiation has been ordained for a sinful act in public, the twentieth part of it, has been prescribed for performing it in secret, & the thirtieth or sixtieth part thereof according to his caste.

(3) The expiation, prescribed for committing a sin without intention, was doubled, when it was perpetrated with intention.

(4) The penance could be efficacious provided, it is prescribed in case of a sin, perpetrated only once, without intention, but no penance whatsoever is deemed fit to wash away the sin when it is committed repeatedly with intention. The author however refers to the view of others, who prescribe an expiation, even in such cases of intentional commitment of sin.

(5) The author also points out that when sin is committed repeatedly, the expiation at the second time, should be double. It should be three times more, if committed thrice, but there is no expiation to purify him, if it is perpetrated for four times.

(6) If the penance is not performed at proper time & much time has elapsed after the commitment of sin, the author ordains that the penance is to be the double of what is ordinarily prescribed & punishment by the king is also double. This shows that expiation was to be undergone within the prescribed limit

of period. In case of some sins, punishment & penance, both were prescribed for the sinner.

(7) It may be added that even the monetary or financial condition of a person is to be taken into consideration, while prescribing certain expiations. For example, while prescribing the svarnakṛcchra (2151) it is mentioned that the king or a wealthy person (mahāprabhu) should give gold of the amount of a varāha (a coin, equal to five rūpakas. One rūpaka = one māsa of five guṅjas), half of it, should be donated by a middle class person, & half of that of the latter, should be prescribed for other ordinary people.

(8) The decision of the assembly about prescription of expiation should be unanimous as far as possible.

3) DUTY OF A KING AS AN IMPOSER OF KṚCCHRA :

The king declares some punishment & penalty for the guilty person. Similarly, it is also his duty to impose a particular expiation upon the criminal. According Devala (1893), the king is the imposer of Kṛcchras, the dharmapāṭhaka (the religious adviser) is the indicator or adviser of it, while the sinner is the subject of expiation & king's officers are the protectors i.e. executive authorities of the prescribed expiation. This verse suggests that like punishments, even expiations also were given great importance by the king & he had even officers that carefully supervised the proper performance of it, by the sinner.

Moreover, the brāhmanas could even prescribe prāyaścitta, with the consent of the king. In respect of minor lapses, the brāhmins alone could prescribe it, without consultation with the king. Only in case of great sins, the king & the learned brāhmanas, could declare the penal penance, after due consideration of circumstances (1891).

III. DESCRIPTION OF KRCCHRAS :

There is enumeration of 15 kinds of penances (1908-1910) Eventhough the cāndrāyana is not mentioned in it, it is also dealt with in detail. The following peculiarities are generally found in the description of these krcchras.

- (1) The procedure of most of them is described in detail.
- (2) The importance of several krcchras is emphasized by enumerating numerous sins, that they can dispel.
- (3) Even the episodes, connected with some krcchas are also narrated to extol them.
- (4) One or more substitutes or pratyāmnāyas are also suggested.
- (5) But the verses, seem to be of a very late origin & display a great influence of paurānic style of narration. There is explicit reference to the Viṣṇusahasranāma & the Gajendramokṣa (1929).

Most of these verses are from the prayascitta section of Hemādri. Mm.P.V.Kane⁶ remarks, "the fourth volume, which deals with prāyaścitta does not appear to be the work of Hemādri.....". It seems that Hemādri might have entrusted the work of compilation

of that volume to some learned scholars, who prepared & composed it in his name. Hence there is the beginning - Athedānīm hemādri-kārena lokopakārārtham....." It was previously noted that even Renukācārya (1266 A.D.) seems to be familiar with the verse, quoted in the present section of Hemādri. As regards the authenticity of the present verses, it can be definitely maintained that the later digest-writers of 17th & 18th century A.D. like Kamalākara, Vaidyanātha etc. have regarded the above section of Hemādri & the verses, therein, as most authentic and reproduced them in their works. Even Mm.P.V.Kane also had made use of the said section of Hemādri & the verses of Devala therein, in his fourth volume of H.D.S. Hence, it could safely be concluded that these verses, belong to Devala, & their authenticity is unquestionable.

IV. TĪRTHAYĀTRĀ :

1) TĪRTHAYĀTRĀ AS A MEANS OF EXPIATION. :

Pilgrimage is also admitted as one of the means of extrication of sin. Even after unknowingly committing sin like bhrūnahatyā, the person can be free from it by great sacrifices or by visiting sacred places (2155). Viṣṇu S.(35/6)⁷ also points out that the person, committing great sin can be purified by Asvamedha sacrifice or by visiting all the sacred places on the earth. The difference between Devala & Viṣṇu is evident. When the person visits the various sacred places, like rivers, mountains, & other places of pilgrimage, he becomes absolved of sins & obtains happiness. The various sacred places, namely rivers, mauntains,

tīrthas, āyatanas etc. throughout India are enumerated. (2156-62). It is thus significant that the topic of pilgrimage is expatiated in the text. The visṇu smṛti⁷ (36/6) & the parāśara smṛti⁸ (XII.58) etc. merely refer to the visiting of sacred places to be a means of purification from sin. The visṇu smṛti (1/16-17) includes the tīrthānusarana among the Dharmas common to all.

"In the sūtras & ancient smṛtis, like those of Manu & Yājñavalkya, Tīrthas do not occupy a very prominent position. But in the Mahābhārata & the Purānas, they are highly lauded & placed even above sacrifices"¹⁰. This would reflect upon the date of the present portion of the text, which may be later than the ancient sūtras & smṛtis, but may belong to the period of the Mahābhārata & the Purānās, the period, when such ideas were current in the society. This does not affect the theory of placing Devala in the early centuries of the christian era (if not earlier still).

2) MUNDANA ON TĪRTHAS :

It is remarkable that the author does not refer to mundana in the sūtra, where he mentions the rites, generally to be followed on tīrthas (2164). He clearly states the religious acts, like the practice of certain vows, restrictive rules, fasting, bathing in the sacred water for three days, by residing there for three days. The omission of mundana in the sūtra portion of the text,

may indicate that it was introduced in a later period. The verses (2181-2187) that refer to mundana are comparatively of a later period than the sūtra portion of the present text.

3.) PRACTICAL RULES ABOUT WORSHIPPING & CIRCUMAMBULATING :

Some rules about worshipping & circumambulating the deity are interesting and are of practical necessity for a religious person. The devotee performs various auspicious religious acts on tīrtha like - beholding the deity (i.e. darsana), touching it, worshipping & bathing it with water mixed with ghee. Among these acts, the performance of each later is superior mode of worship to each earlier (2190).

The devotee would also wish to circumambulate the deity. Hence the practical information about the number of times, the pradaksinā is to be made for each deity, is also dealt with in verses (2192 & 2193). The pradaksinā is to be performed for one, seven, three & four times, respectively for the deities, namely - goddess, the sun, vināyaka & viṣṇu, while it should be half only in case of śiva, as the somasūtra (the channel through which the sacred water flows), is not to be crossed over.

The places, where japa (repeating of mantra), homa (offering of oblation), & namaskāra (prostrating the deity) are not to be performed in the temple are mentioned (2194 & 2195). They should not be practised by sitting (1) in front of the deity, (2) at the back side, (3) at the left side, (4) in its proximity, (5) within the garbhamandira (inner part of the temple). If the above acts are performed in a place in front, back or left side of the deity,

the person secures death, decay or destruction respectively. They are only to be practised in the sabhāmandapa (the open hall), of the temple, sitting to the right side of the deity & not to the left. These rules are quite natural, because, if a person performs the acts in the above prohibited manner, the other persons would be deprived of their right of worshipping etc. of the deity, as that would obstruct their perfect vision of the deity. Thus by sitting in the open hall, one & all can at ease, practise the various acts, as long as they wish, without obstructing others, performing those acts.

V. PAÑCAGAVYA :

1) MEANS OF PURIFICATION :

The pañcagavya is the most important purifying or sanctifying article, indispensable in all forms of expiations. It can purify the sinner from the minor lapses. The author has given great importance to it, while prescribing the expiations, for the purification of a person, troubled by the mleccha.

2) ALLOWED EVEN FOR SŪDRAS AND PATITAS :

The smrtis like Atri¹¹ (297) & viṣṇu (54/7) mention that the sūdra, drinking pañcagavya & the brāhmaṇa, drinking surā are equally sinful & both reside in hell for ever. While Devala maintains that pañcagavya is prohibited to be given to the ladies, sūdras & patitas, but optionally allows it to be given, without the recitation of Mantras. (1870).

3) INGREDIENTS (1871-1874) :

The five deities, namely varuna, agni, soma, vāyu & sūrya reside respectively in the five ingredients namely - cow's urine, dung, milk, curds & ghee. These ingredients should be taken of cows of different colours. The urine, dung, milk, curd & ghee, should be used of cows of red, white, yellow, blue, & black colours respectively. The colours of cows, whose above ingredients are to be used, are differently mentioned in the Parāsarasmṛti (11.28-29)¹². They should be of cows of black, white, dark red (tāmra), red (rakta), brown (kapila) respectively or all the ingredients may be taken of kapilā cow.

The quantity of each ingredients of pañcagavya, is also mentioned differently in the smṛtis. The cow's urine, dung & kusa-water of six Mātrās (a standard measure), ghee & milk of three mātrās, the curd of ten Mātrās - this is the proportion of each ingredient, according to Devala. (1874). While Parāśara¹³ (11.29 & 30) states that the cow's urine of one pala, curd of three palas, ghee of one pala, cow-dung of half of the thumb, the milk of 7 palas & kusa-water of one pala should be taken for it. Atri¹⁴ (296) maintains that cow's urine, ghee, milk & curds should be two, four, eight and eight times more than the proportion of cow-dung in the pañcagavya.

VI. MLECCHITAS'UDDHI : PURIFICATION OF PERSONS, CONVERTED :

1) A NOVEL CONTRIBUTION :

Devala deals with the problem of purification of persons, kidnapped & ill-treated by the mlecchas. This is an important & novel contribution of the author to the extant literature on Dharmasastra. This is an attempt to solve, one of the most important & irritating social problems.

The Mlecchas (i.e. Muslims, in the present context) invaded India in the 8th century through the province of Sindh & troubled the Hindus, living there in various ways. The Hindus were forcibly carried away and harassed by compelling them to eat or drink forbidden articles, People were required to talk, dine & live for several periods along with them. Ladies were also similarly oppressed by forcing them to perform the undesirable acts. The rape or seduction of Hindu ladies by Mlecchas was also rampant.

Hence the problem of purification of all such oppressed persons was one of pertinent problems of the society. Devala tries to solve this problem, by suggesting very simple & liberal rules of purification. There is no other smrtikāra, that deals with this problem with so much detail as Devala has done. The various expiations are prescribed for the persons, belonging to all the four varnas. The expiation also varies in accordance with duration of time, spent along with the Mleccha & the intensity or seriousness of the sin perpetrated. Similarly, the question of purification of ladies, the children & aged

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people is also considered. The specific penances & alternative rules are mentioned for the same. Above all, it is noteworthy that all expiations are also very simple, practical & easy. It is most remarkable & categorical opinion of the author that all people can be purified, eventhough they might be associated with the Mlecchas, for about 20 years.

TEXTUAL - ARRANGEMENT OF THIS CHAPTER, IN ITS RECONSTRUCTED FORM :

The printed text of Devalasmṛti contains verses dealing with the problem of purification of the mlecchas & a few other verses, dealing with miscellaneous topics like āsauca, kṛcchra etc. In the Mlecchitasuddhiprakarana of the present reconstructed text, the verses, dealing with the Mlecchitasuddhi topic only are incorporated, while the other verses, of the printed text are accomodated in those respective chapters of the present reconstructed text, at proper places, suiting the context & relevancy. All these are really the verses of Devala & have been so handed down through the manuscripts of the Devala-smṛti. Only a few of these verses of Devala are found quoted in some works on Dharma-sāstra. The variant readings of some of these verses, found in those works are noted in the portion of sources and variants (part II).

However, it is a curious fact that the printed Devalasmṛti is a collection of unconnected verses, dealing with the important subject of purification of the persons, troubled by Mlecchas. But the entire topic is not dealt with in it, in a systematic & well-arranged manner. There seems to be no logical & sequential link among the various groups of verses in it. Hence an attempt is made in the present text, to put forth the text of the printed Devalasmṛti, in the most orderly manner, by re-arranging the various groups of verses in it. The duration of time^{of} association with the Mlecchas, is mentioned in the printed text. That is taken as^{the} the important thread to link together & rearrange the text. The verses, in the present text are arranged as representing the expiation for the period, starting from the smallest unit

of one day, upto the highest limit of 20 years, in a gradually increasing manner. In the printed text, there is no such plan in the order of verses.

3) CONTENTS :

The sages approached Devala, the best among sages, sitting at ease on the bank of river Sindhu and asked him as to how the persons, belonging to the four castes, carried away by the Mlecchas can be purified & what kind of expiations are to be performed by them, (1813-1815), in order to bring them back to their original fold.

Then Devala speaks out various expiations to be undergone by the four varnas, on their association with the Mlecchas for just one day right upto the period of 20 years.

EXPIATION FOR ASSOCIATION OF VARYING DURATION : 1 To 20 DAYS :

The pañcagavya & gift are the expiations, for having association for five days, by way of conversation & taking food with him. (1) The cow's urine, (2) cow-dung, (3) cow's wine, cow-dung & milk, (4) cow's urine, cow-dung, milk & curd, (5) pañcagavya with all ingrediants (including ghee) are the expiations for one to five days respectively. (1818-1820). Later on, the author also enjoins the pādakrecha, the parāka & the atikrecha for staying along with the Mleccha, for 10, 15 & 20 days respectively. (1820-1822). The brāhmana kidnapped by the Mlecchas for 5 to 20 days can be purified by the pañcagavya (1823).

ONE MONTH TO ONE YEAR :

The person may be forcibly carried away by a Mleccha & thus may be compelled to live with him for the period of one month to one year. For purification, a sūdra should undergo the cāndrāyana for the residence of one year, the parāka for six months, the half of a parāka for three months & the pādakrechra for one month. The $\frac{3}{4}$ th of the above expiation is prescribed for ksatriya, the $\frac{1}{2}$ of it for the vaisya & $\frac{1}{4}$ of it for the brāhmana (1824-1827).

PERFORMING THE PROHIBITED ACTS FOR ONE YEAR :

The Mlecchas also compelled the Hindus to drink or eat that was prohibited, after kidnapping them. The Hindu person may even cohabit with the lady, not fit to be cohabitted. On performing such acts for one year, the brāhmana is purified by undergoing the penance called cāndrāyana with parāka, the ksatriya by parāka and pādakrechra the vaisya by half of a parāka and the sūdra by parāka for five days (1829-1831).

ENSLAVEMENT BY MLECCHAS FOR ONE MONTH OR ONE YEAR :

The Mlecchas, Cāndālas, thieves (dasyus) would enslave the people & compel them to perform such unauspicious or ghastly acts like (1) killing of animals like cows etc., (2) cleasing of the left out food & even eating of the same, (3) partaking the ~~f~~lesh of donkey, camel, village pig etc, (4) the contact with their ladies & taking food along with them.

The twice-born person (i.e. brāhmaṇa, ksatriya & vaiśya), who lives in the above circumstances, along with the mleccha, for one month, is sanctified by the penance of prājāpatya & the āhitāgni by a cāndrāyana or a parāka. If the stay is for one year, the cāndrāyana & parāka both these penances are enjoined. A sūdra, living for one year in the above condition, should practise the Yavaka for 15 days & the Krcchra pāda (i.e. pādakrcchra) on his association for one month (1837-1841).

ASSOCIATION & RESIDENCE - FOR ONE TO FOUR YEARS :

If a person partakes the food of the Mleccha, is in contact or association with him & resides with him for one year or more, he can be pure, after three days. For contact for period above one year, he has to take ablutions in the Gaṅgā, even after undergoing the prescribed expiation. Here the author remarks that the expiation can be prescribed for a person, associated with the mleccha for about 4 years, & after the lapse of this time-limit of four years, there is no valid penance or expiation for his purification. The person becomes the Mleccha only by nature & there is no restoration of such a person to the original status (1842-1846).

FROM FIVE TO TWENTY YEARS :

But the above view of Devala is in conflict with the another set of verses (1849-1851), that prescribe expiation also for persons, forcibly seized by the Mlecchas & residing with them for the period of 5 to 20 years.

The expiation, in the form of two prājāpatya or cāndrāyana penances is laid down for such persons. For mere residence with the mleccha (without any contamination), one expiation (kṛcchra) only is to be undergone. But it is strictly proclaimed that there is no purification of person, having association with the mleccha, for the period, more than 20 years (1849-1851).

ON KIDNAPING BY MLECCHAS, DURING JOURNEY THROUGH FOREST :

The mlecchas also kidnapped the persons, on their journey through forest. Due to fear or hunger, they were compelled to eat, what was forbidden. In such cases, they can be purified by undergoing a penance, after returning to the country of their origin. The brāhmana should undergo one penance (kṛcchra), while the remaining three varnas should undergo respectively $\frac{1}{2}$, $\frac{3}{4}$, & $\frac{1}{4}$ of the expiation, prescribed for the brāhmana. (1854 & 1855).

FOR TOUCHING & SITTING WITH MLECCHA IN ASSEMBLY :

For touching & sitting along with the Mleccha in an assembly, the expiation of bath with clothes on ⁴ a fast for one day is prescribed (1856).

PURIFICATION OF LADIES :

ON PARTAKING FOOD :

The lady of brāhmana caste, serving food to the Mleccha & eating forbidden food, can be pure by the penance of parāka, while the ladies of the other castes are purified by gift. The ladies, that are not raped & have not eaten the prohibited food,

are purified by three days, for having merely partaken the food of the mleccha (1861 & 1862).

COHOBITATION WITH MLECCHA :

A lady forcibly raped by the mleccha can not be purified, if she becomes pregnant by him. But the lady, who is not impregnated by that act of cohabitation, attains purity after three days (of immediate menstruation). However, later on, the penance, called sāntapana is enjoined for purification of a lady, who is pregnant by the mleccha, through force or will & partakes food that is prohibited. The lady, raped by an asavarna is not pure, as long as she does not give up the taint (i.e. till she menstruates). But after her period of monthly flow, she becomes pure like the stainless gold. A woman, in her monthly course, touched by a Mleccha or other person can be pure, after three days by bath & drinking of pañcagavya (1863-1869).

4) THE PITIABLE SOCIAL CONDITION :

Thus the entire chapter reflects upon a very pitiable social condition. The Hindus had to suffer a lot, due to the ill-treatment by the mlecchas. (1) The kidnapping of ordinary people whether male or female, (2) looting them on their way of journey through forest, (3) forcible seduction of ladies, (4) compulsion to eat the forbidden food & flesh even of donkey, camel, village pig etc., (5) killing of cows etc. - these are some of the dark pictures of society, hinted at by the present context. The religious and social life was entirely

at stake, during the above period. A state of anarchy or chaos seems to have been prevalent, due to the invasion & oppression by the mlecchas.

5) DEFINITE HISTORICAL BACKGROUND :

The present chapter of the text has a definite historical background. It is not merely a fictitious narration by the author. Events, narrated in the text had actually taken place, in History of ancient India. The line 'sindhu-tīre sukhasīnam...' throws much light upon it. It was previously noted¹⁵ that the scholars like Mm.P.V.Kane, Mm.S.V.Ketakar, Dr.A.S.Altekar, found here a reference to the situation in Sindh, during 8th century A.D. Mm.S.V.Ketakar¹⁵ supplies the historical information about vanquishing of Hindu king Dāhira by Muhammada Kassam, the Muslim king & the subsequent enslavement & forcible conversion of the Hindus. Ultimately in about 732 A.D., the Rajaputas were successful in defeating and driving away the Muslims.

6) CONCLUDING REMARKS :

Thus Devala, the social reformer of Sindh tried to solve the pertinent, irritating social & religious problem, for the re-establishment & stability of society of Hindu fold. Even during the orthodox ancient period, Devala has exhibited a very pragmatic outlook, by his attempt of restoration of the polluted Hindu society. In short, this portion of the text has great historical, social & religious significance & is an ancient authority in the matter of parāvartana or suddhi (re-admittance of persons,

converted to other religions). It sets forth an ideal example for the Modern social reformers, who advocate readmittance of persons, converted to Islam & other religions, through force or will and subsequently wish to return to the Hindu Religion. To conclude, the above discussion definitely extends a helping hand to those unfortunate ones, who are the victims of forcible conversion.

REFERENCES

- 1) Surām pītvā dvījo mohādagnivarnām surām pibet /
Tayā sa kāye nirdagdhe mucyate kilbiṣāttataḥ //

- Manu.S. (XI.91).

Surāpāne kāmakṛte jvalantīm tām viniṣipet /
Mukhe tayā ca nirdagdhe mṛtaḥ suddhimavāpnuyāt //

- B.S. (Recon. Prāy.45)

Surāpo'gnisparsām surām pibet //

- Ap.D.S. (I/9/25/3).

Surāpasya brāhmanasyosnāmāsīnceyuh surāmāsyē mṛtaḥ
suddhyet //

- G.D.S. (3/5/1).

- 2) Gomūtramagnivarnam vā pibedudakameva vā /
payo ghṛtam vā"maranād go'sakṛdrasameva vā //

- Manu S. XI/92.

Surāmbughṛtagomūtrapayasāmagnisannibham /
surāpo'nyatamam pītvā maranācchuddhimṛcchati //

- Yāj.S. 3/253.

Gomūtramagnivarnam vā pibet salilame-va vā /
kuryād vānaśanam tāvadyāvatprānairviyujyate //

- B.S. (Recon. Prāy.46).

- 3) Mn.Kane, P.V., H.D.S., Vol.II, pt.II, p.798.

- 4) Saivatsarena patati patitena sahācāran /
Yājanādhyāpanādyaunāna tu yānāsamāsanāt //
- Manu.S.(XI/181).
- 5) Catvāro vedadharmajñāḥ parṣat traividyaeva vā /
Sā brūte yam sa dharmāḥ syādeko vādhyātmavittamaḥ //
- Yāj.S.(I/9).
- 6) H.D.S., Vol.I, pt.II, p.749.
- 7) Asvamedhena suddhyeyurmahāpātakīnastvime /
pṛthivyām sarvatīrthānām tathānusāraṇena ca //
- Vsn.S.35/6.
- 8) Caturvedyopapannastu vidhivadbrahmaghātake /
samudrasatugamanaprāyaścittam vinirdiśet //
- Parāśara.S.(XII/58).
- 9) Kṣamā satyam danāḥ śaucam dānamindriyasamyamaḥ /
Ahiṃsā gurususrūṣā tīrthānusāraṇam dayā //
- Vsn.S.II/16.
- 10) Mn.Kane, P.V., H.D.S., Vol.IV,p.561.
- 11) Pañcagavyam pibecchūdro brāhmanastu surām pibet /
Ubhau tau tulyadoṣau ca vasato narake ciram //
- Atri.S.(297).

Pañcagavyam pibecchūdro brāhmanastu surām pibet /
Ubhau tau narakam yāto mahārauravasamjñitam //

- Vsn.S.54/7.

12) Gomūtram kṛṣṇavarṇāyāḥ svetāyā gomayam haret /
payasca tāmravarṇāyā raktāya dadhi cocyate //
kapilāyā ghṛtam grāhyam sarvam kāpilameva vā //

- Parāśara S.(11/28-29).

13) Gomūtrasya palam dadyad dadhnastripalamucyate /
ājyasyaikapalam dadyādāṅguṣṭhārdham tu gomayam //
ksīram saptapalam dadyāt palamekam kusodakam //

- Parāśara S.(11/29-30).

14) Śakṛddvigūṇagomūtram sarpiṛdadyāccaturgūṇam /
ksīramastagūṇam deyam pañcagavye tathā dadhi //

- Atri.S.(296).

15) Cf.Pt. III, Ch. III, for details.