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**APARĀRKA**

**saṭīkayājñavalkyasmṛtau dvitīyo**

**vyavahārādhyāyaḥ**

**[tatra sādhāraṇavyavahāramātṛkāprakaraṇam | (1) ]**

**[595]**

atha prathame 'dhyāye varṇānāṃ nānāvidhā dharmā uktāḥ | tatra ca rājadharmeṣu vakṣyamāṇaṃ vyavahāradarśanopadeśam āśritya,

vyavahārān svayaṃ paśyet sabhyaiḥ parivṛto 'nvaham |

ity atra dharmo vihita idānīṃ tam eva vyavahāradarśanopadeśaṃ sakalāṅgakalāpopetaṃ kartum adhyāyāntaram ārabhate | tatra prathama evādhyāye vyavahārasya vidhiḥ | atra tu tadaṅgānām iti na vācyam | aṅgabhūtastvenātraiva vyavahāravidhiniścayāt | tad uktam "bhūyastvenobhayaśruti" iti ||

**vyavahārān nṛpaḥ paśyed vidvadbhir brāhmaṇaiḥ saha |**

**dharmaśāstrānusāreṇa krodhalobhavivarjitaḥ || 2.1 ||**

vyavahārān vādiprativādinor bhāṣottarakriyātmakān vivādān nṛpo janapadaparipālako vidvadbhir vyavahāraśāstrārthajñair vipraiḥ sahito likhitasākṣyādipramāṇapuraḥsaratayā krodhalobhādivicārakadoṣagaṇam apahāya paśyet parīkṣeta | yady api dharmaśāstrānusāritayaiva krodhādivarjanaṃ prāptam, tathāpi prādhānyena krodhādivarjanasya pṛthagupādānam | na hi krodhādimān dharmaṃ śaknoti vyavasthāpayitum | ato dharmaśāstroktalikhitasākṣyādipramāṇagaṇa iva krodhādiviraho nṛpavartī dharmavyavasthitau pradhānaṃ sādhanam | krodho jighāṃsā tayā ca dveṣa upalakṣyate | utkocādirūpeṇa paravittalipsā lobhaḥ | ajñānapramādāv apy atra varjanīyatayā draṣṭavyau | yady api sabhyasabhāpativyāpāro 'pi vyavahāraśabdenocyate,

catuṣpād vyavahāro 'yaṃ vivādeṣūpadiśyate |

ity atra bhāṣottarapramāṇanirṇayātmakāś catvāro vyavahārapādā vakṣyante | tatra nirṇayapādaḥ sabhyasabhāpativyavahāra iti prasiddham | tathāpi nṛpaṃ prati draṣṭavyatayā vādiprativādivyāpāra eva śakyo vidhātuṃ nṛpavyāpāras tu na draṣṭavyaḥ kiṃ tu kāryaḥ | tasmād atra vyavahāraśabdena vādiprativādivyāpāra eva **[596]** vaktavyaḥ | atha vā nirṇayapādo 'pi sabhyakartṛko bhavati nṛpasya parīkṣakatayā dṛśya iti pādacatuṣṭayābhiprāyeṇāpi vyavahārapadavyākhyānaṃ nāyuktam | vyavahārasvarūpanirūpaṇāya kātyāyana āha |

prayatnasādhye vicchinne dharmākhye nyāyavistare |

sādhyamūlo 'tra vādo vyavahāraḥ sa ucyate ||

asyārthaḥ — dharmam ākhyātīti dharmākhyaḥ | nyāyavistāro nyāyaprapañcaḥ | tasmin vicchinne prativāditā vilopite tataś ca likhitasākṣyādipramāṇopanyāsarūpaprayatnasādhye sati yo vādinor vādaḥ sa vyavahāra iti | ata eva yamaḥ |

rājā mantrisahāyas tu dvayor vivadamānayoḥ |

samyak kāryāṇy avekṣeta rāgadveṣavivarjitaḥ || iti |

vyavahārān iti bahuvacanaṃ viṣayabhedenāṣṭādaśadhā binnasya vyavahārasya saṃgrahārtham | ata eva manur vyavahāraviṣayam aṣṭādaśadhāha |

teṣām adyam ṛṇādānaṃ nikṣepo 'svāmivikrayaḥ |

saṃbhūya ca samutthānaṃ dattasyānapakarma ca ||

vetanasyaiva cādānaṃ saṃvidaś ca vyatikramaḥ |

krayavikrayānuśayo vivādaḥ svāmipālayoḥ ||

sīmāvivādadharmaś ca pāruṣye daṇḍavācike |

steyaṃ ca sāhasaṃ caiva strīsaṃgrahaṇam eva ca ||

strīpuṃdharmavibhāgaś ca dyūtam āhvānam eva ca |

pādāny aṣṭādaśaitāni vyavahārasthitāv iha ||

eṣu sthāneṣu bhūyiṣṭhaṃ vivādaṃ caratāṃ nṛṇām |

dharmaṃ śāśvatam āśritya kuryāt kārye vinirṇayam || **[597]**

padaṃ sthānaṃ viṣaya iti yāvat | eṣām ṛṇādānādinām avāntarabhedavivakṣayāṣṭottaraṃ śataṃ bhavatīty āha nāradaḥ |

eṣām eva prabhedo 'nyaḥ śatam aṣṭottaraṃ smṛtam |

kriyābhedān manuṣyāṇāṃ śataśākho nigadyate ||

tathā vyavahārasya prakārāntarāṇy api sa evāha |

sa catuṣpāc catuḥsthānaś catuḥsādhana eva ca |

caturhitaś caturvyāpī catuṣkārīti kīryate ||

aṣṭāṅgo 'ṣṭādaśapadaḥ śataśākhas tathaiva ca |

triyonir dvyabhiyogaś ca dvidvāro dvigatis tathā || iti |

svayam eva caitān prakārān vyācaṣṭe |

dharmaś ca vyavahāraś ca caritraṃ rājaśāsanam |

catuṣpād vyavahāro 'yam uttaraḥ pūrvabādhakaḥ ||

ittham etad eva katham ity atrāha |

tatra sabhye sthito dharmo vyavahāras tu sākṣiṣu |

caritraṃ pustakaraṇe rājājñāyāṃ tu śāsanam ||

sabhyaikapramāṇatvād dharmaḥ sabhye sthita ity ucyate | vyavahāraś ca sākṣyadhīno nirṇaya iti vyavahāraḥ sākṣiṣu sthita ity ucyate | caritraṃ deśakālakuladharmaḥ, tat pustakaraṇe [likhitakaraṇe sthitam | likhitāḥ khalu deśādidharmāḥ pramāṇam | duṣṭanigrahaḥ śāsanam] | tad rājājñādhīnatvāt tasyāṃ sthitam ity ucyate | eṣāṃ ca dharmādīnāṃ paraṃ balīyaḥ | tad yathā — varṇiṣu kṛtāparādheṣu vadharūpe daṇḍadharme satyāt sākṣivacanāt prāpte sākṣibhiḥ "varṇānāṃ hi vadho yatra" itivacanānusārād anṛte 'bhihite vyavahāreṇa vadharūpo daṇḍadharmo nivartate | vyavahāro 'pi caritreṇa bādhyate yathā — sākṣibhiḥ sādhite 'py ābhīrastriyāḥ puruṣāntaropabhoge taddaṇḍe ca vyavahārataḥ prāpte 'pi rājakulādhigatalikhitān nivartate | evaṃ hi tatra lihitam — ābhīrastrīṇāṃ vyabhicāre 'pi sati daṇḍo na grāhya iti | caritram api rājaśāsanena bādhyate | yathā — brāhmaṇādigṛhe rājapuruṣeṇa na praveṣṭavyam iti deśadharmo likhito 'pi brāhmaṇādigṛhe vyavasthite 'pi caurādī rājājñayā tadgṛhaṃ praviśya rājapuruṣeṇa nīyate | adhunā catuḥsādhantvādi vyācaṣṭe —

**[598]** sāmādyupāyasādhyatvāc catuḥsādhana ucyate |

caturṇām āśramāṇāṃ ca rakṣaṇāt sa caturhitaḥ ||

kartṝn atho sākṣiṇaś ca sabhyān rājānam eva ca |

vyāpnoti pādaśo yasmāc caturvyāpī tataḥ smṛtaḥ ||

dharmādharmaphalena kartṛprabhṛtīn pādaśo vyāpnoti samyagasamyagdraṣṭṛtayā | tad uktam |

pādo gacchati kartāraṃ pādaḥ sākṣiṇam ṛcchati |

pādaḥ sabhāsadaḥ sarvān pādo rājānam ṛcchati ||

dharmasyārthasya yaśaso lokapaṅktes tathaiva ca |

caturṇāṃ karaṇād eṣāṃ catuṣkārī prakīrtitaḥ ||

lokapaṅktir lokānurāgaḥ |

rājā svapuruṣaḥ sabhyaḥ śāstraṃ gaṇakalekhakau |

hiraṇyam agnir udakam aṣṭāṅgaḥ samudāhṛtaḥ ||

gaṇakasya vivādaviṣayībhūtadhanasaṃkhyāne lekhakasya bhāṣollekhane 'gnyādīnāṃ ca śapathe 'sty upayoga iti vyavahārāṅgatā |

kāmāt krodhāc ca lobhāc ca tribhyo yasmāt pravartate |

triyoniḥ kīrtyate tena trayam etad vivādakṛt ||

dvyabhiyogas tu vijñeyaḥ śaṅkātattvābhiyogataḥ |

śaṅkāsatāṃ tu saṃsargāt tattvaṃ hoḍhābhidarśanāt ||

asatām sādhūnāṃ vyavahārakartṛtvasaṃbhavād bhavati śaṅkā saṃdehaḥ | hoḍhābhidarśanaṃ loptrāder liṅgasya darśanaṃ pratyakṣadarśanaṃ vā | evaṃ ca ṛṇādānādau pramāṇapūrvakaḥ saṃśayapūrvakaś cābhiyogaḥ saṃbhavatīti bhavati dvyabhiyogatvam | abhiyoga ākṣepaḥ |

pakṣadvayābhisaṃbandhād dvidvāraḥ samudāhṛtaḥ |

pūrvas tu bhāṣayā pakṣaḥ pratipakṣaṃ taduttaram ||

dvāraṃ kāryārambhapravṛttiḥ |

bhūtacchalānusāritvād dvigatiḥ sa udāhṛtaḥ |

bhūtaṃ tattvārthasaṃyuktaṃ pramādābhihitaṃ chalam || **[599]**

mūlaśloke vyavahārān nṛpaḥ paśyed iti ṛṣiṇā parīkṣāparaparyāyo vyavahāro vyavahārapadenocyate | tathā ca nāradaḥ |

kiṃ tu rājñā viśeṣeṇa svadharmam abhirakṣatā |

manuṣyacittavaicitryāt parīkṣyā sādhvasādhutā ||

asabhyāḥ sabhyasaṃkāśāḥ sabhyāś cāsabhyasaṃnibhāḥ |

dṛśyante vividhā bhāvās tasmād yuktaṃ vicāraṇam ||

brāhmaṇānāṃ yady api vyavahāradarśanakartṛtvaṃ pratipādyate tathāpi teṣāṃ nādhikārāḥ kiṃ tu rājñām eva tadgāmiphalasmaraṇāt | tathā ca nāradaḥ |

evaṃ paśyan svayaṃ rājā vyavahārān samāhitaḥ |

vitatyeha yaśo dīptaṃ śakrasyaiti salokatām ||

tasmād ṛtvijāṃ yathā yāge kartṛtvam evaṃ brāhmaṇānāṃ vyavahāradarśane dharmaśāstrānusāreṇety uktam | tadakaraṇe pratyavāyam āha kātyāyanaḥ |

asvargyā lokanāśāya parānīkabhayāvahā |

āyurbījaharī rājñāṃ sati vākye svayaṃ kṛtiḥ ||

tasmāc chāstrānusāreṇa rājā kāryāṇi sādhayet |

vākyābhāve tu sarveṣāṃ deśadṛṣṭena tan nayet ||

bṛhaspatiḥ |

kevalaṃ śāstram āśritya na kartavyo vinirṇayaḥ |

yuktihīne vicāre dharmahāniḥ prajāyate ||

cauro 'cauraḥ sādhv asādhu jāyate vyavahārataḥ |

yuktiḥ vinā vicāreṇa māṇḍavyaś cauratāṃ gataḥ ||

rājety anuvṛttau gautamaḥ: "tasya vyavahāro vedo dharmaśāstrāṇy aṅgāny upavedaḥ purāṇam" | vyavahriyate nirṇīyate yena vedādinā pramāṇena sa vyavahāraḥ | tathā: "nyāyādhigame tarko 'bhyupeyaḥ | tenātyūhya yathāsthānaṃ gamayet | vipratipattau traividyavṛddhebhyaḥ pratyavahṛtya niṣṭhāṃ gamayet | tathehāsya niḥśreyasaṃ bhavati" iti | vicārakāṇām anyonyavipratipattau traividyavṛddhebhyaḥ samyagadhigatacaturdaśavidyāsthānebhyo nyāyaṃ pratyavahṛtyādhigamya vyavahāraṃ niṣṭhāṃ samāptiṃ gamayet | tathehāsya rājño niḥśreyasaṃ śāstroktaṃ phalaṃ bhavati | uktaṃ ca nāradena phalam |

dharmeṇoddharato rājño vyavahārān kṛtātmanaḥ |

saṃbhavanti guṇāḥ sapta sapta vahner ivāriṣaḥ ||

**[600]** dharmaś cārthaś ca kīrthiś ca lokapaṅktir upagrahaḥ |

prajābhyo bahumānaś ca svarge sthānaṃ ca śāśvatam || iti |

upagrahaḥ sahāyalābhaḥ | atra manuḥ |

vyavahārān didṛkṣus tu brāhmaṇaiḥ saha pārthivaḥ |

mantrajñair mantribhiś caiva vinītaḥ praviśet sabhām ||

tatrāsīnaḥ sthito vāpi pāṇim udyamya dakṣiṇam |

vinītaveṣābharaṇaḥ paśyet kāryāṇi kāryiṇām ||

mantrajñā arthaśāstrajñāḥ | tena dharmaśāstrāviruddham arthaśāstraṃ vyavahāraṃ paśyatānusaraṇīyam | tad āha nāradaḥ |

dharmaśāstrārthaśāstrābhyām avirodhena mārgataḥ |

samīkṣamāṇo nipuṇaṃ vyavahāragatiṃ nayet ||

sabhām āha bṛhaspatiḥ |

pratiṣṭhitāpratiṣṭhā ca mudritā śāsitā tathā |

caturvidhā sabhā proktā sabhyāś caiva tathāvidhāḥ ||

pratiṣṭhitā pure grāme calānām apratiṣṭhitā |

mudritādhyakṣasaṃyuktā rājayuktā ca śāsitā ||

nṛpo 'dhikṛtasabhyāś ca smṛtir gaṇakalekhakau |

hemāgnyambusvapuruṣāḥ sādhanāṅgāni vai daśa ||

daśānām api caiteṣāṃ karma proktaṃ pṛthak pṛthak |

vaktādhyakṣo nṛpaḥ śāstā sabhyaḥ kāryaparīkṣakaḥ ||

smṛtir vinirṇayaṃ brūte jayadānaṃ damaṃ tathā |

śapathārthe hiraṇyāgnī ambu tṛṣitajantuṣu ||

gaṇako gaṇayed arthaṃ likhen nyāyaṃ ca lekhakaḥ |

pratyarthisabhyānayanaṃ sākṣiṇaṃ ca svapūruṣaḥ ||

kuryād alagnakau rakṣed arthiprathyarthinau sadā |

etad daśāṅgaṃ karaṇaṃ yasyām adhyāsya pārthivaḥ ||

nyāyān paśyet kṛtamatiḥ sā sabhādhvarasaṃmitā |

lokavedāṅgadharmajñāḥ sapta pañca trayo 'pi vā ||

yatropaviṣṭā viprāgryāḥ sā yajñasadṛśī sabhā || **[601]**

kāryānusāreṇa sabhyālpamahattvaṃ grāhyam | ālagnakau pratibhuvau | vyavahārakālam āha kātyāyanaḥ |

ādyād ahno 'ṣṭabhāgād yad ūrdhvaṃ bhāgatrayaṃ bhavet |

sa kālo vyavahārasya śāstre dṛṣṭo manīṣibhiḥ ||

vyavahāradraṣṭāraḥ sabhyā rājñā kāryāḥ | na hi teṣām asty adhikāro yad balāt svata eva pravarteran || 2.1 ||

*tataś ca yadguṇakās te kāryās tān āha* |

**śrutādhyayanasaṃpannā dharmajñāḥ satyavādinaḥ |**

**rājñā sabhāsadaḥ kāryā ripau mitra ca ye samāḥ || 2.2 ||**

śrutaṃ vedavākyārthajñānopayogi mīmāṃsāyā vedāṅgānāṃ ca kalpaniruktavyākaraṇānām ācāryād arthajñānam | adhyayanaṃ prasiddham | tābhyāṃ saṃpannā upetāḥ | dharmajñā dharmaśāstrajñāḥ | dharmaśāstrāṇy āha pitāmahaḥ |

vedāḥ sāṅgās tu catvāro mīmāṃsā smṛtayas tathā |

etāni dharmaśāstrāṇi purāṇaṃ nyāyadarśanam ||

satyavadanaśīlā mitrāmitrayoḥ rāgadveṣābhāvena samopadeśakartāro rājñā sabhāsadaḥ kāryā mānadānābhyām āpādyāḥ | sabhāyāṃ sīdantīti sabhāsadaḥ | ete bahuśāstrajñā brāhmaṇās tadalābhe tādṛśāḥ kṣatriyās tadalābhe tādṛśā eva vaiśyāḥ | tad āha kātyāyanaḥ |

alubdhā dhanavantaś ca dharmajñāḥ satyavādinaḥ |

sarvaśāstrapravīṇāś ca sabhyāḥ kāryā dvijottamāḥ ||

ekaṃ śāstram adhīte yo na vidyāt karyaniścayam |

tasmād bahvāgamaḥ kāryo vivādeṣūttamo nṛpaiḥ ||

yatra vipro na vidvān syāt kṣatriyaṃ tatra yojayet |

vaiśyaṃ vā dharmaśāstrajñaṃ śūdraṃ yatnena varjayet ||

ato 'nyair yat kṛtaṃ karyam anyāyena kṛtaṃ tu tat |

niyuktair api vijñeyaṃ daivād yady api śāstrataḥ ||

manuḥ |

jātimātropajīvī vā varaṃ syād brāhmaṇabruvaḥ |

dharmapravaktā nṛpater tu śūdraḥ kathaṃcana ||

yasya rājñas tu kurute śūdro dharmavivecanam |

tasya sīdati tad rāṣṭraṃ paṅkte gaur iva paśyataḥ || **[602]**

vyāsaḥ |

dvijān vihāya ya paśyet kāryāṇi vṛṣalaiḥ saha |

tasya prakṣubhyate rāṣṭraṃ balaṃ kośaś ca naśyati ||

bṛhaspatiḥ |

deśācārānabhijñā ye nāstikāḥ śāstravarjitāḥ |

unmattakruddhalubdhārtā na praṣṭavyā vinirṇaye ||

manuḥ |

smṛtiśāstre tv avijñāte durjñāte vāvivekataḥ |

dharmakārye mahān doṣaḥ sabhāyāṃ vadataḥ sadā ||

śabdābhijanatattvajño gaṇanākuśalau śucī |

nānālipijñau kartavyau rājñā gaṇakalekhakau ||

ākārake(ṇe) rakṣaṇe ca sākṣyarthiprativādinām |

sabhyādhīnaḥ satyavādī kartavyas tu svapūruṣaḥ || 2.2 ||

*prāḍvivākavidhim āha |*

**apaśyatā kāryavaśād vyavahārān nṛpeṇa tu |**

**sabhyaiḥ saha niyoktavyo brāhmaṇaḥ sarvadharmavit || 2.3 ||**

vyavahāradarśanād yad anyad gurutaraṃ kāryaṃ tadadhīnatayā vyavahārān apaśyatā rājñā sarvadharmavettā brāhmaṇaḥ pūrvoktair brāhmaṇaiḥ saha vyavahāradarśane niyoktavyaḥ | svayaṃ ca prāḍvivākasaṃjñakabrāhmaṇo rājanyo 'pi vyavahārān paśyati niyoktavya eva | yad āha nāradaḥ |

dharmaśāstraṃ puraskṛtya prāḍvivākamate sthitaḥ |

samāhitamatiḥ paśyed vyavahārān anukramāt ||

rājā ced vyavahārān paśyati prāḍvivāko 'numantā, anyadā tu vyavahāradraṣṭā | ata eva vṛddhabṛhaspatiḥ |

rājā kāryāṇi saṃpaśyet prāḍvivāko 'tha vā dvijaḥ |

nyāyāṅgāny agrataḥ kṛtvā satyaśāstramate sthitaḥ ||

vivāde pṛcchati praśnaṃ pratipraśnaṃ tathaiva ca |

priyapūrvaṃ prāg vadati prāḍvivākas tataḥ smṛtaḥ ||

vyavahārāśritaṃ praśnaṃ pṛcchati prāḍ iti śrutiḥ |

vivadet tatra yas tasmin prāḍvivākas tu sa smṛtaḥ ||

nāradaḥ |

yathā śalyaṃ bhiṣak kāyād uddhared yantrayuktitaḥ |

prāḍvivākas tathā śalyam yuddhared vyavahārataḥ || **[603]**

gautamaḥ: "sarvadharmebhyo garīyaḥ prāḍvivāke satyavacanam" || 2.3 ||

*kiṃ ca* |

**rāgāl lobhād bhayād vāpi smṛtyapetādikariṇaḥ |**

**sabhyāḥ pṛthak pṛthag daṇḍyā vivādād dviguṇaṃ damam || 2.4 ||**

uktāḥ sabhyās te yadi rāgādivaśāt smṛtiśāstraviruddhaṃ vivāde 'pi nirṇayaṃ kurvanti tadā vivādād vivādaviṣayībhūtād dhanād dviguṇaṃ daṇḍaṃ pratyekaṃ daṇḍanīyāḥ | atrādiśabdena sadācāranyāyāpetasya grahaṇam | rāgādigrahaṇaṃ ceha daṇḍanīyatvanimittasya smṛtyapetādikāritvasya na viśeṣaṇaṃ vākyabhedaprasaṅgāt | yathobhayatvaṃ havirāṃteḥ (rādeḥ) | tataś ca pradarśanārthatve mohādihetukasyāpi smṛtiviruddhakāritvasya daṇḍaviśeṣanimittatā bhavati | ata eva bhṛśadaṇḍanimittena lobhādinā tulyam ajñānam āha nāradaḥ |

rāgād ajñānato vāpi lobhād vā yo 'nyathā vadet |

sabhyo 'sabhyaḥ sa vijñeyas taṃ pāpaṃ vinayed bhṛśam || iti |

etac ca daṇḍavidhānaṃ dhanaviṣayavivāde | vādāntare tu pāruṣyādiviṣaye daṇḍāntaraṃ veditavyam | ata evāha viṣṇuḥ: "kūṭasākṣiṇāṃ sarvasvāpahāraḥ | utkocajīvināṃ sabhyānāṃ ca" | atrāpy utkocagrahaṇaṃ pradarśanārtham. | ata eva vṛddhabṛhaspatiḥ |

anyāyavācinaḥ sabhyās tathaivotkocajīvinaḥ |

viśvastavañcakaś caiva nirvāśyāḥ sarva eva te ||

yat tu,

lobhāt sahasraṃ daṇḍyaḥ syān mohāt pūrvaṃ tu sāhasam |

ityādilobhamohayor atulyadaṇḍanimittatvavacanaṃ tat sākṣiviṣayaṃ na sabhyaviṣayam | ata eva kātyāyanaḥ samyagjñānarahitasya sabhyasya dviguṇaṃ daṇḍam āha |

kāryasya nirṇayaṃ samyag jñātvā sabhyas tato vadet |

anyathā naiva vaktavyaṃ vaktā dviguṇadaṇḍabhāk ||

tathā rāgāparaparyāyeṇa snehena lobhena ca sabhyadaṇḍaṃ praty ajñānasya tulyaṃ nimittatvam āha |

snehād ajñānato vāpi mohād vā lobhato 'pi vā |

atra sabhyo 'nyathāvādī daṇḍyo 'sabhyas tu sa smṛtaḥ ||

**[604]** sabhyadoṣāt tu yan naṣṭaṃ deyaṃ sabhyena tat tadā |

kāryaṃ tu kāryiṇām evaṃ niścitaṃ na vicārayet ||

tathā |

anirṇīte tu yady arthe saṃbhāṣeta raho 'rthinā |

prāḍvivāko 'tha daṇḍyaḥ syāt sabhyaś caiva na saṃśayaḥ ||

nāradaḥ |

nāniyuktena vaktavyaṃ vyavahāre kathaṃcana |

niyuktena tu vaktavyam apakṣapatitaṃ vacaḥ ||

niyukto vāniyukto vā śāstrajño vaktum arhati |

daivīṃ vācaṃ sa vadati yaḥ śāstram upajīvati ||

bṛhaspatiḥ |

niyukto vāniyukto vā śāstrajño vaktum arhati |

yat tena sadasi proktaṃ sa dharmo nātra saṃśayaḥ ||

yathā |

lobhadveṣādikaṃ tyaktvā yaḥ kuryāt kāryaniścayam |

śāstroditena vidhinā tasya yajñaphalaṃ bhavet ||

nṛpānuvṛttau kātyāyanaḥ |

adharmataḥ pravṛttaṃ tu nopekṣeran sabhāsadaḥ |

upekṣaṃāṇāḥ sanṛpā narakaṃ yānty adhomukhāḥ ||

anyāyato yiyāsantaṃ ye 'nuyānti sabhāsadaḥ |

te 'pi tadbhāginas tasmād bodhanīyaḥ sa tair nṛpaḥ ||

manuḥ |

rājā bhavaty anenās tu mucyante ca sabhāsadaḥ |

eno gacchati kartāraṃ nindārho yadi nindyate ||

sabhā vā na praveṣṭavyā vaktavyaṃ vā samañjasam |

abruvan vibruvan vāpi naro bhavati kilbiṣī ||

kātyāyanaḥ |

nyāyaśāstram atikramya sabhyair yatra viniścitam |

tatra dharmo hy adharmeṇa hato hanti ca saṃśayaḥ ||

yatra dharmo hy adharmeṇa satyaṃ yatrānṛtena ca |

hanyate prekṣamāṇānāṃ hatās tatra sabhāsadaḥ ||

prekṣamāṇānām ity anādare ṣaṣṭhī | vyāsaḥ |

nāsau sabhā yatra na santi vṛddhā vṛddhā na te ye na vadanti dharmam |

nāsau dharmo yatra na satyam asti na tat satyaṃ yac chalenānuviddham ||

ye tu sabhyāḥ sabhāṃ prāpya tūṣṇīṃ dhyāyanta āsate |

yathāprāptaṃ ca na brūyuḥ sarve te 'nṛtavādinaḥ || 2.4 ||

**[605]**

*vayavāhadarśananimittam āha* |

**smṛtyācāravyapetena mārgeṇādharṣitaḥ paraiḥ |**

**āvedayati ced rājñe vyavahārapadaṃ hi tat || 2.5 ||**

smṛtiśāstraśiṣṭācārarahitena mārgeṇopāyena parair ākṣiptaḥ san rājñe yady āvedayati aham anena vidhinānyāyena paribhūto 'smīti yat tan nivedanaṃ vyavahārapadam | padaṃ sthānaṃ nimittam iti yāvat | parair iti bahuvacanam upalakṣaṇārtham | tenaikena dvābhyāṃ bahubhiś cākṣipto lakṣyate | āvedanasya vyavahāradarśane nimittatvena pratipādanād āvedanād ṛte vyavahāradarśanaṃ rājñā na kāryam | tathā ca manuḥ |

notpādayet svayaṃ kāryaṃ rājā nāpy asya pūruṣaḥ |

na ca prāpitam anyena grasetārthaṃ kathaṃcana ||

kāryaṃ na graseta nāpalāpayet | atra kātyāyanaḥ |

kena kasmin kadā kasmāt pṛcched evaṃ sabhāṃ gataḥ |

kena puruṣeṇa kasmin kārye kadā kasmād dhetoḥ paribhūto 'sīti sabhāṃ gataḥ sabhya āvedayitāraṃ pṛcchet |

saśastro 'nuttarīyaś ca muktakeśaḥ sahāsanaḥ |

vāmahastena vā sragvī vadan daṇḍam avāpnuyāt ||

ayam arthaḥ — sa pṛṣṭaḥ san yadi saśastra uttarīyavastrahīno muktakeśa āsanopaviṣṭo vāmahastena kiṃcic cālayañ śirasā srajaṃ vā dhāryann uttaraṃ vadati tadā daṇḍya iti | tathā |

kāle kāryārthinaṃ pṛcchet praṇataṃ purataḥ sthitam |

kiṃ kāryaṃ kā ca te pīḍā mā bhaiṣīr brūhi mānava ||

evaṃ pṛṣṭaḥ sa yad brūyāt tat sabhyair brāhmaṇaiḥ saha |

vimṛśya kāryaṃ nyāyyaṃ ced āhvānārtham ataḥ param ||

mudrāṃ ca nikṣipet tasmin puruṣaṃ vā samādiśet ||

tathā |

utpādayati yo hiṃsāṃ deyaṃ vā na prayacchati |

yācamānāya dauḥśīlyād ākṛṣyo 'sau nṛpājñayā ||

bṛhaspatiḥ |

yasyābhiyogaṃ kurute tathyenāśaṅkayāpi vā |

tam evānāyayed rājā mudrayā puruṣeṇa vā || **[606]**

tathā |

akalpabālasthaviraviṣamasthakriyākulān |

kāryātipātivyasanivṛpakāryotsavākulān ||

dharmodyatān abhyudaye parādhīnaśaṭhākṛtīn |

mattonmattapramattāṃś ca bhṛtyān nāhvāyayen nṛpaḥ ||

akalpo vyādhitaḥ | viṣamaṃ durgaṃ nigaḍādi vā | kriyākulo nityanaimittikakarmakaraṇavyagraḥ | kāryātipātī yasya tat kālam āgacchato gurutarakāryavināśaḥ | vyasanam iṣṭaviyogādi | utsavaḥ kaumudyādiḥ sarvajanīnaḥ | vivāhādir vā prātisvikaḥ | yadi cirakālānuvartyanāgamanakāraṇaṃ tadāhūtaḥ san vyavahāranirdhāraṇāya puruṣāntaraṃ prasthāpayet | ata evāha |

na ca bhrātā na ca pitā na putro na niyogakṛt |

parārthavādī daṇḍyaḥ syād vyavahāreṣu vibruvan ||

tathā |

hīnapakṣā ca yuvatiḥ kulajātā prasūtikā |

sarvavarṇottamā kanyā tā jñātiprabhukāḥ smṛtāḥ ||

ata evāsāṃ jñātaya evāhvātavyā ity arthaḥ | āhvātavyā āha |

tadadhīnakuṭumbinyaḥ svairiṇyo gaṇikāś ca yāḥ |

niṣkulā yāś ca patitās tāsām āhvānam arhati ||

rājā kartum iti śeṣaḥ | etac copalakṣaṇam | tena gopaśauṇḍikādistrīṇām api parigrahaḥ | tāsām api vyavahārapraṇetṛtvāt | vanasthādivyatirekeṇa yatra na siddhis tatra tān apy āhvāyayet | tad uktam |

jñātvābhiyogaṃ ye 'pi syur vane pravrajitādayaḥ |

tān apy āhvāyayed rājā gurukāryeṣu gopayan ||

tathā |

āsedhayogya āsedham utkrāman daṇḍam arhati |

āsedhayaṃs tu nāsedhyaṃ rājñā śāsya iti sthitiḥ ||

āhūtasyāgacchata āhvātrāsedhayogyasyāsedho bhojanādikāryāntaraniṣedhaḥ kāryaḥ | anāsedhyān āha nāradaḥ |

nadīsaṃtārakāntāradurdeśopaplavādiṣu |

āsiddhas taṃ parāsedham utkrāman nāparādhnuyāt ||

**[607]** niveṣṭukāmo rogārto yiyakṣur vyasane sthitaḥ |

abhiyuktas tathānyena rājakāryodyatas tathā ||

gavāṃ pracāre gopālāḥ sasyakāle kṛṣīvalāḥ |

śilpinaś cāpi tatkāle āyudhīyāś ca vigrahe ||

aprāptavyavahāraś ca dūto dānonmukho vratī |

viṣamasthāś ca nāsedhyā naitān āhvāyayen nṛpaḥ ||

deśaṃ kālaṃ ca vijñāya kāryāṇāṃ ca balābalam |

akalpādīn api śanair yānair ānāyayen nṛpaḥ ||

yānaiḥ śibikādibhiḥ | nāradaḥ |

vaktavye 'rthe na tiṣṭhantam utkrāmantaṃ ca tadvacaḥ |

āsedhayed vivādārthaṃ yāvad āhvānadarśanam ||

āhūyate 'neneti vyutpattyā rājapuruṣa āhvānaḥ | āsedhe cāturvidyam āha |

sthānāsedhaḥ kālakṛtaḥ pravāsāt karmaṇas tathā |

caturvidhaḥ syād āsedho nāsiddhas taṃ vyatikramet ||

sthānāsedho yathā — nātra gṛhādau sthātavyam iti | kālāsedhas tv adya tvayā na bhoktavyam ityādi | pravāsān niṣedho yātrānivāraṇam | karmaṇo niṣedhaḥ kṛṣyādivāraṇam |

āsedhakāla āsiddha āsedhaṃ yo 'tivartate |

sa vineyo 'nyathā kurvann āseddhā daṇḍabhāg bhavet ||

vineyo daṇḍyaḥ | anyathā kurvann anāsedhyam āsedhayann ity arthaḥ | kātyāyanaḥ |

āhūtas tv avamanyeta yaḥ śakto rājaśāsanam |

tasya kuryān nṛpo daṇḍaṃ vidhidṛṣṭena karmaṇā ||

hīne karmaṇi pañcāśan madhyamena śatāvaram |

gurukāryeṣu daṇḍyaḥ syān nityaṃ pañcaśatāvaram ||

tāmrikapaṇābhiprāyaiṣā saṃkhyā |

dūtāya sādhite kārye netā bhaktaṃ pradāpayet |

deśaḥ kālo vayaḥ śaktir apekṣyā bhojane tathā ||

ākārakasya sarvatra tv iti dharmavido viduḥ |

pratibhūś ca grahītavyaḥ prāḍvivākena kāryiṇaḥ ||

**[608]** pratyarthini samāyāte samupasthāpanakṣamaḥ |

atha cet pratibhūr nāsti vādayogyasya vāditaḥ ||

sa rakṣito dinasyānte dadyād dūtāya vetanam || 2.5 ||

*vyavahārān paśyatā prathamaṃ yat kāryaṃ tad āha* |

**pratyarthino 'grato lekhyaṃ yathāveditam arthinā |**

**samāmāsatadardhānarnāmajātyādicihnitam || 2.6 ||**

arthināgravādinā dharmādhikāre yena yena prakāreṇa kāryam āveditaṃ tat tenaiva prakāreṇa varṣādicihnitaṃ pratyarthinaḥ purato rājñā lekhayitavyam | tatrāvedanaprakāro yathā — madīyaṃ suvarṇam etāvad amukavatsare 'mukamāse 'mukapakṣe 'mukatithāv amukenāmukajātīyenādhamarṇena gṛhītam iti | atha vā vivādāspadadhanasya nāmajātyādicihnitam | ādiśabdena khaṇḍatvamuṇḍatvasaṃkhyāparimāṇādi gṛhyate | anyathā saṃkhyādirahitadravyaviṣayavivādasyānādeyatā syāt | atra kātyāyanaḥ |

niveśya kālaṃ varṣaṃ ca māsaṃ pakṣaṃ tithiṃ tathā |

velāṃ pradeyaṃ viṣayaṃ sthānaṃ jātyākṛtī vayaḥ ||

sādhyaṃ pramāṇaṃ dravyaṃ ca saṃkhyāṃ nāma tathātmanaḥ |

rājñāṃ ca kramaśo nāma nivāsaṃ sādhyanāma ca ||

kramāt pitṝṇāṃ nāmāni pīḍām āhartṛdāyakau |

kṣamāliṅgāni cānyāni pakṣaṃ saṃkīrtya kalpayet ||

yeṣāṃ madhye yāni sādhakabādhakapramāṇopanyāsopayogīni yatra bhavanti tatra tāny eva lekhyāni | na sarvāṇi prayojanābhāvāt | tatra samāmāsādīnāṃ vṛddhivivāhādeḥ pūrvottarakālavivāde cāsty upayogaḥ | cauryādivivāde nāmajātyādeḥ | evam anyeṣv apy ūhanīyam |

deśaḥ kālas tathā sthānaṃ saṃniveśas tathaiva ca |

jātiḥ saṃjñādhivāsaś ca pramāṇaṃ kṣetranāma ca ||

pitṛpaitāmahaṃ caiva pūrvarājānukīrtanam |

sthāvareṣu vivādeṣu daśaitāni niveśayet ||

deśo janapadaḥ | tena viśeṣaṇīyaṃ vivādāspadaṃ sthāvaram | evam uttaratrāpi | **[609]** krayavikrayapratigrahādikālo 'tra kālaḥ | sthānaṃ grāmādisaṃniveśo vṛttatvadīrghatvādiḥ | jātir vrīhyādijanma, tayopalakṣaṇīyaṃ kṣetrādīty arthaḥ | atha vā dāyakāder jātir brāhmaṇādiḥ | saṃjñā nāma, cihnaṃ vā vṛkṣādi | adhivāsaḥ samīpavartikṣetrasvāmivargaḥ | pramāṇaṃ parimāṇaṃ nivartanādi | āghaṭanādi vā | prasiddham anyat | evam uktarūpā bhāṣā lekhanīyā vicārakair upādeyā na viparītā | tad uktam |

deśakālavihīnaś ca dravyasaṃkhyāvivarjitaḥ |

sādhyapramāṇahīnaś ca pakṣo 'nādeya iṣyate ||

anādeyas tyājyaḥ parīkṣakaiḥ | ayam abhiprāyaḥ — nirṇayaprayojanavān vicāraḥ prekṣāvatām upādeyaḥ | ṛṇādānādivyavahāraś ca dhanaprāptiprayojanaḥ | na coktaviśeṣeṇa rahitaṃ dhanaṃ parājitenāpi prativādinā śakyaṃ dātum itareṇa ca grahītum |

aprasiddhaṃ nirābādhaṃ nirarthaṃ niṣprayojanam |

asādhyaṃ vā viruddhaṃ vā pakṣābhāsaṃ vivarjayet ||

aprasiddhau yathā — madīyaṃ śaśaviṣāṇam anenāpahṛtam iti | nirābādho nirupadravo yathā — asmatpradīpaprabhayāyaṃ svagṛhe vyavaharati | nirartho nirabhidheyo yathā — kacatatapeti | niṣprayojano yathā — asmadgṛhasaṃnidhau ślāghyamānaḥ (?) paṭhatīti | asādhyo 'śakyasādhano yathā — devadattenāham akṣinikocenopahasita iti | na hy ayaṃ pakṣaḥ sākṣiviṣayaḥ, alpakālatvāt | nāpi divyaviṣayo 'lpatvāt | pramāṇāntaraṃ tu naiva saṃbhavati | purarāṣṭrarājakāryaviruddho viruddhaḥ | evaṃvidhaṃ pakṣaṃ vādī varjayen nopanyaset | upanyastam api rājā nopādadīta | kātyāyanaḥ |

purarāṣṭraviruddhaś ca yaś ca rājñā vivarjitaḥ |

anekapadasaṃkīrṇaḥ pūrvapakṣo na sidhyati ||

purarāṣṭraviruddhaḥ purarāṣṭrācāraviruddhaḥ | rājñā vivarjito niṣiddho nāsmadrāṣṭre rūpakair vyavahartavyam ityādi | ṛṇādīnāṃ vyavahārapadānām ekeṣāṃ yatra pakṣe saṃkaraḥ so 'nekapadasaṃkīrṇaḥ, yathā— madīyaṃ suvarṇam anena gṛhītam etaddhaste mayā drammasahasraṃ nikṣiptam | asvāminānena gaur vikrītā bhāsaplavān daṇḍena ca tāḍitavān iti |

bahupratijñaṃ yat kāryaṃ vyavahāreṣu niścitam |

kāmaṃ tad api gṛhṇīyād rājā tattvabubhutsayā || **[610]**

yat kāryam ekam ṛṇādānādikaṃ bahūnām arthānāṃ pratijñayā vinā na sidhyati tad grāhyaṃ tena saṃkīrṇaviṣayatvābhāvād upādeyam eva | yathā — vārāṇasyām anena madīyaṃ suvarṇaśatam ṛṇarūpeṇa gṛhītam | punar varṣāntare vastrāṇy etāvanti gṛhītāni | ato 'pi kālāntare sthānāntareṣv ajā gāvo dhānyaṃ ca gṛhītam iti | atha vāyam arthaḥ — ṛṇādānanikṣepāsvāmivikryādivyavahāraviṣayā anekāḥ pratijñā ekasmin dhanaprāptirūpe kārye bhavanti | tad api kāryaṃ kāmaṃ rājopādadīta | yad pratijñāsu pratyekaṃ bhedena pramāṇopanyāsaṃ karoti | nāradaḥ |

ekasya bahubhiḥ sārdhaṃ strībhiḥ preṣyakarais tathā |

anādeyo bhaved vādo dharmavidbhiḥ prakīrtitaḥ ||

guroḥ śiṣyaiḥ pituḥ putrair dampatyoḥ svāmibhṛtyayoḥ |

eteṣu samaveteṣu vyavahāro na vidyate ||

bahubhiḥ sahaikasya pratyekaṃ yugapad vyavahāro nādeyaḥ | krameṇa tu bahubhir api saha samuditair vādeya eva | strībhir gopaśauṇḍikādistrīvyatiriktābhir evaṃ preṣyakarair dāsādibhir vyavahāro nādeyaḥ | kiṃ tu tatsvāmibhiḥ sahaiva kāryaḥ | yathāśāstraṃ guruṇā daṇḍiteṣu śiṣyeṣu taiḥ saha guror vivādo daṇḍapāruṣye nādeyaḥ | evaṃ putrādīnāṃ pitrādibhiḥ | tad uktaṃ manunā |

bhāryā putraś ca dāsaś ca śiṣyo bhrātā sahodaraḥ |

prāptāparādhās tāḍyāḥ syū rajjvā veṇudalena vā ||

pṛṣṭhatas tu śarīrasya nottamāṅge kadācana |

ato 'nyathā tu praharan prāptaḥ syāc caurakilbiṣam ||

kilbiṣaṃ daṇḍanimitam | tathā ca dampatyoḥ sādāraṇadhantvān madhyake dhane vivādo nādeyaḥ | "tathā vivādaṃ kurvīta sā bhartrā hīyate ap" iti śaṅkayā vivādo nādeyaḥ | bṛhaspatiḥ |

pratijñādoṣanirmuktaṃ sādhyaṃ satkāraṇānvitam |

niścitaṃ lokasiddhaṃ ca pakṣaṃ pakṣavido viduḥ ||

mṛṣāyuktikriyāhīnam asādhyādyartham ākulam |

pūrvaṃ pakṣaṃ lekhayato vādahāniḥ prajāyate ||

pratijñādoṣo yathā — pratyakṣādipramāṇavirodho yathānuṣṇo 'gniḥ | lokavirodho yathāśaśī candraḥ | svavacanavorodho yathā — mātā me vandhyā | pitā me **[611]** bālabrahmacārītyādayaḥ | mṛṣā mithyā | kātyāyanaḥ |

adhikāṃś chātayed arthān hīnāṃś ca pratipūrayet |

bhūmau niveśayet tāvad yāvad artho 'bhivarṇitaḥ ||

tathā |

pūrvapakṣaṃ svabhāvoktaṃ prāḍvivāko 'bhilekhayet |

pāṇḍulekhyena phalake tataḥ patre viśodhitam ||

svabhāvo bhayādyupādhirahitatvam | nāradaḥ |

bhāṣāyā uttaraṃ yāvat pratyarthī na nivedayet |

arthī tu lekhayet tāvad yāvad vastu vivikṣitam ||

bṛhaspatiḥ |

abhiyoktāpragalbhatvād vaktuṃ notsahate yadā |

tasya kālaḥ pradātavyaḥ kālaśaktyanurūpataḥ ||

abhiyoktāgravādī | yatrobhayor arthitvaṃ pratyarthivaṃ ca sādhyabhedād bhavati tatra ko 'gravādīty apekṣite bṛhaspatir āha |

ahaṃpūrvikayā yātāv arthipratharthnau yadā |

vādo varṇānupūrvyeṇa grāhyaḥ pīḍām aveṣya ca ||

yatrānekāni vādiprativādiyugmāni yugapad upasthitāni syus tatra vyavahāradarśane kramaniyamam āha manuḥ |

arthānarthāv ubhau buddhyā dharmādharmau ca kevalau |

varṇakrameṇa sarvāṇi paśyet kāryāṇi kāryiṇām ||

kātyāyanaḥ |

tatrābhiyoktā prāg brūyād abhiyuktas tv anantaram |

tayor ukte sadasy āstu prāḍvivākas tv ataḥ param ||

bhāṣottarakriyānirṇayā evābhiyoktrādiviṣayaviśiṣṭā tatroktāḥ | nāradaḥ |

yasya vātyadhikā pīḍā kāryaṃ vātyadhikaṃ bhavet |

tasyāgravādo dātavyo na yaḥ pūrvaṃ nivedayet ||

bṛhaspatiḥ |

caturvidhaḥ pūrvapakṣaḥ pratipakṣas tathaiva ca |

caturdhā nirṇayaḥ proktaḥ kaścid aṣṭavidhaḥ smṛtaḥ ||

śaṅkābhiyogas tathyaṃ ca lakṣye 'rthe 'bhyarthanaṃ tathā |

vṛtte vāde punar nyāyaḥ pakṣo jñeyaś caturvidhaḥ || 2.6 ||

**[612]**

**śrutārthasyottaraṃ lekhyaṃ pūrvavādakasaṃnidhau |**

śruto bhāṣāyā artho yena prativādinā tadīyam uttaraṃ pūrvavādisaṃnidhau lekhyam | atra bṛhaspatiḥ |

viniścite pūrvapakṣe grāhāgrāhyaviśeṣite |

pratijñāte sthirībhūte lekhayed uttaraṃ tataḥ ||

nāradaḥ |

yadā tv evaṃvidhaḥ pakṣaḥ kalpitaḥ pūrvavādinā |

dadyāt tatpakṣasaṃbaddhaṃ prativādī tadottaram ||

pakṣasya vyāpakaṃ sāram asaṃdigdham anākulam |

avyākhyāgamyam ity etad uttaraṃ tadvido viduḥ ||

pakṣasya vyāpakaṃ yat pakṣaṃ nirākārakatayā vyāpnoti | sāraṃ dṛḍham | asaṃdigdham asaṃkīrṇam | anākulaṃ pūrvāparāviruddham | avyākhyāgamyam adhyāhāravyavahitayojanāvyavadhāraṇakalpanāvipariṇāmarahitam | uttarabhedān āha |

mithyāsaṃpratipattyā vā pratyavaskandanena vā |

prāṅnyāyavidhisiddhyā vā uttaraṃ prāk caturvidham ||

kātyāyanaḥ |

śrutvā bhāṣārtham anyas tu yadā taṃ pratiṣedhati |

arthataḥ śabdato vāpi mithyā taj jñeyam uttaram ||

mithyottaraṃ caturvidhaṃ yad āha sa eva |

mithyaitan nābhijānāmi tadā me 'bhūd asaṃnidhiḥ |

ajātaś cāsmi tatkāla iti mithyā caturvidhaḥ ||

mithyottarasya mithyaitad ity ekaḥ prakāraḥ | nābhijānāmīti dvitīyaḥ | tasmin kāle tasmin deśe ca na me saṃnidhir iti tṛtīyaḥ | tasmin kāle 'haṃ tv ajāta iti caturthaḥ | nābhijānāmi na smarāmīty arthaḥ | saṃpratipattyuttarasvarūpam (?) āha |

sādhyasya satyavacanaṃ pratipattir udāhṛtā |

pūrvavādipratijñā satyety uttaraṃ saṃpratipattiḥ | saṃpratipattāv uttarānta eva vyavahāraḥ | ata eva tatra vyavahārasya dvipāttvam āha bṛhaspatiḥ |

mithyottare catuṣpāt sa pratyavaskandane tathā |

vyavahāras tu vijñeyo dvipāt saṃpratipattiṣu || iti | **[613]**

bhāṣā, uttaram, pramāṇam, nirṇayaḥ, iti vyavahārasya catvāraḥ pādāḥ | saṃpratipattau tu bhāṣottarātmakau dvāv eva pādau | pratyavaskandalakṣaṇam āha nāradaḥ |

arthinā likhito yo 'rthaḥ pratyarthī yadi taṃ tathā |

prapadya kāraṇaṃ brūyāt pratyavaskandanaṃ smṛtam ||

prāṅnyayottaralakṣaṇam āha sa eva |

ācāreṇāvasanno 'pi punar lekhayate yadi |

sa vineyo jitaḥ pūrvaṃ prāṅnyāyas tu sa ucyate ||

ācāro vyavahāraḥ | avasanno jitaḥ | mithyottarādīnāṃ parasparaviviktatve saty uttaratvaṃ na tu miśrāṇām | tad āha kātyāyanaḥ |

pakṣaikadeśe yat satyam ekadeśe ca kāraṇam |

mithyā caivaikadeśe syāt saṃkarāt tad anuttaram ||

anuttaratve hetum āha |

na caikasmin vivāde ca kriyā syād vādinor dvayoḥ |

na cārthasiddhir ubhayor na caikatra kriyādvayam ||

kriyā sākṣyādikaṃ pramāṇam, tan mithyottare pūrvavādinaḥ | pratyavaskande cottaravādinaḥ | tatra yadi mithyāvaskandayoḥ saṃkīrṇayoḥ samyaguttaratvaṃ syāt tadā dvayor vādinoḥ pramāṇaṃ prāpnoti | tac ca viruddham, tathā yadi mithyottaraṃ tadā pūrvavādina ev pramāṇaṃ na tūttarvādinaḥ | tac caitad ekasmin vyavahāre viruddham | bhavatu vā dvayoḥ pramāṇam aviruddhaṃ tathāpi dvayor arthasiddhir virudhyate | tathā hi — pūrvavādinā svasādhyo 'rtho mamānena suvarṇaśataṃ deyam ityādi likhitādinā sādhyate | pareṇāpi na deyam iti, tatrobhayor nārthasiddhir anyonyavirodhāt | kiṃ ca pratyavaskandottaraprāṅnyāyottarayoḥ saṃkīrṇayoḥ samyaguttarate pramāṇadvayam ekatra vādini prāpnoti | tathā hi — pratyavaskandavāditvāditvād gṛhītasya dattatvādau kāraṇe kāpi kriyā kāryā | prāṅnyāyottaratve tu jitapatrādikā kriyā | na ca kriyādvayasya prāmāṇyaṃ prameyabhedāt | ekayā hi kriyayā sādhyasiddhau vyarthāparā | tasmād saṃkīrṇam eva samyaguttaram | vyāsaḥ |

mithyottaraṃ kāraṇaṃ ca syātām ekatra ced ubhe |

satyaṃ vāpi sahānyena tatra grāhyaṃ kim uttaram ||

mithyākāraṇayor vāpi grāhyaṃ kāraṇam uttaram |

yat prabhūtārthviṣayaṃ yatra vā syāt kriyāphalam ||

**[614]** uttaraṃ tatra taj jñeyam asaṃkīrṇam ato 'nyathā ||

asyārthaḥ — ekatrottarāvasare mithyottaraṃ kāraṇaṃ cottaravādī brūte | yathā madīyā gaur asmin kāle 'nenāpahṛtā sāsya gaur vidyate gṛha iti pūrvavādinokte 'nyo brūte — mithyaitat kiṃ tv asmadgṛhajātaiveti | tathā cauro 'yaṃ yato devadattasya gaur vinaṣṭā sāsya gṛhe vartata iti paryanuyukto brūte — satyaṃ devadattasya gaur asmadgṛhe vartate, kiṃ tu nāhaṃ cauro yato 'smadgodhanena sārdham asmadgṛham āgateti | atra pratyavaskandāṃśa evottaratvena grāhyaḥ | yad vā yasminn arthe sādhite dvitīyo 'rthāt sidhyati tat prabhūtaviṣayam uttaraṃ grāhyam | yatra vāṃśe pramāṇaphalaṃ hānam upādānaṃ vā saṃbhavati sa grāhyaḥ | ataḥ prakārāt prakārāntaram asaṃkīrṇam eva vācyaṃ na tu saṃkīrṇam iti | ata eva kātyāyanaḥ |

prapadya kāraṇaṃ pūrvam anyad gurutaraṃ yadi |

prativākyagataṃ brūyāt sādhyate tad dhi netarat ||

bṛhaspatiḥ |

pratyarthavidhir ākhyātaḥ saṃgatārthaprapādane |

caturvidhasyāpy adhunā yat tad grāhyaṃ tad ucyate ||

prastutād anyan madhyasthaṃ nyūnādhikam asagatam (?) |

avācyasāraṃ saṃdigdhaṃ pratipakṣaṃ na lakṣayet ||

kātyāyanaḥ |

saṃdigdham anyat prakṛtād atyalpam atibhūri vā |

pakṣaikadeśe vyāpy anyat tathā naivottaraṃ bhavet ||

yad vyastapadam avyāpi nigūḍhārtham anākulam |

vyākhyāgamam asāraṃ ca nottaraṃ svārthasiddhaye ||

tatra saṃdigdhaṃ yathā — suvarṇaśataṃ me dhārayate 'yam ity anuyukto brūte suvarṇaśataṃ paṇaśataṃ veti | prakṛtād anyad yathā — suvarṇaśataṃ dharayase tvaṃ madīyam ity ukto nāhaṃ tvāṃ tāḍayāmīti vadati | atyalpaṃ yathā — śatābhiyoge satyaṃ daśa dhārayāmīti | atha vā cakārādinā nipātenānekavivakṣitārthapratipādanam, atibhūri, svalpe 'rthe vaktavye mahāvākyam asaṃgrāhyārtham | pakṣaikadeśavyāpi pūrvapakṣaikadeśe nirākārakaṃ yathā — gohiraṇyādyanekadravyānuyoge kṛte na hiraṇyaṃ dhāraye 'ham iti vyastapadaṃ vyavahitānvayam | avyāpi deśaviśeṣeṇa kālaviśeṣeṇa vā viśiṣṭaṃ **[615]** pūrvapakṣaṃ nirākaroti na svarūpeṇa, yathā — caitramāsy ujjayinyāṃ suvarṇaśataṃ madīyam anena gṛhītam ity abhiyukto brūte na mayojjayinyāṃ caitre gṛhītam iti | naivam ācaṣṭe na mayā gṛhītam iti | nigūḍhārtham aprasiddhārthapadam | yathā — arjunīśabdena gor abhidhānam | kāśyapīśabdena vā bhūmeḥ | ākulaṃ pūrvāparaviruddham | vyākhyāgamyam asamarthasamāsādhyāhāravipariṇāmādivaśād gamakam | asāram adṛḍhaṃ yatrokta eva naitat saṃbhavatīti sarveṣāṃ buddhir jāyate | bṛhaspatiḥ |

pūrvapakṣe yathārthaṃ tu na dadyād uttaraṃ tu yaḥ |

pratyakṣī dāpanīyaḥ syāt sāmādibhir upakramaiḥ ||

priyapūrvaṃ vacaḥ sāma bhedas tu bhayadarśanam |

arthāpakarṣaṇaṃ daṇḍas tāḍanaṃ bandhanaṃ tathā ||

ubhayaiś codyamāne 'pi na dadyād uttaraṃ tu yaḥ |

atikrānte saptarātre jito 'sau daṇḍam arhati ||

ubhayair upāyair mṛdubhiḥ kharaiś ca | tathā |

unmattamattanirdhūtā mahāpātakadūṣitāḥ |

jaḍātivṛddhabālāś ca vijñeyās tu niruttarāḥ ||

kātyāyanaḥ |

yathārtham uttaraṃ dadyād ayacchantaṃ ca dāpayet |

sāmabhedādibhir mārgair yāvat so 'rthaḥ samutthitaḥ ||

mohād vā yadi vā śāṭhyād yan nokktaṃ pūrvavādinā |

uttarāntargataṃ cāpi tadgrāhyam ubhayor api ||

ayam arthaḥ — yad vā yad api saṃmohādivaśāt pūrvavādinā noktam | uttarāntargataṃ cāpy uttare kathyamāne 'pi procyamānaṃ grāhyam uttaravādinaḥ | kriyāpāda uttaram | uttarasamāptau tu kātyāyana āha |

ubhayor likhite vācye prārabdhe kāryanirṇaye |

anuktaṃ tatra yo brūyāt tasmād arthāt sa hīyate ||

**tato 'rthī lekhayet sadyaḥ pratijñātārthasādhanam || 2.7 ||**

**tatsiddhau siddhim āpnoti viparītam ato 'nyathā |**

**catuṣpād vyavahāro 'yaṃ vivādeṣūpadarśitaḥ || 2.8 ||**

**[616]**

tata uttaralekhanād uttarakālam arthī pūrvavādī pratijñātasyārthasya sādhanaṃ pramāṇaṃ sadyas tatkālam eva lekhayet | tasya sādhanasya siddhau siddhiṃ jayalakṣaṇāṃ prāpnoti | ato 'nyathā sādhanasyāsiddhau viparītaṃ parājayam āpnotīty arthaḥ | tathā ca nāradaḥ |

sāras tu vyavahārāṇāṃ pratijñā samudāhṛtā |

tadhānau hīyate vādī taraṃs tām uttaro bhavet ||

pratijñām uttīrṇo bhaved ity arthaḥ | ayam asmābhiś catuṣpāc caturbhāgo vyavahāro vyāpāraḥ sarvavivādeṣūktaḥ | tatra "pratyarthino 'grato lekhyam" ity anena vyavahārasya prathamapāda uktaḥ | "śrutārthasyottaraṃ lekhyam" ity anena dvitīyaḥ | "tato 'rthī lekhayet sadyaḥ" ity anena tṛtīyaḥ | "tatsiddhau siddhim" iti caturthaḥ | atra ca siddhiśabdena sabhyānām arthipratyarthiviṣayajayaparājayāvadhāraṇopāyabhūtaṃ pramāṇam asyedaṃ śāstrataḥ prāpnotīti vicārakāṇāṃ parāmarśaḥ pratyākalitādiśabdavācya ucyate, siddhiphalatvāt | ata evāha kātyāyanaḥ |

pūrvapakṣaś cottaraṃ ca pratyakalitam eva ca |

kriyāpādaś ca tenāyaṃ catuṣpāt samudāhṛtaḥ ||

ata eva bṛhaspatiḥ |

pūrvapakṣaḥ smṛtaḥ pādo dvitīyas tūttaras tathā |

kriyāpādas tathā vācyaś caturtho nirṇayas tathā ||

atra ca nirṇayaphalako nyāyaparāmarśo nirṇayaśabdena lakṣyate | tato 'rthī lekhayet sadya iti mithyottaraviṣayam | uttarāntare tu pratyarthīna (?) eva pramāṇam | tad āha hārītaḥ |

prāṅnyāye kāraṇoktau tu pratyarthī nirdiśet kriyām |

mithyoktau pūrvavādī tu pratipattau na sā bhavet ||

kriyātra sādhanam | tad āha kātyāyanaḥ |

kāryaṃ hi sādyam ity uktaṃ sādhanaṃ tu kriyocyate |

dvibhedā sā punar jñeyā daivikī mānuṣī tathā ||

maniṣī lekhyasākṣyādir vadhādir daivikī matāh ||

prāknyāyottare manuṣy eva jayapatrādikā kriyety āha vyāsaḥ |

prāknyāye jayapatreṇa prāḍvivākādibhis tathā |

satyaṃ vādī samāpnoti yad yat tena niveditam || **[617]**

prāḍvivākādayaḥ pūrvaṃ nyāyadraṣṭāra uktāḥ || 2.8 ||

[iti śrīvidyādharavaṃśaprabhavaśrīśilāhāranarendrajīmūtavāhanānvayaprasūta-

śrīmadparaādityadevaviracite yājñavalkyadharmāstranibandhe 'parārke

sādhāraṇavyavahāramātṛkāprakaraṇam || 1 || ]

[atha saṭīkāyājñavalkyasmṛtau

asādhdhāraṇavyavahāramātṛkāprakaraṇam | (2) ]

*sāmānyataś caturdhā vyavahāraḥ | tasyedānīṃ kramam āha* |

**abhiyogam anistīrya nainaṃ pratyabhiyojayet |**

**abhiyuktaṃ ca nānyena noktaṃ viprakṛtiṃ nayet || 2.9 ||**

svasyākṣepaṃ pareṇa kṛtam anuddhṛtyainaṃ kṣeptāraṃ na pratyabhiyojayen nākṣipet | tatra vyavahāre svayaṃ pratiyogī taṃ pareṇārthinā prakrāntaṃ parisamāpya paścāt svayam arthī bhūtvānena saha vyavahārāntaram ārabhetety arthaḥ | tathānyenārthinābhiyuktaṃ tāvan nābhiyuñjīta | yāvat sa vyavahāro na parisamāpyate | tathā yat svayaṃ vyavahārāṅgatayoktaṃ tadviprakṛtiṃ virodhaṃ na nayen na prāpayet | pūrvāparaviruddhaṃ na bhāṣetety arthaḥ || 2.9 ||

*atrāpavādam āha* |

**kuryāt pratyabhiyogaṃ ca kalahe sāhaseṣu ca |**

kalahādāv abhiyukto 'bhiyogam anistīryāpi pratyabhiyogaṃ kuryāt | yathāham anena śaptas tāḍito vety abhiyuktaḥ parihāram akṛtvaiva brūte — aham anena śaptas tāḍito veti | ata evātra viṣaye nirṇayam āha nāradaḥ |

pūrvam ākṣārayed yas tu niyataṃ syāt sa doṣabhāk |

paścād yaḥ so 'py asatkārī pūrve tu vinayo guruḥ ||

ākṣārayed aparādhnuyāt | yugapadaparādhe 'pi sa evāha |

pāruṣyadoṣāvṛtayor yugapatsaṃpravṛttayoḥ |

viśeṣaś cen na labhyeta vinayaḥ syāt samastayoḥ ||

vinayo daṇḍaḥ | kalaho vākpāruṣyam | sāhaso daṇḍapāruṣyam ||

*vādiprativādikāryam uktam | adhunā parīkṣakāṇāṃ kāryam āha* |

**ubhayoḥ pratibhūr grāhyaḥ samarthaḥ kāryanirṇaye || 2.10. ||**

**[618]**

ubhyayor arthipratyarthinoḥ pratibhūr grāhyo yaḥ samarthaḥ kāryanirṇaye nirṇītakāryaviṣaya ity arthaḥ | nirṇīte ca kārye jitavato dhanadānaṃ rājñe ca daṇḍadānam | pratibhūgrahaṇaṃ vastusāmarthyān nirṇayakaraṇasya purastād bhavati | pratibhuvo 'saṃbhave kātyāyana āha |

atha cet pratibhūr nāsti kāryayogyas tu vādinoḥ |

sa rakṣito dinasyānte dadyād bhṛtyāya vetanam ||

sa parājito vādī || 2.10 ||

*parājitaṃ praty āha* |

**nihnave bhāvito dadyād dhanaṃ rājñe ca tatsamam |**

**mithyābhiyogī dviguṇam abhiyogād dhanaṃ vahet || 1.11 ||**

nihnavo mithyottaram | tadvādī pūrvavādinā bhāvito daivamānuṣapramāṇabalena pratijñātam artham aṅgīkāritas tad agravādine tatsamaṃ ca rājñe daṇḍaṃ dadyāt | yas tu pramāṇarahitam abhiyogaṃ kurute so 'bhiyogād abhiyogaviṣayād dhanād dviguṇaṃ dhanaṃ vahed rājñe prāpayet | etac ca sapaṇavyavahāraviṣayam | asti ca paṇarahito 'pi vyavahāraḥ | yat āha nāradaḥ |

sottaro 'nuttaraś caiva sa vijñeyo dvilakṣaṇaḥ |

sottaro 'tyadhiko yatra vilekhāt pūrvakaḥ paṇaḥ ||

bhāṣālekhāt pūrvatra vivādaviṣayād dhanād adhikaḥ paṇo yatropeyate sa sottaro vyavahāraḥ || 2.11 ||

*vyavahāradarśanaṃ prati viṣayaviśeṣe kālaviśeṣam āha* |

**sāhasasteyapāruṣyago'bhiśāpātyaye striyām |**

**vivādayet sadya eva kālo 'nyatrecchayā smrtaḥ || 2.12 ||**

sahasā balena haṭhāj janasamakṣaṃ yat parahiṃsādi kriyate tat sāhasam, steyaṃ prasiddham, pāruṣyaṃ vacasā kāyena vā parasya duḥkhotpādanam, gośabda upajīvyadravyopalakṣaṇārthaḥ | abhiśāpaḥ pāpābhiśaṃsanam | tasya pāruṣyāntarbhāve 'pi pṛthagvacanam ādarārtham | atyayo vināśaḥ | eṣu viṣayeṣu strīviṣaye ca sadyas tad ahar eva vivādayed vyavahāraṃ paśyet | uktaviṣayād anyatra yady uttaravādī sadyo **[619]** nottaraṃ dātuṃ icchati kiṃ tu kālāntare tadā tadicchāto 'nyo 'py uttarasya kālo bhavati | atra bṛhaspatiḥ |

viniścite pūrvapakṣe grāhyāgrāhyaviśeṣite |

pratijñārthe sthirībhūte lekhayed uttaraṃ tataḥ ||

śālīnatvād bhūyāt tadvat pratyarthī smṛtivibhramāt |

kālaṃ prārthayate yatra tatremaṃ labdhum arhati ||

kātyāyanaḥ |

sadyaḥkṛteṣu kāryeṣu sadya eva vivādayet |

kālātīte tu vā kālaṃ dadyāt pratyarthine prabhuḥ ||

sadyaḥkṛteṣu smṛtisaṃbhavāt sadya evottaradānam ity abhiprāyaḥ |

śrutvā lekhayato hy arthaṃ pratyarthī kāraṇād yadi |

kālaṃ vivāde yāceta tasya deyo na saṃśayaḥ ||

sadyaḥkṛte sadya eva samātīte dinaṃ kṣipet |

ṣaḍabdike trirātraṃ tu saptāhaṃ dvādaśābdike ||

viṃśāt pare daśāhaṃ tu māsārdhaṃ vā labheta saḥ |

māsaṃ triṃśatsamātīte tripakṣaṃ parato bhavet ||

kālāt saṃvatsarād arvāk tv ayam eṣāṃ yathepsitam |

kālaṃ śaktiṃ viditvā tu kāryāṇāṃ ca balābalam ||

alpaṃ vā bahukālaṃ vā dadyāt pratyarthine prabhuḥ |

yo vā yasmin samācāraḥ pāramparyakramāgataḥ ||

taṃ parīkṣya yathānyāyam uttaraṃ dāpayen nṛpaḥ |

mūlaṃ vā sākṣiṇo vātha paradeśasthitā yadā ||

tatra kālo bhavet puṃsāṃ svadeśe dātumāsamāt (svadeśasamāgamāt?) |

samā varṣam, mūlaṃ dhanam | sākṣigrahaṇaṃ pramāṇopalakṣaṇārtham | yeṣāṃ deśāntare dhanaṃ pramāṇaṃ vā sākṣyādi vidyate teṣāṃ puṃsāṃ yāvatā kālena tanmūladhanādy ānīyate tāvakālas teṣāṃ dātum arho bhavatīty arthaḥ |

dinaṃ māsārhamāsau vā ṛtuḥ saṃvatsaro 'pi vā |

kriyāsthityanurūpas tu deyaḥ kālaḥ pareṇa tu ||

tathā |

dhenvām anaḍuhi kṣetre strīṣu prajanane tathā |

nyāse yācitake datte tathaiva krayavikraye ||

**[620]** kanyāyā dūṣaṇe steye kalahe sāhase nidhau |

upādhau kūṭasākṣye ca sadya eva vivādayet ||

vyapaiti gauravaṃ yatra vināśas tyāga eva ca |

kālaṃ tatra na kurvīta kāryam ātyayikaṃ hi tat || 2.12 ||

*duṣṭalakṣaṇāny āha |*

**deśād deśāntaraṃ yāti sṛkkiṇī parileḍhi ca |**

**lalāṭaṃ svidyate cāsya mukhaṃ vaivarṇyam eti ca || 2.13 ||**

**pariśuṣyatskaladvākyo viruddhaṃ bahu bhāṣate |**

**vākcakṣuḥ pūjayati no tathauṣṭhau nirbhujaty api || 2.14 ||**

**svabhāvād vikṛtiṃ gacchen manovākkāyakarmabhiḥ |**

**abhiyoge 'tha vā sākṣye duṣṭaḥ sa parikīrtitaḥ || 2.15 ||**

sṛkkiṇī gallayor antarbhāgau paritaḥ sarvato leḍhi jihvayā spṛśati | pariśuṣyatāsyenoccāryamāṇaṃ vākyaṃ pariśuṣyat | pariśuṣyatskhaladvākyam asya sa tathoktaḥ | viruddhaṃ pūrvāparaviruddham, vākcakṣuṣoḥ pūjā prasannatā | nirbhujati vakrī karoti | svābhāviko dharmaḥ svabhāvaḥ | tasmāt svabhāvād vikṛtir vaiparītyam | tatra manaḥkarmaṇo vikṛtir ajñānasaṃśayaviparyayāḥ | vākkarmaṇas tu gadgadatvādikam | kāyakarmaṇaḥ kampādi | ya evaṃvidhaḥ so 'bhiyoge vyavahāre sākṣitve ca duṣṭo vitathavādī prakīrtitaḥ | anyat sugamam | tatra manuḥ |

bāhyair vibhāvayel liṅgair bhāvam antargataṃ nṛṇām |

svaravarṇeṅgitākāraiś cakṣuṣā ceṣṭitena ca ||

ākāreṇeṅgitair gatyā ceṣṭayā bhāṣitena ca |

netravaktravikāraiś ca gṛhyate 'ntargataṃ manaḥ ||

yadi duṣṭalakṣaṇānāṃ duṣṭatāyāṃ prāmāṇyaṃ tadā tair eva vādinaḥ prativādino vā parājaye 'vadhārite daivamāuṣapramāṇam antareṇaiva vyavahārasamāptiḥ syād iti divyādipramāṇair vaiyarthyam (-pramāṇavaiyarthaṃ?) syāt | duṣṭalakṣaṇābhāve tadarthavad iti yad ucyate, tarhi likhitādipramāṇānām asākṣikatvena vidhānaṃ nopapadyate | uktaṃ hi "kriyāpādas tṛtīyaḥ syāt" iti | tasmān naitāni duṣṭatāyāṃ pramāṇāni kiṃ tu **[621]** vādiprativādinor madhye kaḥ pramāṇaṃ karotv iti jijñāsāyām | yatraitāni na santi sa pramāṇārha ity avadhāraṇopayogitayaiṣām upanyāsaḥ | nanūttaraviśeṣe sati vādiviśeṣaṃ prati pramāṇopanyāse vacanato 'vadhṛte pūrvoktajijñāsāyā anavasara eva | satyam evam ṛṇādānādau | cauryādyabhiśāpādau tu divye prāpte bhavati jijñāsā | divyaṃ hi mithyottaravādino 'pi saṃbhavati na lekhyasākṣyādikam | tasmāt tarkavad eṣāṃ pramāṇānugrāhakatvaṃ na pramāṇatvam | yuktaṃ caitat | doṣam antareṇāpi bhayādinā teṣām upapatteḥ || 2.13, 14, 15 ||

*hīnatve kāraṇāny āha* |

**saṃdigdhārthaṃ svatantro yaḥ sādhayed yaś ca niṣpatet |**

**na cāhūto vadet kiṃcid dhīno daṇḍyaś ca sa smṛtaḥ || 2.16 ||**

sādhakabādhakapramāṇayor aparīkṣaṇād grāhyāgrāhyatvena saṃdigdham arthaṃ svatantraḥ parīkṣakādinirapekṣo yo haṭhena sādhayet param aṅgī kārayet | yaś ca śāstradṛṣṭopāyena sādhitam apy artham apradāya niṣpatet palāyeta | yaś ca vyavahārārthaṃ rājñāhūtaḥ svapakṣasādhakaṃ parapakṣabādhakaṃ vā na vadet | sa hīnaḥ sa parājitaś ca rājñā ca daṇḍyaḥ | sādhitaṃ ca sādhakāya deyam | hīnasya daṇḍo yatra vacanaṃ tatraiveti jñāpayituṃ daṇḍyaś ceti pṛthagvacanam | nāradaḥ |

anivedya tu yo rājñe saṃdigdhe 'rthe pravartate |

prasahya sa vineyaḥ syāt sa cāsyārtho na sidhyati ||

anyavādī kriyādveṣī nopasthāyī niruttaraḥ |

āhūtaprapalāyī ca hīnaḥ pañcavidhaḥ smṛtaḥ ||

pūrvavādaṃ parityajya yo 'nyam ālambate naraḥ |

vādasaṃkramaṇāj jñeyo hīnavādī sa vai naraḥ ||

samyakpraṇihitaṃ yo 'rthaṃ pṛṣṭaḥ san nābhinandati |

apadiśya yam uddeśyaṃ punas tam anudhāvati ||

**[622]** santi jñātāra ity uktvā diśety ukto diśen na yaḥ |

dharmasthaḥ kāraṇair etair hīnaṃ tam api nirdiśet ||

dharmasthaḥ sabhyo rājā vā | kātyāyanaḥ |

śrāvayitvā yadā kāryaṃ tyajed anyad vaded asau |

anyapakṣāśrayas tena kṛto vādī sa hīyate ||

vyājenaiva tu yatrāsau dīrghakālam abhīpsati |

sāpadeśaṃ ca tad vidyād vādahānikaraṃ smṛtam ||

apadeśaś chalam |

lekhayitvā tu yo vākyaṃ nyūnaṃ vāpy adhikaṃ punaḥ |

vaded vādī sa hīyeta nābhiyogaṃ tu so 'rhati ||

abhiyogaḥ pūrvavādaḥ | sa pūrvavādī | tathā |

na mayābhihitaṃ kāryam abhiyujya paraṃ vadet |

vibruvaṃś ca bhaved evaṃ hīnaṃ tam api nirdiśet ||

ayam arthaḥ — vigatābhiyogārthaḥ kāryaṃ sādhyaṃ pratijñāya na mayaitat pratijñātam iti pūrvāparaviruddhaṃ bravīti yas taṃ hīnaṃ nirdiśed iti |

sākṣiṇo yas tu nirdiśya kāmato na vivādayet |

sa vādī hīyate tasmāt triṃśadrātrāt pareṇa tu ||

bṛhaspatiḥ |

āhūtaprapalāyī ca maunī sākṣiparājitaḥ |

svavākyapratipannaś ca hīnavādī caturvidhaḥ ||

prapalāyī tripakṣeṇa maunī vā saptabhir dinaiḥ |

sākṣibhinnas tatkṣaṇena pratipannaś ca hīyate ||

pratipannaḥ prativādinaḥ saṃpratipannaḥ | nāradaḥ |

ācārakaraṇe divye kṛtvopasthānaniścayam |

nopasthito yadā kaścic chalaṃ tatra na kārayet ||

daivarājakṛto doṣas tasmin kāle yadā bhavet |

avadhityāgamātreṇa na bhavet sa parājitaḥ ||

pūrvottare saṃniviṣṭe vicāre saṃpravartite |

praśamayya mitho yānti dāpyās te dviguṇaṃ damam || 2.16 ||

**[623]**

*kiṃ ca* |

**sākṣiṣūbhayataḥ satsu sākṣiṇaḥ pūrvavādinaḥ |**

**pūrvapakṣe 'dharībhūte bhavanty uttaravādinaḥ || 2.17 ||**

ubhayataḥ sākṣisaṃbhave pūrvapakṣavādinā nirdiṣṭāḥ sākṣiṇaḥ pramāṇaṃ bhavantīty utsargaḥ | yadā tu pūrvapakṣo 'dharo jātas tadottaravādinirdiṣṭāḥ sākṣiṇaḥ pramāṇaṃ bhavanti | kaḥ punar vyavahāro 'sya vākyasya viṣayaḥ | na tāvan mithyottaravān | na hi tatra vādidvayasya sākṣiṇaḥ saṃbhavanti | tathā hi — [suvarṇaśataṃ me dhārayasīti] pūrvapakṣavādinābhiyukto nāhaṃ dhāraya it mithyottaravādī brūte | tatra sākṣiṇām asaṃbhava eva, yo hy artho 'nyeṣām upalabdhuṃ yogyas tatraiva teṣāṃ sākṣitvasaṃbhavaḥ | na ca mithyāvādyukto 'rthaḥ pareṣām upalambhayogyo yena te tatra sakṣiṇaḥ syuḥ | bhuktilikhitayos tu pramāṇatvam atra nāśaṅkanīyam eva | tasmān na mithyottaravān vyavahāro 'sya viṣayaḥ | nāpi pratyavaskandottaravān | tatra pūrvapakṣavādinaḥ pramāṇopanyāsopayogābhāvāt | tathā hi — suvarṇaśataṃ dhārayasīti pūrvavādī sati pratyavaskande brūte — satyaṃ dhāritavān asmi kiṃ tu mayā tat tubhyaṃ dattam iti dhāraṇasya pareṇāṅgīkṛtatvān na paramāṇasādhyatā | sidhy(ddha)sādhyatāprasaṅgāt | kiṃ tu prativādina eva pramāṇam uttaravādinā vācyam | evaṃ prāṅnyāyottaravān api vyavahāro nāsya vākyasya viśeṣaḥ | na hy uttaravādinirdiṣṭair eva sākṣibhiḥ prāṅnyāyadarśibhis tair dattena vā jitapatreṇa pūrvavādinaḥ parājaya uttaravādinaś ca vijayaḥ sidhyati | tasmān nirviṣayam ivedaṃ vākyaṃ pratibhāti | ucyate — pratyavaskandaprāṅnyāyottaravān nyāyo 'sya viṣayaḥ | santi hi tatra pūrvavādino 'pi sākṣiṇaḥ | tathā hi — pratyavaskandinā yad dhāritavan asmi tan mayā tubhyam arpitam ity ukte pūrvavādī yadaiva(vaṃ) pratyuttaraṃ kurute — satyaṃ tvayārpitaṃ tat tu puruṣāntarāya dattaṃ na tu māṃ praty ātmānam anṛṇīkartum | etac ca sākṣibhir ahaṃ saṃbhāvayāmīty evaṃvidhottarapratyuttarayor ubhayataḥ sākṣisadbhāvaḥ | tathā prāṅnyāyottare 'pi yadaiva(vaṃ) pūrvavādy uttaraṃ karoti — satyaṃ prāṅnyāye kadacit tvayāhaṃ parājito 'smi kiṃ tu tannyāyaṃ kudṛṣṭaṃ kṛtvā nyāyāntare mayā bhavān parājita iti | tadobhyatrāpi sākṣisadbhāvaḥ | tatredaṃ vacanam | **[624]**

sākṣiṣūbhayataḥ satsu sākṣiṇaḥ pūrvavādinaḥ | iti |

yadā tu pūrvavādinaḥ pratyuttarabhāvād adharībhāvas tadedam ucyate |

pūrvpakṣe 'dharībhūte bhavanty uttaravādinaḥ | iti |

ata eva nāradaḥ |

dvayor vivadator arthe dvayoḥ satsu ca sākṣiṣu |

pūrvapakṣo bhaved yasya bhaveyus tasya sākṣiṇaḥ ||

kātyāyanaḥ |

kāraṇāt pūrvapakṣo 'pi hy uttaratvaṃ prapadyate |

ataḥ kriyā sadā proktā pūrvapakṣaprasādhanī ||

kriyā pratyākalanā | nāradaḥ |

ādharyaṃ pūrvapakṣasya yasminn arthavaśād bhavet |

vivāde sākṣiṇas tatra praṣṭavyāḥ prativadinaḥ || 2.17 ||

*parājitena vyavahāraviśeṣ(ṣe) yad deyaṃ tad āha |*

**sapaṇaś ced vivādaḥ syāt tatra hīnaṃ tu dāpayet |**

**daṇḍaṃ ca svapaṇaṃ caiva dhanine dhanam eva ca || 2.18 ||**

paṇasahitaś ced vivādo vyavahāras tasmāt tatra hīnaṃ parājitaṃ vādinaṃ śāstroktadaṇḍasahitaṃ paṇaṃ rājñe, sādhitaṃ ca dhanaṃ dhanine, prāṅvivāko dāpayet | prāḍvivākābhāve rājā svayam eva gṛhṇīyāt | dhanaṃ ca dhanine dāpayet | jitena mayaitāvad deyam ity abhyupetaṃ dhanaṃ paṇaḥ || 2.18 ||

*vyavahāre draṣṭavye nṛpaṃ prati heyam upādeyam āha |*

**chalaṃ nirasya bhūtena vyavahārān nayen nṛpaḥ |**

**bhūtam apy anupanyastaṃ hīyate vyavahārataḥ || 2.19 ||**

vādinā prativādinā vābhidhīyamānaṃ chalaṃ pramādaṃ vā parityajya bhūtena tāttvikenārthena viśiṣṭān vyavahārān nayen nirṇayet | yato bhūtam api vastu vādiprativādibhyām anupanyastam aniveditaṃ vyavahārato vyavahāreṇa hīyate tyajyate | vyavahāre khalu likhitādīni pramāṇāni bhavanti | na ca teṣāṃ bhūnānusāritvaniyamo 'sti, bhavati hi kadācid ṛṇāpakaraṇe kṛte likhite ca deśāntaradau sthite tadbalāt punarabhiyogaṃ karotīti | evaṃ sākṣiṣv api deśāntarasthiteṣu | **[625]** tasmād vādiprativādinau sāmādibhir upāyair bhūtavadinau kuryāt | eṣa vyavahāreṣu mukhyaḥ kalpaḥ | asyālābhe likhitādinimittā vyavasthādaraṇīyā | bṛhaspatiḥ |

pūrvottarārthe likhite prakrānte kāryanirṇaye |

dvayoḥ saṃtaptayoḥ saṃdhiḥ syād ayaḥkhaṇḍayor iva ||

pramāṇasamatā yatra bhedaḥ śāstracaritrayoḥ |

tatra rājājñayā saṃdhir ubhayor api śasyate ||

caritram ācāraḥ || 2.19 ||

*bhūto 'py arthaś chalavyavahāreṇa yathā hīyate tathā darśayati |*

**nihnave likhite 'nekam ekadeśavibhāvitaḥ |**

**dāpyaḥ sarvaṃ nṛpeṇārthaṃ na grāhyas tv aniveditaḥ || 2.20 ||**

anekaṃ vastu ratnarukmarajatādikaṃ pūrvavādinā likhitaṃ bhavati | yathedam idam ayaṃ me dhārayatīti | tasyottaravādinā na kiṃcid dhāraye 'ham iti nihnave kṛte tatra pūrvavādinā likhitādipramāṇena tadekadeśam api paro yadi vibhāvito 'ṅgīkāritas tadā sarvam eva pratijñātam artham uttaravādī nṛpeṇa dāpyaḥ | yas tu bhāṣākāle pūrvavādinā prāmāṇiko 'py artho na niveditaḥ sa rājñā dāpanīyatayā na grāhyaḥ | etat tu vacanam apahnavavādinaḥ sāvaṣṭambhe prativacane draṣṭavyam | yathaiteṣām arthānāṃ madhe yady ekam apy arthamayīṃ sādhayati tadā sarvān etān ahaṃ dadhāmīti | kuta etat | chalodāharaṇaparatvād asya vākyasya | anyathā,

anekārthābhiyoge 'pi yāvat saṃsādhayati dhanī (-yed dhanī) |

sākṣibhis tāvad evāsau labhate sādhitaṃ dhanam ||

iti kātyāyanavacanavirodhaḥ syāt | tatra ca sākṣisādhitāvaśiṣṭam arthaṃ sādhayituṃ pramāṇāntaram arthinopādeyam | yat tu nāradenoktam,

anekārthābhiyuktena sarvārthavyapalāpinā |

vibhāvitaikadeśena deyaṃ yad abhiyujyate ||

iti, tad api sāvaṣṭambhamithyottaraviṣayam | yat tu kātyāyana āha,

sādhyārthāṃśe 'pi gadite sākṣibhiḥ sakalaṃ bhavet |

strīsaṅge sāhase caurye yat sādhyaṃ parikalpitam ||

iti, tasyāyam arthaḥ — strīsaṅgādiviṣaye sādhyasyārthasyaikadeśe 'pi tasyaiva sādhyasyārthasyaikadeśāntareṇāvinābhūte sākṣibhir gadite sakalaṃ sādhyaṃ gaditaṃ **[626]** bhaved iti | yathā yuvatyā parastriyā bhaginyādivyatiriktayā sahaikasmiñ śayane svayaṃ yuvā sakalāṃ rātriṃ rahasi nirāloke pradeśe śayitavān iti sākṣibhir gadite tatsaṃbhogo vinaiva sākṣivacanaṃ sidhyati || 2.20 ||

*dharmaśāstrayor virodho nyāyabalena parihāryaḥ | dharmaśāstrārthaśāstrayos tu virodho 'rthaśāstraṃ bādhata ity āha* |

**smṛtyor virodhe nyāyas tu balavān vyavahārataḥ |**

**arthaśāstrāt tu balavad dharmaśāstram iti sthitiḥ || 2.21 ||**

smṛtyor vedamūlayor virodhe tatprāmāṇyanirvāhāya bhinnaviṣayavyavasthāpako 'numānārthāpattyātmako nyāyo 'pekṣaṇīyatvād balavān | tasmin sati smṛteḥ prāmānyāt | dharmaśāstrārthaśāstrayos tu virodhe dharmaśāstraṃ balavat, arthaśāstraṃ durbalam atas tadbādhyaṃ tadvaśena tu dharmaśāstraṃ bādhamānasya brahmahatyāprāyaścittam | tad uktam āpastambena: "dharmārthasaṃnipāte 'rthagrāhiṇy etad eva" iti | pañcalakṣaṇakāl liṅgāl liṅgini jñānam anumānam | pakṣadharmatvaṃ sapakṣe sattvaṃ vipakṣād vyāvṛttir abādhitaviṣayatvam asatpratipakṣatvam iti pañca lakṣaṇāni | tadabhāve tv asiddhaviruddhānaikāntikakālātyayāpadiṣṭaprakaraṇasamā hetvābhāsāḥ | dṛṣṭaḥ(ṣṭa)śrutovākyo(tābhyāma)nyathā kalpanam arthāpattiḥ | pramāṇāntaradṛṣṭārthaviṣayā smṛtir arthaśāstram | vaidi(vedai)kasamadhigamyārthaviṣayā tu dharmaśāstram | tathā ca bhaviṣyatpurāṇam |

dṛṣṭārthā tu smṛtiḥ kācid adṛṣṭārthā tathā parā |

dṛṣṭādṛṣṭārtharūpānyā nyāyamūlā tathā parā ||

anuvādasmṛtis tv anyā śiṣṭair dṛṣṭā tu pañcamī |

sarvā etā vedamūlā dṛṣṭārthaṃ parihṛtya tu ||

āsām udāharaṇāny api tatraiva | yathā |

ṣāḍguṇyasy yathāyogaṃ prayogāt kāryagauravāt |

sāmādīnām upāyānāṃ yogo vyāsasamāsataḥ ||

adhyakṣāṇāṃ ca nikṣepaḥ kaṇṭakānāṃ nirūpaṇam |

dṛṣṭārtheyaṃ smṛtiḥ proktā ṛṣibhir garuḍāgraja ||

**[627]** saṃdhyopāstiḥ sadā kāryā śuno māṃsaṃ na bhakṣayet |

adṛṣṭārthā smṛtiḥ proktā ṛṣibhir jñānakovidaiḥ ||

pālāśaṃ dhārayed daṇḍam ubhayārthaṃ vidur budhāḥ |

virodhe tu vikalpaḥ syāj japahomaśrutau yathā ||

śrutau dṛṣṭaṃ yathā kāryaṃ smṛtau na sadṛśaṃ yadi |

anūktavādinī sā tu pārivrājyaṃ yathā gṛhāt ||

japahomaśrutau yatheti | sūryodayāvadhisāvitrījapānuditahomaviṣayā smṛtiḥ | anu(nū)ktavādinī, anūdyavādinī yathā — "putraiṣaṇāyāś ca vittaiṣaṇāyāś ca lokaiṣaṇāyāś ca vyutthāyātha bhikṣācaryaṃ caranti" ity anayoditaṃ "brāhmaṇaḥ pravrajed gṛhād" iti manusmṛtir vadati | tathā sati,

śrutyā saha virodhe tu bādhyate viṣayaṃ vinā |

vyavasthāyā virodho 'taḥ kāryo 'nyatra parīkṣakaiḥ ||

smṛtyarthena virodhe tu arthaśāstrasya bādhanam |

parasparavirodhe tu nyāyayuktaṃ pramāṇavat ||

adṛṣṭārthe vikalpas tu vyavasthāsaṃbhave sati |

smṛtiśāstravikalpas tu ākāṅkṣāpūraṇe sati ||

adṣṛṭārthayoḥ smṛtyor anyonyanirapekṣatve sati viṣayavyavasthāpakanyāyābhāve ca saty arthayor vikalpaḥ | sāpekṣatve tu samuccayaḥ | nairapekṣye vyavasthāpakanyāyasadbhāve vyavasthitavikalpaḥ | tasminn asati tv avyavsthitavikalpo grāhyaḥ | tatra ca viṣayavyavasthāpakas tāvat sāmānyaviśeṣanyāyo vṛddhavyavahāre prasiddhaḥ, yathā brāhmaṇebhyo dadhi dīyatāṃ takraṃ kauṇḍinyāyeti | tena nyāyena smṛtivirodhaḥ parihriyate | yathā,

na jātu brāhmaṇaṃ hanyāt sarvapāpeṣv api sthitam |

iti sādhāraṇo brāhmaṇavadhaniṣedhaḥ | tasya kvacid viśeṣo 'pavādaḥ | yad āha manur eva |

guruṃ vā bālavṛddhau vā śrotriyaṃ vā bahuśrutam |

ātatāyinam āyāntaṃ hanyād evāvicārayan || iti |. **[628]**

evaṃ ca sāmānyaviśeṣanyāyena kāsāṃcit smṛtīnāṃ virodhaḥ pariharaṇīyaḥ kāsāṃcit tu kalpanānarthakyaprasaṅgādinā nyāyāntareṇeti | manusmṛtitadanyasmṛtyor tu manusmṛtiḥ praśastā | ata eva bṛhaspatiḥ |

vedārthopanibandhatvāt prādhānyaṃ tu manusmṛtau |

manvarthaviparītā yā smṛtiḥ sā na praśasyate || iti || 2.21 ||

*sādhyārthe sādhanāny āha* |

**pramāṇaṃ likhitaṃ bhuktiḥ sākṣiṇaś ceti kīrtitam |**

**eṣām anyatamābhāve divyānyatamam ucyate || 2.22 ||**

pramīyate paricchidyate 'neneti pramāṇaṃ likhitādi | eṣāṃ madhye yady ekam api na syāt tadā vakṣyamāṇānāṃ ghaṭādidivyānāṃ madhye kenacit sādhyaṃ sādhanīyam | bṛhaspatiḥ |

dviprakārā kriyā proktā mānuṣī daivikī tathā |

ekaikā naikadhā bhinnā ṛṣibhis tattvavedibhiḥ ||

sākṣilekhyānumānaṃ ca mānuṣī trividhā kriyā ||

anumānaṃ bhuktiḥ | tayā bhoktur bhogye svāmyam anumīyate | tathā |

ghaṭādyā dharmajātyantā daivī navavidhā kriyā |

kātyāyanaḥ |

pramāṇair hetunā vāpi divyenaiva tu niścayam |

sarveṣv api vivādeṣu sadā kuryān narādhipaḥ ||

purvābhāve tu yatnena nānyathaiva kathaṃcana ||

pūrvaṃ nāma mānuṣaṃ pramāṇam, tasyābhāve divyam |

yady eko mānuṣīṃ kuryād anyaḥ kuryāt tu daivikīm |

mānuṣīṃ tatra gṛhṇīyān na tu daivīṃ kriyāṃ nṛpaḥ ||

yathā prathamaṃ vādi bhrūte suvarṇasahasraṃ me dhārayate 'yam iti mānuṣeṇa pramāṇena sādhayāmīti | uttaravādī tu brūte, nāhaṃ suvarṇashasraṃ dhāraya iti divyena vibhāvayāmīti |

yedy ekadeśaprāptāpi kriyā vidyeta mānuṣī |

sā nyāyyā na tu pūrṇāpi daivikī vadatāṃ nṛṇām ||

yathā suvarṇaśataṃ mayāsmai dvikaśatavṛddhyā dattam | punaś ca **[629]** pañcakaśatavṛddir aṅgīkṛtā | tatra suvarṇasahasrāṃśe mānuṣaṃ pramāṇaṃ vṛddhyaṃśe tu divyam iti yady api prameyaikadeśam api vyāpnoti mānuṣī kriyā tathāpi saiva grāhyā na tu saṃpūrṇaprameyavyāpiny api divyā kriyā | yatra tu prameyāṃśe mānuṣī na saṃbhavati tatra divyaiva grāhyā | pitāmahaḥ |

sthāvareṣu vivādeṣu divyāni parivarjayet |

sākṣibhir likhitenātha bhuktyā vainaṃ prasādhayet ||

kātyāyanaḥ |

vākpāruṣye ca bhūmau ca divyaṃ na parikalpayet |

dattādatte tathādatte svāminā nirṇaye sati ||

vikrīyādānasaṃbandhe krītvā dhanam ayacchati |

dyūte samāhvaye caiva vivāde samupasthite ||

sākṣiṇaḥ sādhanaṃ proktaṃ na divyaṃ na ca lekhyakam |

pūgaśreṇīgaṇādīnāṃ yā sthitiḥ parikīrtitā ||

tasyāṃ tu sādhanaṃ lekhyaṃ na divyaṃ na ca sākṣiṇaḥ |

dvāramārgakriyābhogajalavāhādike tathā ||

bhuktir eva hi gurvī syān na lekhyaṃ na ca sākṣiṇaḥ |

prakrāntasāhase vāde pāruṣye daṇḍavācike ||

bālodbhūteṣu kāryeṣu sākṣiṇo divyam eva ca ||

vyāsaḥ |

rahaḥkṛtaṃ prakāśaṃ ca kāryaṃ dvividham ucyate |

prakāśaṃ sākṣibhir bhāvyam daivikena rahaḥkṛtam ||

bṛhaspatiḥ |

vākpāruṣye mahīvāde niṣiddhā daivikī kriyā |

pradātavyā prayatnena sāhaseṣu caturṣv api ||

likhite sākṣivāde ca saṃdigdhir jāyate yadi |

anumāne ca saṃbhrānte tatra divyaṃ viśodhanam ||

nṛpadrohe sāhase ca kalpayed daivikīṃ kriyām ||

mānuṣyā abhāva etat | na ca vyarthaṃ vacanam | mithyottarvādinaḥ kriyāprāptyarthatvāt | na hi mithyottaravādino daivikī kriyā prāptā | nāradaḥ |

**[630]** araṇye nirjane rātrāv antarveśmani sāhase |

nyāsāpahnave caiva divyā saṃbhavati kriyā ||

pitāmahaḥ |

mahāśāpābhiśāpeṣu nikṣepaharaṇe tathā |

divyaiḥ kāryaṃ parīkṣeta rājā satsv api sākṣiṣu ||

tatra hi sākṣiṇām anṛtābhidhānatvaṃ vidhāsyati — "varṇināṃ hi vadho yatra" ityādinā | ata eva kātyāyanaḥ |

samatvaṃ sākṣiṇāṃ yatra divyais tatrāpi śodhayet |

prāṇāntikavivādeṣu vidyamāneṣu sākṣiṣu |

divyam ālambate vādī na pṛcchet tatra sākṣiṇaḥ ||

guṇataḥ saṃkhyātaś ca sākṣiṇāṃ samatve tadvipratipattau ca divyaṃ veditavyam | yathā vādinaḥ prativādino vā yatra prāṇāntiko daṇḍas tatra satsv api sākṣiṣu divyam eva | vyāsaḥ |

na mayaitat kṛtaṃ lekhyaṃ kūṭam etena kāritam |

adharīkṛtya tat patram arthe divyena nirṇayam ||

kuryād iti śeṣaḥ | kātyāyanaḥ |

yatra syāt sopadhaṃ lakhyaṃ tad rājñaḥ śrāvitaṃ yadi |

divyena śodhayet tat tu rājā dharmāsanasthitaḥ ||

nāradaḥ |

nirṇīte vyavahāre tu pramāṇam aphalaṃ bhavet |

likhitaṃ sākṣiṇo vāpi pūrvam āveditaṃ na cet || 2.22 ||

**sarveṣv eva vivādeṣu balavaty uttarā kriyā |**

**ādhau pratigrahe krīte pūrvā tu balavattarā || 2.23 ||**

vyavahartṛbhir ekāṃ kriyāṃ kṛtvā tadviruddhāparā kriyate | tatrottarā kriyā vivādeṣu balīyasī pūrvasyā bādhikā bhavati | yathā — devadattena pūrvaṃ pañcakaśatavṛddhyā svadhanam adhamarṇāya dattvā punaḥ kuto 'pi hetor dvikaśatavṛddhiḥ kriyate | yathā kṣetrādikaṃ sādhiṃ gṛhītvā dhanaṃ dadāty uttamarṇaḥ | paścān nāyam ādhir mayā gṛhyate | kiṃ tv ādhim antareṇaivaikaṃ tad dhanaṃ bhavān dhārayatām iti | tatra dvitīyaiva kriyā prāmāṇikī | ādhipratigrahakrītaviṣayavivāde tu pūrvaiva kriyānusaraṇīyā nottarā | yathā — kṣetrādikam ādhiṃ gṛhīvā vikrīya datvā **[631]** vā punas tasyaiva kṣetrasya puruṣāntaraṃ praty adhamarṇena dānaṃ vikrayo vā kriyate | tadā pūrvakriyā satyottarā mithyā, pūrvakṛtābhyāṃ dānakriyābhyāṃ svāmitvanivṛttau punar asvāminā kriyamāṇau dānavikrayau na sidhyataḥ | ādhikaraṇena tu yady api svāmibhāvo na nivartyate tathāpi pratibadhyate | tataś ca tasya kṣetrasyādhitvānivṛttau puruṣāntaraṃ praty ādhitvaṃ kartuṃ naiva śakyate || 2.23 ||

*bhūmyādidhanaviṣaye svāmitvaṃ prati bhukteḥ kvacid viṣaya āgamasāpekṣāyāḥ kvacic ca tannirapekṣāyāḥ prāmāṇyaṃ vakṣyati tasyā viśeṣaṇaṃ tāvad āha |*

**paśvato 'bruvato bhūmer hānir viṃśativārṣikī |**

**pareṇa bhujyamānāyā dhanasya daśavārṣikī || 2.24 ||**

**ādhisīmopanikṣepajaḍabāladhanair vinā |**

**tathopanidhirājastrīśrotriyāṇāṃ dhanair api || 2.25 ||**

ādhyādivyatirikāyā bhūmeḥ pareṇa pratyarthinā viṃsativarṣāṇi yāvad bhujyamānāyā arthinaḥ paśyata imāṃ bhūmim eṣa bhuṅkta iti pratyakṣam upalabhamānasyābruvato 'nākṣipato hāniḥ svasvāmisaṃbandhābhāvo bhavati | evaṃ bhūvyatiriktasya dhanasya daśa varṣāṇi bhujyamānasya hāniḥ | evaṃvidhā hi bhuktis tūṣṇīṃbhūtasya paśyataḥ svāmitve sati na ghaṭate | kiṃ tu bhoktur eva svāmitve sati bhujyata iti bhavati tatra bhuktiḥ pramāṇam | adhamarṇenottamarṇasya viśvāsārthaṃ yāvat te dhanaṃ dadāni tāvad idaṃ tvayy āhitam astv iti ādhīyamānaṃ dhanam ādhiḥ | sīmā prasiddhā | nikṣepa evopanikṣepaḥ, tam āha nāradaḥ |

svaṃ dravyaṃ yatra visrambhān nikṣipaty aviśaṅkitaḥ |

nikṣepo nāma tat proktaṃ vyavahārapadaṃ budhaiḥ || iti |

jaḍo mandabuddhiḥ | ā ṣoḍaśād varṣād bālaḥ | tad āha nāradaḥ |

garbhasthaiḥ sadṛśo jñeya āṣṭamād vatsarāc chiśuḥ |

bāla ā ṣoḍaśāj jñeyaḥ paugaṇḍaś cāpi śabdyate ||

parato vyavahārajñaḥ svatantraḥ pitarāv ṛte ||

bāladhanaṃ ca rakṣakāntarābhāve rājñā rakṣaṇiyam ity āha gautamaḥ: "rakṣyaṃ bāladhanam ā vyavahāraprāpteḥ" iti | **[632]** upanidhiṃ vakṣyati | prasiddham anyat | jaḍagrahaṇam asāmarthyamātropalakṣaṇārtham | atra ca vyāsaḥ |

varṣāṇi viṃśatir yasya bhūr bhuktātha parair iha |

sati rājñi samarthasya tasya seha na sidhyati ||

nāradaḥ |

pratyakṣaparibhogāt tu svāmino dvidaśāḥ samāḥ |

ādhyādayo 'pi jīyeran strīnarendradhanād ṛte ||

ādhyādayo 'pi jīyeran kiṃ punar anyat | tasmād ādhyādivyatiriktasya yathoktayā bhuktyā svatvasiddhiḥ | evaṃ cādhisīmopanikṣepetyāder avirodhaḥ | tathā |

upekṣāṃ kurvatas tasya tūṣṇībhūtasya tiṣṭhataḥ |

kāle 'tipanne pūrvokto vyavahāro na sidhyati ||

tasyopekṣakasya vyavahāro vyavahāraphalaṃ svāmitvaṃ na sidhyatīty arthaḥ | vyāsaḥ |

upekṣitā yathā dhenur vinā pālena naśyati |

paśyato 'nyais tathā bhuktā bhūmiḥ kālena hīyate ||

bṛhaspatiḥ |

rikthibhir vā parair dravyaṃ samakṣaṃ yasya dīyate |

anyasya bhuñjataḥ paścān na sa tal labdhum arhati ||

paśyann anyasya dadataḥ kṣitiṃ yo na nivārayet |

satāpi lekhyena bhuvaṃ na punas tām avāpnuyāt ||

krayapratigrahādilikhitenāpi tāṃ bhūmiṃ nāsāv avāpnuyāt | etac ca vyavahārasthitim āśrityocyate | na bhūmigatim | ata eva manuḥ |

ajaḍaś ced apogaṇḍo viṣaye cāsya bhujyate |

bhagnaṃ tad vyavahāreṇa bhoktā tad dhanam arhati ||

tathā ca yat paramārthataḥ parakīyam eva vyavahāreṇaivārjitaṃ tat pratyavāyabhayād eva yathāsthānaṃ gamayitavyam | yat tu nāradenoktam,

anāgamaṃ ca yo bhuṅkte bahūny abdaśatāny api |

cauradaṇḍena taṃ pāpaṃ daṇḍayet pṛthivīpatiḥ ||. **[633]**

[iti, tat] bahubālādidhanaviṣayam | pūrvaka(ja)bhūmibhoktṛpuruṣaviṣayaṃ vā | ata eva vakṣyati "āgamas tu kṛto yena" ityādi || 2.25 ||

*ādhyādyapahartur daṇḍam āha* |

**ādhyādīnāṃ nihantāraṃ dāpayed dhanine dhanam |**

**daṇḍaṃ ca tatsamaṃ rājñe śaktyapekṣam athāpi vā || 2.26 ||**

pūrvaślokanirdiṣṭānām ādhiprabhṛtīnām apahan(r?)tāraṃ yad apahṛtam ādhyādikaṃ tat tatsvāmine dāpayet | tatsamaṃ ca daṇḍaṃ rājñe yathāśakti tato 'tyadhikam ūnaṃ vā yāvatāsya damo bhavati tadarthatvād daṇḍasya | tad āha gautamaḥ: "daṇḍo damanād ity āhus tenādāntān damayet" iti | manuḥ |

dhanenāpi yathā stenān nigrahītuṃ na śaknuyāt |

tadaiṣa sarvam apy etat prayuñjīta catuṣṭayam ||

dhigdaṇḍavāgdaṇḍādicatuṣṭayam | tatra vadhadaṇḍo na brāhmaṇasyety āha |

daśa sthānāni daṇḍasya manuḥ svāyaṃbhuvo 'bravīt |

triṣu varṇeṣu tāni syur akṣato brāhmaṇo vrajet ||

upastham udaraṃ jihvā hastau pādau ca pañcamam |

cakṣur nāsā ca karṇau ca dhanaṃ dehas tathaiva ca ||

kātyāyanaḥ |

dhanadānāsahaṃ ba(bu)ddhvā svāminaḥ karma kārayet |

aśakto bandhanāgāraṃ praveśyo brāhmaṇād ṛte ||

gautamaḥ: "na śārīro brāhmaṇasya daṇḍaḥ karmaniyogavikhyāpanavivāsanāṅkakaraṇāny avṛttau" | avṛttau daṇḍadānāsāmarthya ity arthaḥ | etac cottamasāhasadaṇḍaprāptiviṣaye draṣṭavyam | yad āha nāradaḥ |

vadhaḥ sarvasvaharaṇaṃ purān nirvāsanāṅkane |

tadaṅgaccheda ity ukto daṇḍas tūttamasāhasaḥ ||

aviśeṣeṇa varṇānām eṣa daṇḍavidhiḥ smṛtaḥ |

śiraso muṇḍanaṃ daṇḍas tasya nirvāsanaṃ purāt ||

lalāṭe cābhiśastāṅkaḥ prayāṇaṃ gardabhena ca |

**[634]** gurutalpe bhagaḥ kāryaḥ surāpāne surādhvajaḥ ||

steye tu svapadaṃ kāryaṃ brahmahatya(ṇya)śiraḥ(rāḥ) pumān ||

āpastambaḥ: "cakṣurnirodho brāhmaṇasya" | asyārthaḥ — brāhmaṇasya vivāsanasamaye vāsasā cakṣuṣī nirodhye iti || 2.26 ||

*bhuktaḥ pramāṇatayoktāyā viṣayaviśeṣe sahakāryantaram āha* |

**āgamo 'tyadhiko bhogād vinā pūrvakramāgatāt |**

**āgame 'pi balaṃ naiva bhuktiḥ stokāpi yatra no || 2.27 ||**

āgamaḥ svāmibhāvapratipādakaḥ krayapratigrahādiko 'rthaḥ so 'dhiko 'paro dvitīyo bhogāt | bhogyam apekṣya bhogasya svāmitvaparicchedaṃ kurvata āgamaḥ sahakārīty arthaḥ | na hy āgamarahitād bhogād bhogye bhoktuḥ svāmitvaṃ śakyaṃ niścetum | phalabhogyādāv asvāmino 'pi bhogadarśanāt | nanu ca pitrādibhis tribhir yad bhuktaṃ tadviṣayaś caturthasya puruṣasya bhogo vinaivāgamaṃ svāmibhāvaṃ bhoktuḥ sādhayati | tat katham āgamasāpekṣasya prāmāṇyam ity ata āha — vinā pūrvakramāgatād iti | pitṛpitāmahaprapitāmahāḥ pūrve teṣāṃ kramād ya āgato bhogas tasmād yaḥ pṛthak tato yo 'nyo bhogas tasyāgamasāpekṣasya prāmāṇyam | nanu cāgamaḥ sākṣyādipramāṇaparicchinno bhoganirapekṣa eva svāmitvaṃ sādhayatīti kim atra bhogena kāryam ity atrāha — āgame 'pi balam ityādi | yadviṣayā stokāpi bhuktir na vidyate, tadviṣayam āgamāśritaṃ balaṃ sāmarthyaṃ prāmāṇyalakṣaṇaṃ naivāsti | ayam abhiprāyaḥ — yady api pūrvam asya krayaḥ pratigraho vātra kṣetrādau jāta iti likhitādivaśān niścitaṃ tathāpīdānīṃtanaṃ svāmitvaṃ vinā bhuktyā na sidhyati, madhye dānavikrayādisaṃbhavāt | tasmād idānīṃtanaṃ svāmitvaṃ sādhayitum āgamena vartamānā bhuktiḥ sahakāritayo(yā)pekṣitavyā | atra nāradaḥ |

vidyamāne 'pi likhite jīvatsv api sākṣiṣu |

viśeṣataḥ sthāvarāṇāṃ yatra bhuktaṃ na tat sthiram ||

tathā |

āgamena viśuddhena bhogo yāti pramāṇatām |

aviśuddhāgamo bhogaḥ prāmāṇyaṃ nādhigacchati ||. **[635]**

viśuddhena pramāṇaparicchinnenāgamena sahito bhogaḥ pramāṇatāṃ yātīty arthaḥ | manuḥ |

saṃbhogo yatra dṛśyeta na dṛśyetāgamaḥ kvacit |

āgamaḥ kāraṇaṃ tatra na saṃbhoga iti sthitiḥ ||

atrāgamaḥ svāmitvapariccheda(de) saṃbhogasahitaḥ kāraṇaṃ na tu kevalaḥ saṃbhoga ity uktam | vyāsaḥ |

āgamo dīrghakālaś ca cchedopādhivivarjitaḥ |

pratyarthisaṃnidhānaś ca pañcāṅgo bhoga iṣyate ||

ādyapuruṣabhogaviṣayam etat | āgamaviśeṣān āha bṛhaspatiḥ |

vidyayā krayabandhena śauryabhāgānvayāgatam |

sapiṇḍasyāprajasyāṃśaḥ sthāvaraṃ saptadhāpyate ||

tathā |

saṃvibhāgakrayaprāptaṃ pitryaṃ labdhaṃ ca rājataḥ |

sthāvaraṃ siddhim āpnoti bhuktvā hānim upekṣayā ||

prāptamātraṃ yena bhuktaṃ svīkṛtyāparipanthitam |

tasya tatsiddhim āpnoti hāniṃ copekṣayā tathā ||

adhyāsanāt samārabhya bhuktir yasyāvighātinī |

triṃśadvarṣāṇy avicchinnā tasya tāṃ na vicālayet ||

adhyāsanaṃ parigrahaḥ |

yady ekaśāsane grāmakṣetrārāmāś ca lekhitāḥ |

ekadeśopabhoge 'pi sarve bhuktā bhavanti te || 2.27 ||

*stokabhuktir eṣā, na sarvabhuktir āgamāpekṣety āha* |

**āgamastu kṛto yena so 'bhiyuktas tam uddharet |**

**na tatsutas tatsuto vā bhuktis tatra garīyasī || 2.28 ||**

yenāgamaḥ krayādiḥ kṛtaḥ so 'bhiyuktas tam āgamaṃ likhitādipramānenoddharet sādhayet | tasyāgamakartuḥ sutaḥ pautro vābhiyukto nāgamam uddharet | yatas tayor bhuktir eva garīyasī gurutarā | āgamoddharaṇaṃ vinaiva pramāṇatvaṃ tasyā garīyasvāt(stvam) | nanu cādhibogasya svāmitvam antareṇa darśanān na **[636]** bhogasyāgamanirapekṣasyāprāmāṇyaṃ yujyate saṃśayahetutvāt | maivam | śāstreṣu khalūtsargato bhukteḥ svāmibhāvaṃ prati pramāṇatā kīrtyate | apavādatayā punar ādhyādibhuktiḥ | tataś ca yatrādhibhuktir iyam iti sākṣilikhitādibhiḥ sidhyati tatraivāpavādaḥ | anyatrautsargikaṃ svasvāmibhāva eva bhukteḥ prāmāṇyam iti āgamakartuḥ sutasyāpi bhuktyaiva svāmyasiddhir ihocyate | sā smārtakālātikrame sati draṣṭavyā | smārtaś ca kālaḥ puruṣatrayabhuktikālātmakaḥ | tathā ca smṛtyantaram |

smārte kāle kriyā bhūmeḥ sāgamā bhuktir iṣyate |

asmārte 'nugamābhāvāt kramāt tripuruṣāgatā || iti |

puruṣabhogakālasya ca parimāṇam āha nāradaḥ |

varṣāṇi viṃśatir bhuktā svāminā vyāhṛtā satī |

bhuktiḥ sā pauruṣī bhuktir dviguṇā ca dvipauruṣī ||

tripauruṣī ca triguṇā na tatrānveṣya āgamaḥ ||

kātyāyanaḥ |

mukhyā paitāmahī bhuktiḥ paitṛkī cāpi saṃmatā |

tribhir etair avicchinnā sthirā ṣaṣṭyābdikī matā ||

tataś ca varṣaṣaṣṭeḥ pūrvaṃ smārtaḥ kālaḥ | ūrdhvam asmārtaḥ | atha vā,

varṣāṇi pañcatriṃśat tu pauruṣo bhoga ucyate |

ity etat smaraṇānusāreṇa pañcottaraṃ (?) varṣaśataṃ smārtaḥ kālaḥ | ūrdhvam asmārtaḥ | anayoś ca pakṣayoḥ smartṛpuruṣasadbhāvāsadbhāvakṛtā vyavasthā | āhartuḥ smārtakāle vyatīte paryanuyoge ca saty āgamaḥ sādhyo bhavaty eva | ata evāviśeṣeṇa bṛhaspatir āha |

āhartā śodhayed bhuktim āgamaṃ vāpi saṃsadi | iti |

yat punar anantaram uktam,

tatputro bhuktim evaikāṃ pautrādiṣu na kiṃcana |

iti, tad āhartṛputrasya smārtakālāntargatāyāṃ bhuktau pautrasya ca tadatiriktakālāyāṃ veditavyam | yat tu kātyāyanavacanam,

ādau tu kāraṇaṃ dānaṃ madhye bhuktis tu sāgamā |

kāraṇaṃ bhuktir evaikā saṃtatā yā tripauruṣī ||

iti, caturthasya puṃso bhuktiḥ pramāṇatayopanyasanīyeti gamayati, tat tasyāpi smārtakālānantaḥpātibhuktau satyāṃ veditavyam | yat tu vyāsavacanam,

**[637]** yadvināgamam atyantaṃ bhuktaṃ pūrvais tribhir bhavet |

na tac chakyam apāhartuṃ kramāt tripuruṣāgatam ||

iti, tac ca nāradavacanam |

anyāyenāpi yad bhuktaṃ pitrā pūrvatarais tribhiḥ |

na tac chakyam apāhartuṃ kramāt tripuruṣāgatam ||

iti, (?) yady api vastugatyā mūlapuruṣasya nāsty āgamas tathāpi tatprabhṛtipuruṣatrayeṇa sādhikaṃ varṣaśataṃ yāvad bhuktā bhūś caturthā puruṣād anyenāpahartum aśakyā nirāgamatvaniścayābhāvāt | anāgamatvaniścayo hi bhukter bādhakaṃ tadabhāve ca pramāṇam iti | yathoṣṇajalajñānasya vyavahārābādhād bhrāntitve 'pi prāmāṇyam | yadā tu caturthasyāpi bhuktau vartamānāyāṃ varṣaśatātyaye 'pi prathamabhukter anāgamatvaniścayo 'sti tadā tato 'pahartavyaiva bhujyamānā bhūḥ | prathamā hi tatra bhuktir bādhakapratyayayogād apramāṇam apramāṇaprabhā(bha)vatvāc cottarā api bhuktayo 'pramāṇam | etadviṣayāṇy eva,

anāgamaṃ tu yo bhuṅkte bahūny abdaśatāny api |

cauradaṇḍena taṃ pāpaṃ daṇḍayet pṛthivīpatiḥ ||

iti nāradādīnāṃ vacanāni | atra ca prathamabhoktur eva daṇḍo na tu tatsutādīnām, tebhyas tu bhūr eva grāhyā | tathā ca smṛtyantaram |

āgamas tu kṛto yena sa daṇḍyas tam anuddharan |

na tatsutas tatsuto vā bhogyahānis tayor api || iti |

bṛhaspatiḥ |

bhuktis tripauruṣī sidhyet pareṣāṃ nātra saṃśayaḥ |

anivṛtte sapiṇḍatve sakulyānāṃ na sidhyati ||

asvāminā tu yad bhuktaṃ gṛhakṣetrāpaṇādikam |

suhṛdbandhusakulyasya na tad bhogena hīyate ||

vaivāhyaśrotriyair bhuktaṃ rājñāmātyais tathaiva ca |

sudīrdheṇāpi kālena teṣāṃ sidhyati tan na tu ||

kātyāyanaḥ |

sanābhibhir bāndhavaiś ca yad bhuktaṃ svajanais tathā |

bhogāt tatra na siddhiḥ syād bhogam anyatra kalpayet || 2.28 ||

*na tatsutas tatsuto vety asyāpavādam āha* |

**yo 'bhiyuktaḥ paretaḥ syāt tasya rikthi tam uddharet |**

**na tatra kāraṇaṃ bhuktir āgamena vinā kṛtā || 2.29 ||**

**[638]**

ya āhartāgamaviṣayeṇābhiyuktaḥ sa tu nirṇīte vyavahāre pareto mṛtaḥ syāt tadā tasya rikthī dhanagrāhī putrādis tam abhiyogam uddharet | vyavahāraṃ samāpayed ity arthaḥ | yasmāt tatroktaviṣaya āgamarahitā bhuktir na kāraṇam apramāṇaṃ svāmibhāve | tasmāt pramāṇato 'bhiyogoddhāraḥ kāryaḥ || 2.29 ||

*vyavahāradraṣṭṝṇāṃ prabaladurbalabhāvam āha* |

**nṛpeṇādhikṛtāḥ pūgāḥ śreṇayo 'tha kulāni ca |**

**pūrvaṃ pūrvaṃ guru jñeyaṃ vyavahāravidhau nṛṇām || 2.30 ||**

nṛpeṇādhikṛtā rājñā vyavahāradarśane niyuktāḥ, pūgāḥ samūhāḥ, ekaśilpopajīvinaḥ śreṇayaḥ, kulāni kṛṣīvalāḥ | eṣāṃ pāṭhakramānusāreṇa pūrvaṃ pūrvam uttarottarāpekṣayā guru nṛṇāṃ vyavahāradarśane balīyaḥ | tena kuladṛṣṭe vyavahāre kuladṛṣṭatvaśaṅkāyāṃ śreṇyā parīkṣaṇaṃ yuktam | śreṇidṛṣṭe pūgaiḥ pūgadṛṣṭe nṛpādhikṛtair na tu viparītakṛtam | atra nāradaḥ |

kulāni śreṇayaś caiva gaṇāś cādhikṛto nṛpaḥ |

pratiṣṭhā vyavahārāṇāṃ gurvy eṣām uttarottaram || 2.30 ||

*vyavahāranivṛttikāraṇāny āha* |

**balopādhivinirvṛttān vyavahārān nivartayet |**

**strīnaktamantarāgārabahiḥśatrukṛtāṃś tathā || 2.31 ||**

balādinirvṛttān stryādikṛtāṃś ca vyavahārān rājā nivartayet | tataś ca vyavahārāṃs tān eva punaḥ pravartayed iti tātparyārthaḥ | balaṃ haṭhaḥ | upādhir lobhadveṣādiḥ | strīṇāṃ kartṛtvaṃ draṣṭṛtayārthipratyarthitayā vā | naktaṃkṛtā rātrikṛtāḥ | antarāgārakṛtā veśmamadhyakṛtāḥ | bahir grāmād bahis tatra kṛtāḥ | śatrukṛtāḥ śatrudṛṣṭāḥ | naktānatrāgārabahirgrahaṇena rahaḥkāraṇam upalakṣyate | nāradaḥ |

strīṣu rātrau bahir grāmād antarveśmani rātriṣu |

vyavahāraḥ kṛto 'py eṣa punaḥ kartavyatām iyāt || 2.31 ||

*kiṃ ca* |

**mattonmattārtavyasanibālabhītādiyojitaḥ |**

**asaṃbaddhakrtaś caiva vyavahāro na sidhyati || 2.32 ||**

**[639]**

mattādikṛto vyavahāro na sidhyati vyāvarteta ity arthaḥ | matto madyādinā | unmatto grahādinā | ārto vyādhyādinā | vyasanī kitavādiḥ, putraviyogādimān vā | bālabhītau prasiddhau | arthinā pratyarthinā vā yo vyavahārakaraṇāya na prahitaḥ so 'saṃbaddhaḥ | tathā ca kātyāyanaḥ |

adhikāro 'bhiyuktasya netarasyāpy asaṃgateḥ |

itaro 'py abhiyuktena prahito 'dhikṛto mataḥ ||

itaro 'py asaṃbaddho 'py abhiyuktenottaravādinā prahito 'dhikṛta uttaravādī kṛto mata uttaravāditvena saṃmato manvādīnām |

samarthito 'rthinā yo 'nyo 'paro dharmādhikāriṇi |

prativādī sa vijñeyaḥ pratipannaś ca yaḥ svayam ||

dharmādhikāriṇi prāḍvivāke pratipannaḥ prativāditvena svayaṃ vādināṅgīkṛtaḥ |

apraganbhajaḍonmattavṛddhastrībālarogiṇām |

pūrvottaraṃ vaded bandhur niyukto 'nyo 'tha vā naraḥ ||

kātyāyanaḥ |

brahmahatyāsurāpāne steye gurvaṅganāgame |

anyeṣv asahyavādeṣu prativādī na dīyate ||

vādiprativādinoḥ pratinidhiḥ prativādī |

manuṣyamāraṇe steye paradārābhimarśane |

abhakṣyabhakṣaṇe caiva kanyāharaṇadūṣaṇe ||

pāruṣye kūṭakaraṇe nṛpadrohe tathaiva ca |

prativādī na dāpyaḥ syāt kartā tu vivadet svayam ||

arthinā saṃniyukto vā pratyarthiprahito 'pi vā |

yo yasyārthe vivadate tayor jayaparājayau ||

nāradaḥ |

yo na bhrātā na ca pitā na putro na niyogakṛt |

parārthavādī daṇḍyaḥ syād vyavahāreṣu vibruvan ||

kātyāyanaḥ |

dāsāḥ karmakarāḥ śiṣyā niyuktā bāndhavās tathā |

vādino na ca daṇḍyāḥ syur yas tato 'nyaḥ sa daṇḍabhāk || 2.32 ||

*kiṃ ca |*

**pranaṣṭādhigataṃ deyaṃ nṛpeṇa dhanine dhanam |**

**vibhāvayen na cel liṅgais tatsamaṃ daṇḍam arhati || 2.33 ||**

**[640]**

yadi rāṣṭre kasyacid dhanaṃ pranaṣṭaṃ nṛpeṇa ca svayaṃ puruṣāntaradvāreṇa vādhigataṃ yasya naṣṭaṃ sa cet svarūpasaṃkhyādibhir liṅgais tad vibhāvayati saṃvādayati tadā tasmai nṛpeṇa deyaṃ na ced vibhavayati tadā steyapravṛttatvāt pranaṣṭadravyasamena dhanena daṇḍanīyaḥ || 2.33 ||

*asvāmikanidhisamadhigamaviṣayam idānīm āha* |

**rājā labdhvā nidhiṃ dadyād dvijebhyo 'rdhaṃ dvijaḥ punaḥ |**

**vidvān aśeṣam ādadyāt sa sarvasya prabhur yataḥ || 2.34 ||**

nidhiṃ hiraṇyādikaṃ kṣiter antarhitam aprajñāyamānasvāmikaṃ rājā labdhvā tadardhaṃ brāhmaṇebhyo dadyāt | dvitīyam ardhaṃ svayam ādadītety arthasiddham | yadi punar vidvān vedārthajño dvijottamo labheta tadā sa sarvam evādadīta | yasmāt sarvasya pṛthivīgatasya sa svāmī | manuḥ |

yatra paśyen nidhiṃ rājā purāṇaṃ nihitaṃ kṣitau |

tasmād dvijebhyo datvārdham ardhaṃ kośe niveśayet ||

purāṇam iti vadann ajñāyamānasvāmikatvaṃ darśayati |

vidvāṃs tu brāhmaṇo dṛṣṭvā pūrvopanihitaṃ nidhim |

aśeṣato 'py ādadīta sarvasyādhipatir hi saḥ ||

vasiṣṭhaḥ: "brāhmaṇaś ced adhigacchati ṣaṭsu karmasu vartamānaḥ sarvaṃ haret" || 2.34 ||

*vidvadvyatiriktena nidhau dṛṣṭa āha |*

**itareṇa nidhau labdhe rājā ṣaṣṭhāṃśam āharet |**

**aniveditavijñāto dāpyas taṃ daṇḍam eva ca || 2.35 ||**

itareṇāviduṣā brāhmaṇena nidhau labdhe prāpte tasya ṣaṣṭham aṃśaṃ rājā janapadapālakaḥ āhared adhigacchet | tathā vasiṣṭhenoktam: "aprajñāyamānavittaṃ yo 'dhigacched rājā tad dhared adhigantre ṣaṣṭham aṃśaṃ pradāya" iti | gautamaḥ: "nidhyadhigamo rājadhanam | tad brāhmaṇasyābhirūpasyābrāhmaṇo 'py ākhyātaṃ ṣaṣṭham aṃśaṃ labhetety eke" iti | **[641]** yaḥ punar aniveditavijñātaḥ | nivedanam atra nidhilābhakathanam | tad eva niveditam | tad asya na vidyata ity aniveditaḥ sa cāsāv anivedi(sau vijñā)taś cety aniveditavijñātaḥ | sa taṃ nidhiṃ daṇḍaṃ ca dāpyaḥ | etad uktaṃ bhavati — nidhiṃ labdhvā yo rājñe na nivedayati tato nidhir daṇḍaś ca rājñā grāhya iti | yas tu svanidhim evopalabheta taṃ praty āha manuḥ |

mamāyam iti yo brūyān nidhiṃ satyena mānavaḥ |

tasyādadīta ṣaḍbhāgaṃ rājā dvādaśam eva vā ||

anṛtaṃ tu vadan daṇḍyaḥ rājā dvādaśam eva vā ||

guṇāpekṣayā bhāṣālpatvamahattve vyavasthāpanīye || 2.35 ||

**deyaṃ caurahṛtaṃ dravyaṃ rājñā jānapadāya tu |**

**adadad dhi samāpnoti kilbiṣaṃ tasya yasya tat || 2.36 ||**

[ity asādhāraṇavyavahāramātṛkāprakaraṇam || 2|| ]

caureṇāpahṛtaṃ tata ādāya jānapadāya tadhanasvāmine rājñā dātavyam | yasmāt so 'prayacchan danasvāminaḥ kilbiṣam āpnoti | manuḥ |

dātavyaṃ sarvavarṇebhyo rājñā caurahṛtaṃ dhanam |

rājā tad upayuñjānaś caurasyāpnoti kilbiṣam ||

gautamaḥ: "caurahṛtaṃ vijitya yathāsthānaṃ gamayet kośād vā dadyāt" | vyāsaḥ |

pratyāhartum aśaktas tu dhanaṃ caurahṛtaṃ yadi |

svakośāt tad dhi deyaṃ syād aśaktena mahīkṣitā || 2.36 ||

[iti śrīvidyādharavaṃśaprabhavaśrīśilāhāranarendrajīmūtavāhanānvayaprasūta-

śrīmadparādityadevaviracite yājñavalkyadharmāstranibandhe 'parārke

'sādhāraṇavyavahāramātṛkāprakaraṇam || 2 || ]

**atha saṭīkayājñavalkyasmṛtau**

**ṛṇādānaprakaraṇam | (3)**

asti tāvad ṛṇādānaṃ nāma vyavahārapadaṃ tasya svarūpam āha nāradaḥ |

ṛṇaṃ deyam adeyaṃ ca yena yasya yadā ca yat |

dānagrahaṇadharmāc ca tad ṛṇādānam ucyate || iti |

**[642]**

*tatra vṛddim āha |*

**aśītibhāgo vṛddhiḥ syān māsi māsi sabandhake |**

**varṇakramāc chataṃ dvitricatuṣpañcakam anyathā || 2.37 ||**

sabandhaka ādhisahite prayoge yāvad dhanaṃ prayuktaṃ tasyāśītitamo bhāgaḥ pratimāsaṃ vṛddhiḥ syāt | anyathā tu bandharahite prayoge brāhmaṇādivarṇānām adharmarṇatvaṃ yathāvarṇakramaṃ dvikaṃ trikaṃ catuṣkaṃ pañcakaṃ śataṃ vṛddhiḥ syāt | dvau ca trayaḥ catvāraś pañca ca vṛddhir dīyate 'sminn iti dvitricatuṣpañcakaṃ śatam | vasiṣṭhaḥ |

dvikaṃ trikaṃ catuṣkaṃ ca pañcakaṃ śataṃ smṛtam |

māsasya vṛddhiṃ gṛhṇīyād varṇānām anupūrvaśaḥ ||

bṛhaspatiḥ |

vṛddiś caturvidhā proktā pañcadhānyaiḥ prakīrtitā |

ṣaḍvidhānyaiḥ samākhyātā. tattvatas tā nibodhata ||

kāyikā kālikā caiva cakravṛddhir ato 'parā |

kāritā ca śikhāvṛddhir bhogalābhas tathaiva ca ||

kāyikā karmasaṃyuktā māsād grāhyā ca kālikā |

vṛddher vṛddhiś cakravṛddhiḥ kāritā ṛṇinā kṛtā ||

pratyahaṃ gṛhyate yā tu śikhāvṛddhis tu sā smṛtā |

śikheva vardhate nityaṃ śiraś chedān nivartate ||

mūlaṃ datte tathaivaiṣā śikhāvṛddhis tu sā smṛtā |

gṛhītasto(hāt sto)maḥ śadaś kṣetrād bhogalābhaḥ prakīrtitaḥ ||

śikhāvṛddhiṃ kāyikāṃ ca bhogalābhaṃ tathaiva ca |

dhanī tāvat samādadyād yāvan mūlaṃ na śodhitam ||

stomo nivāsanimittaḥ | śadaḥ kṣetraphalam |

vasiṣṭhavacanaproktāṃ vṛddhiṃ vārdhuṣike śṛṇu |

pañca māṣās tu viṃśatyā evaṃ dharmo na hīyate ||

kātyāyanaḥ |

kṛtoddhāram adatvā yo yācitas tu diśaṃ vrajet |

ṛtutrayasyopariṣṭāt tad dhanam ṛddhim āpnuyāt ||

svadeśastho 'pi vā yas tu na dadyād yācito 'sakṛt |

sa bhartrākārito vṛddhim anicchann api cāvahet ||. **[643]**

nāradaḥ |

na vṛddhiḥ prītidattānāṃ syād anākāritaṃ kvacit |

anākāritam apy ūrdhvaṃ vatsarārdhād vivardhate ||

anākārtiam ayacitam iti kriyāviśeṣanatvān napuṃsakaliṅgatvam | tathā |

prītidattaṃ tu yat kiṃcit tan na vardhaty ayācitam |

yācyamānam ayacchaṃs tu vardhayet pañcakaṃ śatam ||

saṃvatsarārdhāt pūrvam etat || 2.37 ||

*adharmarṇaviśeṣavaśād vṛddhiviśeṣam āha* |

**kāntāragās tu daśakaṃ sāmudrā viṃśakaṃ śatam |**

**dadyur vā svakṛtāṃ vṛddhiṃ sarve sarvāsu jātiṣu || 2.38 ||**

kāntāraṃ mahāvanaṃ tad gacchatīti kāntāragā vastrādivikrayakāriṇas te daśakaṃ śataṃ dadyuḥ | samudraṃ tarantīti sāmudās te tu viṃśakaṃ śataṃ dadyuḥ | niṣkādiśate gṛhīte niṣkādiviṃśatiṃ pratimāsaṃ dadyuḥ | evaṃ daśake 'pi śate | atha vottamarṇasaṃmatāṃ svakṛtāṃ sarve varṇā brāhmaṇādayo varṇajātiṣūttamavarṇeṣu vṛddhiṃ dadyuḥ | etac ca bandhakābhāve 'dhamarṇānāṃ kāntārasamudragamanautsukye ca veditavyam || 2.38 ||

*dravyaviśeṣaṃ prati vṛddhiviśeṣam āha* |

**saṃtatis tu paśustrīṇāṃ rasasyāṣṭaguṇā parā |**

**vastradhānyahiraṇyānāṃ catustridviguṇā parā || 2.39 ||**

paśustrīṇāṃ mahiṣīprabhṛtīnāṃ vṛddhyarthaṃ prayuktānāṃ tadīyā saṃtatir eva vṛddiḥ | rasasya ghṛtāder aṣṭaguṇā | vastrāṇāṃ caturguṇā | dhānyānāṃ triguṇā | hiraṇyasya dviguṇā | pareti pratyekaṃ saṃbadhyate | parā paramā | ataḥ param adhikā vṛddhir nāstīty arthaḥ | etac ca svakṛtavṛddhau cirakālam adattāyāṃ veditavyam | gautamaḥ: "cirasthāne dviguṇyaṃ prayogasya" | prayuktasya dhanasyety arthaḥ | manuḥ |

kusīdavṛddhir dvaiguṇyaṃ nātyeti sakṛdāhitā |

dviguṇāpi vṛddhir adhamarṇasaṃpratipattyā mūle niveśitā punar vardhata iti sakṛdgrahaṇāt sidhyati | suvarṇaviṣayaṃ caitat | kātyāyanaḥ |

grāhyaṃ syād dviguṇaṃ dravyaṃ prayuktaṃ dhanināṃ sadā |

labhate cen na dviguṇaṃ punar vṛddhiṃ prakalpayet ||. **[644]**

bṛhaspatiḥ |

hiraṇye dviguṇībhūte naṣṭe caivādharmaṇake |

dravyaṃ tadīyaṃ saṃgṛhya vikrīṇīta sasākṣikam ||

rakṣed vā kṛtamūlyaṃ tu daśāhaṃ janasaṃsadi |

ṛṇānurūpaṃ parato gṛhītvānyaṃ tu varjayet ||

svadhanaṃ ca sthirīkṛtya gaṇanākuśalair nṛbhiḥ |

tadbandhujñātividitaṃ pragṛhṇan nāparādhnuyāt ||

manuḥ |

dhānye śade lave vāhye nātikrāmati pañcatām |

dhānyādāv adatte tadvṛddhiś cirakālam adīyamānān mūlāt pañcaguṇatvaṃ nātikrāmati | śadaḥ puṣpamūlaphalādikaṃ kṣetraphalam | lavo meṣalomāni caramīkeśa ityādi | vāhyo 'śvabalīvardādiḥ | vasiṣṭhas tu rasānāṃ triguṇyam āha | dviguṇaṃ hiraṇyam | triguṇaṃ dhānyam | dānyenaiva rasā vyākhyātāḥ | puṣpaphalāni ca tulādhṛtam aṣṭaguṇam adhamarṇaśaktyanusāreṇa nādhikavṛddhisaṃkhyāvacanāni vyavasthāpyāni | bṛhaspatiḥ |

hiraṇya dviguṇā vṛddhis triguṇā vastrakupyake |

dhānye caturguṇā proktā śade vāhye laveṣu ca ||

kupyaṃ trapusīsam |

uktā pañcaguṇā śāke bījeṣv aṣṭaguṇā smṛtā |

lavaṇasnegamadyeṣu vṛddhir aṣṭaguṇā smṛtā ||

guḍe madhuni caivoktā prayukte cirakālike |

tṛṇakāṣṭheṣṭakāsūtrakiṇvacarmāsthivarmaṇām ||

hetipuṣpaphalānāṃ ca vṛddhis tu na nivartate ||

kiṇvaṃ surādravyopādānakāraṇam | carma phalakaḥ | varma kavacam, hetiḥ śastram | viṣṇuḥ: "kiṇvakarpāsasūtracarmavarmāyudheṣṭakāṅgārakāṇām akṣayā | anuktānāṃ hi dviguṇā" || 2.39 ||

*kiṃ ca* |

**prapannaṃ sādhayann arthaṃ na vācyo nṛpater bhavet |**

**sādhyamāno nṛpaṃ gacchan daṇḍyo dāpyaś ca tad dhanam || 2.40 ||**

**[645]**

prapannam aṅgīkṛtam adhamarṇenārthaṃ vimatau satyāṃ sādhayann uttamarṇo nṛpater na vācyo na niṣedhyo bhavati | so 'dhamarṇaḥ sādhyamāno yadi nṛpaṃ gacchet tadāsau rājñā daṇḍyaḥ | tac ca dhanam uttamarṇāya dāpyaḥ | manuḥ |

dharmeṇa vyavahāreṇa chalenācaritena ca |

prayuktaṃ sādhayed arthaṃ pañcamena balena ca ||

dharmaḥ satyam | vyavahāro likhitasākṣyādipramāṇajātam | chalaṃ chadma | ācaritaṃ deśācāraḥ | balaṃ bhojananiṣedhādinā pīḍanam | nyāyavādī tu na pīḍanīyaḥ | tad āha kātyāyanaḥ |

pīḍayed yo dhanī kaścid ṛṇikaṃ nyāyavādinam |

tasmād arthāt sa hīyeta tatsamaṃ cāpnuyād damam ||

rājā tu svāmino vipraṃ sāntvenaiva pradāpayet |

deśācāreṇa cānyāṃs tu duṣṭān saṃpīḍya dāpayet ||

rikthinaṃ suhṛdaṃ vāpi chalena na ca dāpayet || 2.40 ||

*yugapad anekottamarṇeṣu dānaprāptau kramam āha* |

**gṛhītānukramād dāpyo dhainām adhamarṇikaḥ |**

**datvā tu brāhmaṇāyaiva nṛpates tadanantaram || 2.41 ||**

samānajātīyeṣūttamarṇeṣu grahaṇakramānusāreṇa dānakramo jñeyaḥ | bhinnajātīyeṣu tu varṇakramānusāreṇa | vipranṛpagrahaṇam vaiśyaśūdrayoḥ pradarśanārtham | kātyāyanaḥ |

ekāhe likhitaṃ yat tu tat tu kuryād ṛṇaṃ samam |

grahaṇaṃ rakṣaṇaṃ lābham anyathā tu yathākramam ||

anekeṣām uttamarṇānām ekasminn ahani yad ṛṇaṃ lihitaṃ tat sarvottamarṇān prati samaṃ tulyaṃ rājā kuryāt | tathā grahaṇam ādhis tadrakṣaṇaṃ lābhasā(mā)dhyuttamarṇalābhaṃ ca samam eva kuryāt | likhitasyāharbhede tu yathālikhitakramam ṛṇādikaṃ kuryāt |

yasya dravyeṇa yat paṇyaṃ sādhitaṃ yo vibhāvayet |

tad dravyam ṛṇikenaiva dātavyaṃ tasya nānyathā ||. **[646]**

yasyottamarṇasya dravyeṇa vāṇijyārtham adhamarṇena yat paṇyaṃ gṛhītaṃ tat paṇyakriyāvāptaṃ dhanaṃ sa evottamarṇo labhate | na tatra pūrvoktam āśrayaṇīyam || 2.41 ||

**rājñādharṇiko dāpyaḥ sādhitād daśakaṃ śatam |**

**pañcakaṃ ca śataṃ dāpyaḥ prāptārtho hy uttamarṇikaḥ || 2.42 ||**

nyāyasādhitam artham apekṣya daśakaṃ śatam adhamarṇiko dāpyaḥ | sādhitārthasya yāvān daśamo bhāgas tāvantam artham adhamarṇikād rājā gṛhṇīyād ity arthaḥ | tathā labdhārtha uttamarṇikaḥ pañcakaṃ śataṃ vṛddhyarthaṃ dāpyaḥ | rājā gṛhṇīyād ity arthaḥ | atra viṣṇuḥ: "uttamarṇaś ced rājānam iyāt tadvibhāvito 'dharmarṇo rājñe dhanadaśabhāgasamaṃ daṇḍaṃ dadyāt | prāptārthaś cottamarṇo viṃśatitatamam aṃśam" | nāradaḥ |

ṛṇikaḥ sadhano yas tu daurātymān na prayacchati |

rājñā dāpayitavyaḥ syād gṛhītvāṃśaṃ tu viṃśakam ||

svalpayatnasādhyatve ca sati draṣṭavyam || 2.42 ||

*ṛṇāpākaraṇāsamartham adhamarṇaṃ prati varṇavyavasthayā tadapākaraṇopāyam āha* |

**hīnajātiṃ parikṣīṇam ṛṇārthaṃ karma kārayet |**

**brāhmaṇas tu parikṣīṇaḥ śanair dāpyo yathodayam || 2.43 ||**

brāhmaṇādir uttamarṇaḥ svajātyapekṣayā hīnajātiṃ kṣatriyādim adhamarṇaṃ parikṣīṇaṃ nirdhanam ṛṇārtham ṛṇanivṛttaye karma tṛṇendhanodakāharaṇādikaṃ kārayet | hīnajātigrahaṇaṃ pradarśanārtham | tena samānajātir api gṛhyate | brāhmaṇaś ced adhamarṇaḥ parikṣīṇas tadā yathodayaṃ yathādhanāgamaṃ śanair aprakarṣeṇa dāpyaḥ | brāhmaṇagrahaṇam uttamarṇajātyapekṣayotkṛṣṭajātyupalakṣaṇārtham | tataś ca kṣatriyo vaiśyāya, vaiśyaḥ śūdrāya, yathodayaṃ dhanam eva dāpyo na karma kāraṇīyaḥ | tathā ca manuḥ |

karmaṇāpi samaṃ kuryād dhanikasyādhamarṇikaḥ |

samo 'vakṛṣṭajātiś ca dadyāc chreyāṃs tu tac chanaiḥ ||

dhanikāpekṣitaṃ karmāpi kṛtvā dhanikasya samaṃ sadṛśam anṛṇatvenātmānam adhamarṇaḥ kuryāt | bṛhaspatiḥ |

ṛṇinaṃ nirdhanaṃ karma gṛham ānīya kārayet |

śauṇḍikādyaṃ brāhmaṇas tu dāpanīyaḥ śanaiḥ śanaiḥ ||

śauṇḍikaḥ surākartā | **[647]** kātyāyanaḥ |

yadi hy ādāv anādiṣṭam aśubhaṃ karma kārayet |

prāpnuyāt sāhasaṃ pūrvam ṛñān mucyeta carṇikaḥ ||

aśubhaṃ vihīnaṃ malāpanayanādikaṃ karmottamarṇaḥ pūrvam anādiṣṭam akathitam eva yady adhamarṇaṃ kārayet, tadāsau pūrvasāhasaṃ daṇḍyo 'dhamarṇaś ca tadṛṇān mucyate || 2.43 ||

*yo vṛddhilobhādinottamarṇo 'dhamarṇena dīyamānaṃ dhanaṃ na gṛhṇāti taṃ praty āha* |

**dīyamānaṃ na gṛhṇāti prayuktaṃ yaḥ svakaṃ dhanam |**

**madhyasthasthāpitaṃ tat syād vardhate na tataḥ param || 2.44 ||**

adhamarṇena dīyamānaṃ yady uttamarṇo dhanaṃ prayuktaṃ vṛddhyādihetor na gṛhṇāti tadā tad adhamarṇena madhyasthapuruṣahaste sthāpanīyam | tata ūrdhvaṃ na vardhate || 2.44 ||

*adhamarṇe mṛte proṣite vā yair ṛṇam apākaraṇīyaṃ tān āha* |

**avibhaktaiḥ kuṭumbārthe yad ṛṇaṃ tu kṛtaṃ bhavet |**

**dadyus tad rikthinaḥ prete proṣite vā kuṭumbini || 2.45 ||**

kuṭumbini gṛhapatau proṣite mṛte vā tatkuṭumbabharaṇārtham avibhaktadhanair bhrātrādibhir yat kṛtam ṛṇaṃ tad rikthinaḥ sarve dadyuḥ | avibhaktair iti bahuvacanam avivakṣitārtham | tad āha manuḥ |

grahītā yadi naṣṭaḥ syāt kuṭumbe ca kṛtavyayaḥ |

dātavyaṃ bāndhavaiś tasmāt pravibhaktadhanaiḥ svataḥ ||

nāradaḥ |

pitṛvyeṇāvibhaktena bhrātrā vā yad ṛṇaṃ kṛtam |

mātrā vā yat kuṭumbārthe dadyus tat sarvam ṛkthinaḥ ||

bṛhaspatiḥ |

pitṛvyabhrātṛputrastrīdāsaśiṣyānujīvibhiḥ |

yad gṛhītaṃ kuṭumbārthe tad gṛhī dātum arhati ||

katyāyanaḥ |

kuṭumbārtham aśaktena gṛhītaṃ vyādhitena vā |

upaplavanimitte ca dadyād āpatkṛte tu tat ||

kanyāvaivāhikaṃ caiva pretakārye ca yat kṛtam |

etat sarvaṃ pradātavyaṃ kuṭumbena kṛtaṃ prabhoḥ ||

prabhoḥ prabhunā dātavyam ity arthaḥ || 2.45 ||

*tatrāpavādaṃ pratiprasavasahitam āha |*

**[648]**

**na yoṣitpatiputrābhyāṃ na putreṇa kṛtaṃ pitā |**

**dadyād ṛte kuṭumbārthān na patiḥ strīkṛtaṃ tathā || 2.46 ||**

kuṭumbārthād ṛṇād yad anyad ṛṇaṃ patyā putreṇa vā kṛtaṃ tat strī na dadyāt | tathā putreṇa kṛtaṃ pitā | bhāryayā ca kṛtaṃ na bhartrā | bṛhaspatiḥ |

ṛṇaṃ putrakṛtaṃ pitrā śodhyaṃ yad anumoditam |

sutasnehena vā dadyān nānyathā dātum arhati ||

kātyāyanaḥ |

yoṣitasyāmatenāpi kuṭumbārtham ṛṇaṃ kṛtam |

dāsastryamātyaśiṣyair vā dadyāt putreṇa vā bhṛguḥ ||

nāradaḥ |

pitur eva niyogād vā kuṭumbabharaṇāya vā |

kṛtaṃ vā yad ṛṇaṃ kṛcchre dadyāt putrasya tat pitā || 2.46 ||

*putrapautrair ṛṇaṃ deyam iti vakṣyati tasyāpavādam āha* |

**surākāmadyūtakṛtaṃ daṇḍaśulkāvaśiṣṭakam |**

**vṛthādānaṃ tathaiveha putro dadyān na paitṛkam || 2.47 ||**

surāpānastrīsaṃbhogadyūtārthaṃ yad ṛṇaṃ kṛtaṃ yac ca daṇḍasya śulkasya ca deyam avaśiṣṭaṃ yac ca vṛthādānaṃ tat paitṛkaṃ putro na dadyāt | atra kātyāyanaḥ |

likhitaṃ muktakaṃ vāpi deyaṃ yat tu pratiśrutam |

parapūrvastriyai yat tu vidyāt kāmakṛtaṃ nṛṇām ||

avaśiṣṭam ity avivakṣitam | tathāha uśanā |

daṇḍo vā daṇḍaśeṣo vā śulkaṃ taccheṣam eva vā |

na dātavyaṃ tu putreṇa yac ca na vyāvahārikam ||

na vyāvahārikaṃ na nyayyam ity arthaḥ | niṣphalaṃ dānam uktaṃ smṛtyantare |

dhūrte bandini malle ca kuvaidye kitave śaṭhe |

cāṭacāraṇacaureṣu dattaṃ bhavati niṣphalam ||

nāradaḥ |

na putrarṇaṃ pitā dadyād dadyāt putras tu paitṛkam |

kāmakrodhasurādyūtaprātibhāvyakṛtaṃ vinā ||

kātyāyanaḥ |

yatra hiṃsāṃ samutpādya krodhād dravyaṃ vināśya vā |

uktaṃ tuṣṭikaraṃ yat tu vidyāt krodhakṛtaṃ tu tat ||. **[649]**

ayam arthaḥ — parasya hiṃsāṃ dhanavināśaṃ kṛtvā tattuṣṭaye yad dravyaṃ dātavyatvenāṅgīkṛtaṃ tad ṛṇaṃ krodhajitam iti || 2.47 ||

*na patiḥ strīkṛtaṃ tathety asyāpavādam āha |*

**gopaśauṇḍikaśaulūṣarajakavyādhayoṣitām |**

**ṛṇaṃ dadyāt patis tāsāṃ yasmād vṛttis tadāśrayā || 2.48 ||**

ābhīrasurākāranaṭarajakalubdhakānāṃ strībhiḥ kṛtam ṛṇaṃ tāsāṃ patir apākuryāt | yasmād eṣāṃ gopādīnāṃ vṛttiḥ sthitis tadadhīnā yoṣidadhīnā | gopādistrīkṛtam ṛṇaṃ yady api na kuṭumbārthaṃ tathāpi tatpatibhir apaneyam ity etadartham idaṃ vākyam | anyathā tu kuṭumbārthān na patiḥ strīkṛtaṃ tathety anenaiva siddhatvād vacanam idam apārthakaṃ syāt | tathā ca nāradaḥ |

na ca bhāryākṛtam ṛṇaṃ kathaṃcit patyur ābhavet |

āpatkṛtād ṛte puṃsaḥ kuṭumbārtho hi dustaraḥ ||

anyatra rajakavyādhagopaśauṇdikayoṣitām |

teṣāṃ tatpratyayāvṛttiḥ kuṭumbaṃ ca tadāśrayam || 2.48 ||

*ṛṇaviśeṣād anyad ṛṇaṃ strī na dadyād ity āha |*

**pratipannaṃ striyā deyaṃ patyā vā saha yat kṛtam |**

**svayaṃkṛtaṃ vā yad ṛṇaṃ nānyat strī dātum arhati || 2.49 ||**

kuṭumbānupayogy api yat patiputrakṛtam ṛṇaṃ pratipannam aṅgīkṛtaṃ patyā saha ca yat kṛtaṃ yac ca svayaṃkṛtaṃ tat striyā deyam | anyad ṛṇaṃ strī na dadyāt | svayaṃkṛtam iti vacanaṃ kuṭumbānupayogimātṛkam ṛṇaṃ putreṇa deyam ity etadartham | anyathā hi vacanam anarthakaṃ syāt | jñātam evaitad ṛte 'pi vacanāt svayaṃkṛtam ṛṇaṃ svayaṃ deyam iti | kātyāyanaḥ |

bhartrā putreṇa vā sārdhaṃ kevanenātmanā kṛtam |

ṛṇam evaṃvidhaṃ deyaṃ nānyathā tatkṛtaṃ striyā ||

tatkṛtaṃ patiputrakṛtam |

bhartukāmena yā bhartrā proktā deyam ṛṇaṃ tvayā |

aprapannāpi sā dāpyā dhanaṃ yat saṃśritaṃ striyām ||

dhanaṃ bhartṛdhanam || 2.49 ||

**[650]**

**pitari proṣite prete vyasanābhiplute 'pi vā |**

**putrapautrair ṛṇaṃ deyaṃ nihnave sākṣibhāvitam || 2.50 ||**

ṛṇam anapākṛtya pitari proṣite mṛte vāpi pānādivyasanāsakte vā tadṛṇaṃ putrapautrair deyam | yadi putrādayo brūyur na vayaṃ vidmo 'smatpitā pitāmaho vā kiṃ tubhyaṃ dhārayata iti tadā pratyarthinā sākṣyādīnām anyatamena pramāṇena bhāvitaṃ sad deyam | atra ca pravāsādiṣu nimitteṣu ṛṇadānavidhānāt paitṛkadhanābhāve 'pi putrair ṛṇaṃ deyaṃ tadabhāve ca pautraiḥ | atra nāradaḥ |

nārvāk saṃvatsarād viṃśāt pitari proṣite sutaḥ |

ṛṇaṃ dadyāt pitṛvye vā jyeṣṭhe bhrātary athāpi vā ||

kātyāyanaḥ |

vidyamāne 'pi rogārte svadeśāt proṣite 'pi vā |

viṃśāt saṃvatsarād deyam ṛṇaṃ pitṛkṛtaṃ sutaiḥ ||

vyādhitonmattavṛddhānāṃ tathā dīrghapravāsinām |

ṛṇam evaṃvidhaṃ putrāñ jīvatām api dāpayet ||

sāṃnidhye 'pi pituḥ putrair ṛṇaṃ deyaṃ vibhāvitam |

jātyandhapatitonmattakṣayaśvitrādirogiṇaḥ ||

bṛhaspatiḥ |

pitryam evāgarto deyaṃ paścād ātmīyam eva ca |

tayoḥ paitāmahaṃ pūrvāṃ deyam evam ṛṇaṃ sadā ||

ataḥ putreṇa jātena svārtham utsṛjya yatnataḥ |

ṛṇāt pitā mocanīyo yathā na narakaṃ vrajet ||

etac ca prāptavyavahāraputraviṣayam | aprāptavyavahārasya tu jātasyāpi nādhikāro 'samarthatvāt | tathā ca kātyāyanaḥ |

nāprāptavyavahāreṇa pitary uparate kvacit |

kāle tu vidhinā deyaṃ vaseyur narake 'nyathā ||

pautreṇa ca paitāmaham ṛṇaṃ vṛddhirahitam evāpākaraṇīyam | yad āha bṛhaspatiḥ |

ṛṇam ātmīyavat pitryaṃ putrair deyaṃ vibhāvitam |

paitāmahaṃ samaṃ deyaṃ na deyaṃ tatsutasya tat ||

samaṃ vṛddhirahitam | tatsutasyeti kartari ṣaṣṭhī | tataś ca tatsutena na deyam ity arthaḥ | kātyāyanaḥ |

yad dṛṣṭaṃ dattaśeṣaṃ vā deyaṃ paitāmahaṃ tu tat |

sadoṣaṃ vyāhataṃ pitrā naiva deyam ṛṇaṃ kvacit ||. **[651]**

yat pitrā dṛṣṭaṃ yac ca tena dattāvaśeṣitaṃ tat paitāmahaṃ pautreṇa deyam | yat tu tena vyāhataṃ nirākṛtaṃ yac ca surādivyasananimittatvena doṣayuktaṃ na tat paitāmahaṃ deyam ity arthaḥ |

pitrā dṛṣṭam ṛṇaṃ yat tu kramāyātaṃ pitāmahāt |

nirdoṣaṃ noddhṛtaṃ putrair deyaṃ pautrais tu tad bhṛguḥ ||

tathā |

ṛṇaṃ tu dāpayet putraṃ yadi syān nirupadravaḥ |

draviṇārhaś ca dhuryaś ca nānyathā dāpayet sutam ||

draviṇārhaḥ pitṛdhanārhaḥ | dhuryaḥ pitṛdhuro vodhā || 2.50 ||

**rikthagrāha ṛṇaṃ dāpyo yoṣidgrāhas tathaiva ca |**

**putro 'nanyāśritadravyaḥ putrahīnasya ṛkthinaḥ || 2.51 ||**

atra pratipadaṃ vākyasamāptiḥ | prativākyam ṛṇaṃ dāpya iti saṃbadhyate | rikthagrāhya ṛṇaṃ dāpyaḥ | pitṛdhanaṃ riktham, tataś ca putro rikthagrāhaḥ prathamataḥ | tadabhāve kṣetrajādiḥ putrapratinidhiḥ | tadabhāve patnīduhitrādiḥ | atra ca na putraparo rikthagrāhaśabdaḥ, "putrapautrair ṛṇaṃ deyam" ity anenaiva pitryaṃ dhanaṃ putreṇāpākaraṇīyam iti vihitatvāt | tataś cāyam arthaḥ — kṣetrajādiko rikthagrāho yadīyaṃ rikthaṃ gṛhṇāti tadīyam ṛṇam uttamarṇāya rājñā dāpya iti | parasya yoṣitaṃ bhāryāṃ yo gṛhṇāti sa yoṣidgrāhaḥ | so 'pi tasyāḥ pāṇigrāhasya yad ṛṇaṃ tad dāpyaḥ | atra ca vivakṣitaḥ pāṭhakramaḥ | tataś ca rikthagrāhābhāve yoṣidgrāha ṛṇapradaḥ | nāradaḥ |

antimā svairiṇīnāṃ yā prathamā ca punarbhavām |

ṛṇaṃ tayoḥ patikṛtaṃ dadyād yas te samaśnute ||

tāś ca sa eva nirūpayati |

parapūrvāḥ striyas tv anyāḥ sapta proktā yathākramam |

punarbhūs trividhā tāsāṃ svairiṇī ca caturvidhā ||

kanyaivākṣatayonir yā pāṇigrahaṇadūṣitā |

punarbhūḥ prathamā proktā punaḥsaṃskārakarmaṇi ||

deśadharmān avekṣya strī gurubhir yā pardīyate |

utpannasāhasānyasmai sā dvitīyā prakīrtitā ||

utpannasāhasotpannapuruṣasaṃbandhā |. **[652]**

asatsu devareṣu strī bāndhavair yā pradīyate |

savarṇāyāsapiṇḍāya sā tṛtīyā prakīrtitā ||

strīprasūtāprasūtā vā patyāv eva ca jīvati |

kāmāt samāśrayed anyaṃ prathamā svairiṇī tu sā ||

kaumāraṃ patim utsṛjya yā tv anyaṃ puruṣaṃ śritā |

punaḥ patyur gṛhaṃ yāyāt sā dvitīyā prakīrtitā ||

mṛte bhartari tatprāptān devarādīn apāsya yā |

upagacchet paraṃ kāmāt sā tṛtīyā prakīrtitā ||

prāptā deśād dhanakrītā kṣutpipāsāturā tu yā |

tavāham ity upagatā sā caturthī prakīrtitā ||

tathā |

adhanasya hy aputrasya mṛtasyopait yaḥ striyam |

ṛṇaṃ voḍhuḥ sa bhajate tad evāsya dhanaṃ smṛtam ||

tad eva bhāryaiva | yoṣidgrāhas tathaiva ceti śauṇḍikādiviṣayaṃ vā | yathāha kātyāyanaḥ |

nirdhanair anapatyais tu yat kṛtaṃ śauṇḍikadibhiḥ |

tat strīṇām upabhoktā tu dadyāt tadṛṇam eva hi ||

putraiḥ paitṛkam ṛṇam apākaraṇīyam ity uktam, tatra viśeṣam āha — putro 'nanyāśritadravya iti | yaḥ putro 'nanyāśritadravyaḥ svādhīnadhanaḥ sa pitryam ṛṇaṃ dāpyaḥ | anyāśritam anyādhīnaṃ dravyaṃ dhanaṃ yasya so 'nyāśritadravyaḥ sa na bhavatīty ananyāśritadravyaḥ | tataś ca ye bhrātaro bhrātṛviśeṣādhīnadhanā na te dāpyāḥ | kiṃ tu yas teṣu svātantryeṇa vartate sa eva dāpyaḥ | atra pāṭhakramo na vivakṣitaḥ | na hy atra dānarūpo dhātvartho vidhīyate | kiṃ tu tadīyo 'nanyāśritadravyatvalakṣaṇo dharmaḥ | sa (na) ca dharma 'nuṣṭheyaḥ | kiṃ tu dharmavān dhātvarthaḥ | tataś ca yatra dhātvartho vidhīyate krameṇa tatra kramaniyamo vivakṣyate nānyatra | ato nātra kramo vivakṣitaḥ | yat tu nāradenoktam,

dhanastrīhāriputrāṇām ṛṇabhāg yo dhanaṃ haret |

putro 'satoḥ strīdhaninoḥ strīhārī dhaniputrayoḥ ||

iti, tat pitṛdhanavibhāgānarhaputraviṣayam | "savarṇāputro 'py anyāyavṛttau na labhetaikeṣām" iti gautamavacanāt putrasyāpi bhāgānarhatvaṃ pratīyate | tathāndhādīnāṃ tadanarhatvaṃ vibhāgaprakaraṇe vakṣyati | vibhāgārhais tu pitṛdhanābhāve 'pi **[653]** pitur ānṛṇyaṃ kāryam ity ukta: "putrapautrair ṛṇaṃ deyam" iti | yat tu strīhāriṇo 'saṃbhave putro dāpya ity abhidhāya punar uktam — putrābhāve strīhārī dāpya iti, tad uktaviśeṣapunarbhūsvairiṇībhyām anyāṃ striyaṃ yo harati tadviṣayam | putrahīnasya rikthina iti pautrarūparikthiviṣayam | teṣāṃ hi putravato 'pi pitāmahasya rikthagrahaṇayogyatāsti nānyeṣāṃ bhrātrādīnām | yad āha manuḥ |

na bhrātaro na pitaraḥ putro rikthaharaḥ pituḥ |

pitā hared aputrasya rikthaṃ bhrātara eva vā ||

vakṣyati hi |

pramītapitṛkāṇāṃ tu pitṛto bhāgakalpanā | iti |

tatra putrapautrair ṛṇaṃ deyam it putravato 'pi pitāmahasya pautrair ṛṇam apākaraṇīyam iti atiprasaṅgaṃ nivārayitum idam ucyate — putrahīnasya rikthina iti | atra rikthiśabdo rikthagrahaṇayoge vartate na gṛhītariktha eva | tena nirdhanasya pitāmahasya putrābhāva eva pautrā ṛṇāpakaraṇe 'dhikriyante na putrasadbhāve | gṛhītarikthās tu putrasadbhāve 'pi | paitāmaham ṛṇaṃ deyaṃ yathāṃśam apākuryuḥ | ata eva nāradaḥ |

ata ūrdhvaṃ pituḥ putrā ṛṇaṃ dadyur yathāṃśataḥ |

vibhaktā vāvibhaktā vā yas tāṃ codvahate dhuram ||

aprāptavyavahāraś cet svatantro 'pi hi narṇabhāk |

svātantryaṃ hi smṛtaṃ jyeṣṭhe jhaiṣṭhyaṃ guṇavayaḥkṛtam ||

tathā |

kramād avyāhataṃ prāptaṃ putrair yan narṇam uddhṛtam |

dadyuḥ paitāmahaṃ pautrās tac catuarthān nivartate ||

putro 'nanyāśritadravya ity asyāparā vyākhyā — anyaśabdenātra prakṛtatvāt pitocyate | tenānyāśritadravyaśabdena pitṛdhanam ucyate | tan na vidyate yasya so 'nanyāśritadravyaḥ putraḥ | ato rikthagrāhayoṣidgrāhayor abhāva ṛṇaṃ dāpyaḥ | tatsadbhāve tu tāv eva yathākramaṃ dāpyau | santi dāyānarhā api kecana putrāḥ | yathā dvādaśavidheṣu putreṣūcyamāneṣu ṣāṭputrān abhidhāyāha vasiṣṭhaḥ: "dāyādabāndhavāḥ" iti | tathā: "yasya pūrveṣāṃ ṣaṇṇām na kaścid dāyaharaḥ syād ete tasya dānaṃ harantu" iti | tathā: "anaṃśās tv āśramāntaragatāḥ klībonmattapatitāś ca" iti | eṣām ayam arthaḥ siddhaḥ — rikthagrāhaḥ putrādir dāpyas tadabhāve yoṣidgrāhas tasyāpy abhāve dāyānarhaḥ putra iti | tathāha nāradaḥ | **[654]**

dhanastrīhāriputrāṇām ṛṇabhāg yo dhanaṃ haret |

putro 'satoḥ strīdhaninoḥ strīhārī dhaniputrayoḥ ||

atra strīhāridhanahāriṇor abhāve putra ṛṇaprada ity abhidhāyoktaṃ dhaniputrayor abhāve strīhārī ṛṇaprada iti | tatra pūrvoktastrīhārī putrasadbāva ṛṇabhāk | anyastrīhārī tu putrābhāva iti vyavsthā | nārada eva |

putriṇī ca samutsṛjya putraṃ strī yānyam āśrayet |

tasyā ṛṇī hared sarvaṃ niḥsvāyāḥ putra eva tu ||

ṛṇī strīhārī | tathā ca sa evāha |

adhanasya hy aputrasya mṛtasyopaiti ya striyam |

ṛṇaṃ voḍhuḥ sa bhajate tad evāsya dhanaṃ smṛtam || iti |

yā tu sapradhanaiva strī sāpatyā cānyam āśrayet |

so 'syā dadyād ṛṇaṃ bhartur utsṛjed vā tathaiva tām ||

prakṛṣṭaṃ dhanaṃ pradhanaṃ tatsahitā sapradhanā | kātyāyanaḥ |

bālaputrādhikārthā ca bhartāraṃ yānyam āśritā |

āśritas tad ṛṇaṃ dadyād bālaputrāvidhiḥ smṛtaḥ ||

dīrghapravāsinirbandhajaḍonmattārtaliṅginām |

jīvatām api dātavyaṃ tatstrīdravyaṃ samāśritaiḥ || 2.51 ||

*viṣayaviśeṣe saprasaṅgam ṛṇapratiṣedham āha* |

**bhrātṝṇām atha dampatyoḥ pituḥ putrasya caiva hi |**

**prātibhāvyam ṛṇaṃ sākṣyam avibhakte na tu smṛtam || 2.52 ||**

bhrātrādīnām avibhakte dhane parasparaṃ prātibhāvyādikaṃ kartavyatayā na smṛtam | kiṃ tu pratiṣiddham eva | dampatī jāyāpatī | pratibhuvo bhāvaḥ prātibhāvyam | darśanaviśvāsadānāṅgīkārakartā prtibhūḥ | ṛṇaṃ prasiddham | sākṣiṇo bhāvaya sākṣyam | atrāvibhaktagrahaṇaṃ bhrātṛviṣayam | pitāputraviṣaya vā | na jāyāpativiṣayam | na hi tayor dhanavibhāgo 'sti, patidhane hi jāyā svāmiṇī jāyātvād eva | ato dampatyoḥ sādhāraṇaṃ dhanam aśakyaṃ vibhaktum | ata eva āpastambaḥ: **[655]** "jāyāpatyor na vibhāgo pāṇigrahaṇād dhi sahatvaṃ karmasu | tathā puṇyaphaleṣu dravyaparigraheṣu ca" iti | nāradaḥ |

sākṣitvaṃ prātibhāvyaṃ ca dānagrahaṇam eva ca |

vibhaktā bhrātaraḥ kuryur nāvibhaktāḥ parasparam ||

eṣāṃ caitāḥ kriyā loke pravartante svarikthinām |

vibhaktān avagaccheyur likhyam apy antareṇa tān || 2.52 ||

*prātibhāvyaviśeṣāṃs tatphalaviśeṣāṃś cāha* |

**darśane pratyaye dāne prātibhāvyaṃ vidhīyate |**

**ādyau tu vitathe dāpyāv itarasya sutā api || 2.53 ||**

darśanaviśvāsadāneṣu pratibhūtvaṃ vidhīyate | tatra darśanaviśvāsapratibhuvo vitathatve mithyābhāve sati tāv eva vivādāspadībhūtaṃ dhanaṃ dhanine dāpyau | yas tu dānapratibhūs tasya mithyātve mithyābhāve sa dāpyas tadabhāve tatputrāḥ | bṛhaspatiḥ |

darśane pratyaye dāne ṛṇidravyārpaṇe tathā |

catuṣprakāraḥ pratibhūḥ śāstre dṛṣṭo manīṣibhiḥ ||

āhaiko darśayāmīti sādhur eṣo 'paro 'bravīt |

ādau tu vitathe dāpyau tatkāvāveditaṃ dhanam ||

uttarau tu visaṃvāde tau vinā tatsutau tathā ||

kātyāyanaḥ |

dānopasthānaviśvāsavivādaśapathāya ca |

lagnakaṃ dāpayed eva yathāyogaṃ viparyaye ||

upasthānaṃ darśanam | vivādo vyavahāraḥ | śapathaṃ divyam | dānaviśvāsau prasiddhau | eṣv artheṣu lagnakaṃ pratibhuvaṃ vivādadhanaṃ dāpayet | tathā |

darśanapratibhūr yas taṃ deśe kāle na darśayet |

nibandham āvahet tatra caivaṃ rājakṛtād ṛte ||

nibandhaṃ deyaṃ dravyam | **[656]** tathā |

naṣṭasyānveṣaṇārthaṃ tu dāpyaṃ pakṣatrayaṃ param |

yady asau darśayet tatra moktavyaḥ pratibhūr bhavet ||

tathā |

gṛhītvā bandhakaṃ yas tu darśanasya sthito bhavet |

vibhāvya vādinā tatra dāpyaḥ syāt tad ṛṇaṃ sutaḥ ||

yo 'dhamarṇād bandhakaṃ gṛhītvā darśanapratibhūtvam aṅgīkṛtya mṛtas tasya sutas tava pitā bandhakagrahaṇapūrvakaṃ prātibhāvyaṃ kṛtavān iti sādhayitvā vivādāspadaṃ dhanaṃ vādinā dāpyaḥ | asau yathā dadāti tathā kāryam ity arthaḥ | bṛhaspatiḥ |

naṣṭasyānveṣaṇaṃ kālaṃ dadyāt pratibhuve dhanī |

deśādhvarūpataḥ pakṣaṃ māsaṃ sārdham athāpi vā ||

nātyantaṃ pīḍanīyāḥ syur ṛṇaṃ dāpyāḥ śanaiḥ śanaiḥ |

svasākṣyeṇa niyojyāḥ syur vidhiḥ pratibhuvām ayam ||

sādhutvāc cen mandadhiya ṛṇaṃ dadyur abhāvitāḥ |

yad arthaṃ dāpitās tasmān na labheran kathaṃcana || 2.53 ||

**darśanapratibhūr yatra mṛtaḥ prātyayiko 'pi vā |**

**na tatputrā ṛṇaṃ dadyur dadyur dānāya ye sthitāḥ || 2.54 ||**

prātyayiko viśvāsapratibhūḥ | pautranivṛttyartho 'yam anuvādaḥ | tena dānapratibhuvaḥ pautrā na dāpanīyāḥ | āha ca vyāsaḥ |

ṛṇaṃ paitāmahaṃ pautraḥ prātibhāvyāgataṃ sutaḥ |

samaṃ dadyāt tatsutau tu na dāpyāv iti niścayaḥ ||

paitāmaham ṛṇaṃ samaṃ vṛddhirahitaṃ dadyāt | evaṃ prātibhāvyanimittaṃ pratibhūputraḥ | tayor adhamarṇapautrapratibhūpautrayoḥ putrāv ṛṇaṃ prātibhāvyāgataṃ ca na dāpyau | kātyāyanaḥ |

prātibhāvyāgataṃ pautrair dātavyaṃ na tu tat kvacit |

putreṇāpi samaṃ deyam ṛṇaṃ sarvatra paitṛkam ||

prātibhāvyāgatam ṛṇaṃ sarvatra putreṇa samaṃ deyam | pautrair na deyam ity arthaḥ || 2.54 ||

**bahavaḥ syur yadi svāṃśair dadyuḥ pratibhuvo dhanam |**

**ekacchāyāśriteṣv eṣu dhanikasya yathāruci || 2.55 ||**

bahavaḥ puruṣā ekaṃ pratibhūtvāṃ yadāvalambante tadā te yathāṃśam uttamarṇāya dhanaṃ dadyuḥ | yadā ta ekacchāyāśritāḥ pratyekaṃ vikalpena sakaladhanadāyakatvam **[657]** āśritās tadā dhanikechānusāreṇa deyam | teṣāṃ madhye dhaniko yaṃ yācate sa dadyād ity arthaḥ | ekām adhamarṇasya chāyāṃ sādṛśyaṃ pratyekaṃ śritā ekacchāyāśritāḥ || 2.55 ||

*adhamarṇaiḥ pratibhuvi yat kartavyaṃ tad āha* |

**pratibhūr dāpito yatra prakāśaṃ dhanine dhanam |**

**dviguṇaṃ tatra dātavyam ṛṇikais tasya tad bhavet || 2.56 ||**

yatra vyavahāre prakāśaṃ janasamakṣaṃ pratibhūr adhamarṇadeyadhanam uttamarṇāya dāpito dadāti tatra vyavahāre tad dhanaṃ dviguṇam adhamarṇair deyam | adhamarṇair iti bahuvacanam vivakṣitam | nāradaḥ |

yām cārthaṃ pratibhūr dadyād dhanikenopapīḍitaḥ |

ṛṇikas taṃ pratibhuve dviguṇaṃ pratidāpayet ||

pīḍita iti vacanād apīḍitāya samam eva deyam | tad āha kātyāyanaḥ |

yasyārthe yena yad dattaṃ vidhinābhyarthitena tu |

sākṣibhir bhāvitenaiva pratibhūs tat samāpnuyāt ||

tathā |

prātibhāvyaṃ tu yo dadyāt pīḍitaiḥ pratibhāvitaḥ |

tripakṣāt parataḥ so 'rthaṃ dviguṇaṃ labdhum arhati || 2.56 ||

*sarvatra dvaiguṇye prāpte kālātyaye sati yasya dravyasya yā parā vṛddhir uktā tāṃ pratibhuve dadyād ity āha* |

**saṃtatiḥ strīpaśuṣv eva dhānyaṃ triguṇam eva ca |**

**vastraṃ caturguṇaṃ proktaṃ rasaś cāṣṭaguṇaḥ smṛtaḥ || 2.57 ||**

yāḥ paśustriyo gomahiṣyādayaḥ uttamarṇāya pratibhuvā dattāḥ satyo yāvat saṃtatimatyo jātās tāvat saṃtitikās tā adhmarṇena pratibhuve deyāḥ | spaṣṭam anyat || 2.57 ||

*dhanikasya visrambhahetuḥ pratibhūr ādhiś ceti pratibhūprakaraṇānantaraṃ prasaktam ādhikaraṇam ārabhate | tatrādhisvarūpaṃ tāvan nārada āha |*

*adhikriyat ity ādhiḥ sa vijñeyo dvilakṣaṇaḥ |*

*kṛtakālāpaneyaś ca yāvad deyodyatas tathā ||*

*sa punar dvividhaḥ prokto gopyo bhogyas tathaiva ca || iti |*

*tatraitāvati kāle gate dhanaṃ datvāyaṃ mayā mokṣyate na cet tavaiva bhavatīti* ***[658]*** *kṛta ādhiḥ kṛtakālāpaneyaḥ, yāvad dhanaṃ te dadāmi tāvad ayam ādhir ity evaṃ kṛto yāvad deyodyataḥ | so 'pi pratyekaṃ go 'py abhogyatayā dvividha iti | tatra yasyādher yasmin nimitte satyādhitvanāśa uttamarṇaṃ prati ca svatvāpattir yasya na bhavati tad ubhayam āha* —

**ādhiḥ praṇaśyed dviguṇe dhane yadi na mokṣyate |**

**kāle kālakṛto naśyet phalabhogyo na naśyati || 2.58 ||**

ādhir uktalakṣaṇo vṛddhidānābhāve nimitte mūladhanadvaiguṇye jāte tāvad dhanaṃ datvādhamarṇena yadi na mokṣyate tadāsau naśyed adhamarṇasya svaṃ na bhavet, kiṃ tūttamarṇasyaiva bhaved ity arthaḥ | yas tu kālakṛtaḥ kṛtakālāpaneyaḥ sa yadi saṃpratipanne kāle na mokṣyate 'dhamarṇena sa pūrvavan naśyet | phalabhogyas tv ādhir na kadācin naśyet | kiṃ tūttamarṇena yāvat svadhanaṃ prāpyate tāvad utpannaṃ phalam eva bhoktavyam | atra vyāsaḥ |

hiraṇye dviguṇībhūte pūrṇe kāle kṛte 'vadhau |

bandhakasya dhanī svāmī dvisaptāhaṃ parīkṣya tu ||

ato 'ntarā dhanaṃ datvā ṛṇī bandhakam āpnuyāt ||

bṛhaspatiḥ|

gopyādhir dviguṇād ūrdhvaṃ kṛtakālo yathāvidhi |

śrāvayitvā ṛṇikule bhoktavyaḥ samanantaram ||

tatkālāvadhisaṃyuktaṃ sthānalekhyaṃ ca kārayet ||

kātyāyanaḥ |

ādhātā yatra na syāt tu dhanī bandhaṃ nivedayet |

rājñā tataḥ sa vikhyāto vikreya iti dhāraṇā ||

savṛddhikaṃ gṛhītvā tu śeṣaṃ rājany athārpayet || 2.58 ||

**gopyādhibhoge no vṛddhiḥ sopakāre 'tha hāpite |**

**naṣṭo deyo vinaṣṭaś ca daivarājakṛtād ṛte || 2.59 ||**

gopyasyādher gomahiṣīvastrahiraṇyarajatāder uttamarṇena vāhanadohanabhūṣaṇādau bhoge kṛte no vṛddhir bhavati prayuktaṃ dhanaṃ na vardhata ity arthaḥ | tathā sopakāre phalabhogyabhūmyādāv upekṣayā hāpite hāniṃ nīte no vṛddhir iti saṃbandhaḥ | hānir atra kāryākṣamatvam | yatrādhamarṇa ādher upabhogaṃ vṛddhidānaṃ vābhyupagacchati tadviṣayam etat | daivarājavyāpāraṃ vinobhayavidho 'py ādhi naṣṭo vinaṣṭo **[659]** vādhamarṇāyottamarṇena deyaḥ | naṣṭo vikṛtaḥ | vinaṣṭaḥ pradhvasto 'pahṛto vā | bṛhaspatiḥ |

bhukte cāsāratāṃ prāpte mūlahāniḥ prajāyate |

bahumūlyaṃ yatra naṣṭam ṛṇikaṃ tatra toṣayet ||

vyāsaḥ |

grahītṛdoṣān naṣṭaś ced bandho hemādiko bhavet |

ṛṇaṃ salābhaṃ saṃśodhyaṃ tanmūlyaṃ dāpyate dhanī ||

grahītā dhanikaḥ | bandho bandhaka ādhir ity eko 'rthaḥ | kātyāyanaḥ |

akāmam ananujñātam ādhiṃ yaḥ karma kārayet |

bhoktā karmaphalaṃ dāpyo vṛddhiṃ vā na labheta saḥ ||

cetanarūpādhiviṣayam etat | nāradaḥ |

vinaṣṭe mūlahāniḥ syād daivarājakṛtād ṛte |

manuḥ |

na ev evādhau sopakāre kausīdīṃ vṛddhim āpnuyāt |

yaḥ svāminānanujñātam ādhiṃ bhuṅkte vicakṣaṇaḥ ||

tenārdhavṛddhir bhoktavyā tasya bhogasya niṣkṛtiḥ ||

alpabhogaviṣayam etat | mahopabhoge tu gopyādhibhoge na vṛddhir ity uktam | tataś ca bhogānusāreṇa vṛddhihānyanusāraḥ kāryaḥ || 2.59 ||

*ādhisādhanam āha* |

**ādheḥ svīkaraṇāt siddhī rakṣyamāṇo 'py asāratām |**

**yātaś ced anya ādheyo dhanabhāg vā dhanī bhavet || 2.60 ||**

ādheḥ svīkaraṇāt parigrahād ādhitvasiddhiḥ | svīkaraṇaṃ ca bhogyādau bhogaparyantam, gopyādhau tu bhāṇḍāgārapraveśaparyantam | tathā ca nāradaḥ |

ādhiś ca dvividhaḥ prokto jaṅgamaḥ sthāvaras tathā |

siddhir asyobhayasyāpi bhogo yady asti nānyathā ||

bṛhaspatiḥ |

kṣetram ekaṃ dvayor bandhe dattaṃ yat samakālikam |

yena bhuktaṃ bhavet pūrvaṃ tasya siddhim avāpnuyāt |

tulyakālopasthitayor dvayor api samaṃ bhavet ||

viṣṇuḥ: "gocarmamātrādhikāṃ bhuvam anyasyādhīkṛtāṃ tasmād anirmocyānyasya yaḥ prayacchet sa vadhyaḥ | ūnāṃ cet ṣoḍaśa suvarṇān dāpyaḥ |

eko 'śnīyād yad utpannaṃ naraḥ saṃvatsaraṃ phalam |

gocarmamātrā sā kṣoṇī stokā vā yadi vā bahu ||

**[660]** yayor nikṣipta ādhis tau vivadetāṃ yadā narau |

yasya bhuktir jayas tasya balātkāravinā kṛtā ||

yady asāv ādhir dhaninā rakṣyamāṇo 'py asāratām avalambate yāty ekayā saṃvatsaravṛddhyā sahitaṃ mūladhanam apākartavyam | na śaknoti cet tadādharmarṇenānya ādhir ādheyaḥ | dhanaṃ vā svaprayuktaṃ dhanī labhate || 2.60 ||

*ādhiḥ praṇaśyed dviguṇam ity asyāpavādam āha |*

**caritrabandhakakṛtaṃ savṛddhyā dāpayed dhanam |**

**satyaṃkārakṛtaṃ dravyaṃ dviguṇaṃ pratipādayet || 1.61 ||**

caritradharmaḥ sa eva bandhakam ādhis tena yat kṛtam ṛṇaṃ tad vṛddhisahitam uttamarṇāyādhamarṇaṃ dāpayet | na tatrādhināśo 'stīty abhiprāyaḥ | tena dhanam aprayacchato 'dhamarṇasya nāsty ānṛṇyāṃśatā | idam apākartavyam iti saṃvidaṃ kṛtvā yad dravyaṃ prathamam arpyate tat satyaṃkārakṛtam | taddviguṇaṃ vikretā svakīyadoṣavaśena krayāsiddhau kretre dadyāt | etac ca prasaṅgād uktam || 2.61 ||

**upasthitasya moktavya ādhiḥ steno 'nyathā bhavet |**

**prayojake 'sati dhanaṃ kule nyasyādhim āpnuyāt || 2.62 ||**

adhamarṇasya dhanapradānapūrvakam ādhimokṣāyodyatasyottamarṇena dhanam ādāyādhiḥ pratyarpaṇīyaḥ, anyathottamarṇaś cauradaṇḍabhāg bhavet | prayojaka uttamarṇaḥ | tasminn asati mṛte proṣite vādharmaṇas tadīyaṃ dhanaṃ tatkuṭumbe nyasya nikṣipya svakīyam ādhiṃ labheta || 2.62 ||

*prakārāntaram āha* |

**tatkālakṛtamūlyo vā tatra tiṣṭhed avṛddhikaḥ |**

tasminn ṛṇāpākaraṇakāle kṛtamūlyo 'vadhāritamūlyo vṛddhirahita evādhiḥ prayoktṛkule tiṣṭhet | yāvat prayoktur āgamanam | āgate ca tasminn ādhiṃ tanmūlyaṃ vādhamarṇo gṛhṇīyāt | proṣitaprayoktṛviṣayaṃ caitat |

uttamarṇena mūladhanaṃ dviguṇaṃ phalabhogyādher upajīvyādhamarṇāya sa ādhiḥ pratyarpaṇīya ity anantaraṃ vakṣyati | tatra viṣaye yady adhamarṇas tadīyo vā svajanaḥ ko 'py asaṃnihito vidyate tadottamarṇena sākṣisamakṣaṃ sa ādhir vikretavya itīdānīm āha —

**vinā dhāraṇakād vāpi vikrīṇīta sasākṣikam || 2.63 ||**

**[661]**

dhāraṇakād adhamarṇād vinā tadasṃnidhānād iti yāvat | vāśabdas tatsvajanāsaṃnidhisamuccayārthaḥ || 2.63 ||

**yadā tu dviguṇībhūtam ṛṇam ādhau tadā khalu |**

**mocya ādhis tadutpanne praviṣṭe dviguṇe dhane || 2.64 ||**

iti ṛṇādānam || 3 ||

yadā khalu mūladhanaṃ dviguṇībhūtaṃ pratyādhiḥ kriyate | tasmāt phalabhogyaād ādher utpannaṃ dhanaṃ tvayā tāvad upajīvyaṃ yāvan mūladhanaṃ dviguṇam upajīvitaṃ bhavati tadanantaram ādhir māṃ pratyarpaṇīya iti yāvat | tadā tasmin viṣaye tata ādher dviguṇe dhane praviṣṭe saty ādhir uttamarṇenādhamarṇāya deyaḥ | evaṃ ca sati,

ādhiḥ praṇaśyed dviguṇe dhane yadi na mokṣyate |}

ity anena vākyena yadā tu dviguṇībhūtam ity asaiva virodho naivāśaṅkanīyo bhinnaviṣayatvāt | tathā hi — dviguṇe mūladhane praviṣṭe ādhir mocyata iti uttamarṇādhamarṇayoḥ saṃpratipattiviṣayaṃ yadā tu dviguṇībhūtam ityadikaṃ vākyam | prayuktasya dhanasya pratipādanāvadhi ya ādhiḥ kṛtas tadviṣayam ādhiḥ praṇaśyed dviguṇa ityādikam | yadā tu dviguṇībhūtam ityādivacanapratipādita ādhiḥ kṣayādhir iti kathyate | sa ca ṛṇavyavahārārambhe madhye vā kṛto bhavaty eva kṣayāvadhiḥ | iti ṛṇādānam || 2.64 ||

**[iti śrīvidyādharavaṃśaprabhavaśrīśilāhāranarendrajīmūtavāhanānvayaprasūta-**

**śrīmadaparādityadevaviracite yājñavalkyadharmāstranibandhe 'parārka**

**ṛṇādānaprakaraṇam || 3 || ]**

**atha saṭīkayājñavalkyasmṛtau**

**upanidhiprakaraṇam | (4)**

*anyonyasaṃpratipattimātranibandhanatvāt tasya nikṣepākhyaṃ vivādapadam upakramate |*

**vāsanastham anākhyāya haste nyasya yad arpyate |**

**dravyaṃ tad aupanidhikaṃ pratideyaṃ tathaiva tat || 2.65 ||**

yatra pātre hiraṇyādikaṃ nikṣipyate tad vāsanaṃ tatra vyavasthitaṃ hiraṇyādi **[662]** dravyaṃ svarūpasaṃkhyāparimāṇādi viśiṣṭatvenākathayitvā prasya hastādau yad arpyate tadaupanidhikam iti veditavyam | upanidhir evaupanidhikam | tat tathaivābhinnamudram eva sthāpakāya pratipādayet | atra nāradaḥ |

anyadravyavyavahitaṃ dravyam avyākṛtaṃ ca yat |

nikṣipyate paragṛhe tad aupanidhikaṃ smṛtam ||

tathā |

asaṃkhyātam avijñātaṃ samudraṃ yan nidhīyate |

taṃ jānīyād upanidhiṃ nikṣepaṃ gaṇitaṃ viduḥ ||

bṛhaspatiḥ |

rājacaurārātibhayād dāyādānāṃ ca vañcanāt |

sthāpyate 'nyagṛhe dravyaṃ nyāsas tatparikīrtitam ||

anākhyātaṃ vyavahitam asaṃkhyātam adarśitam |

mudrāṅkitaṃ ca yad dattaṃ tathaupanidhikaṃ smṛtam ||

kātyāyanaḥ |

krayaḥ proṣitanikṣiptaṃ bandhānvāhitayācitam |

vaiśyavṛttyarpitaś caiva so 'rthas tūpanidhiḥ smṛtaḥ ||

krayaḥ kradhanam, proṣitanikṣiptam ity atra proṣitatvagrahaṇam upalakṣaṇārtham | anyasmai dātuṃ yad arpitaṃ tad anvāhitam | alaṃkārādyarthaṃ prakīyam ānītaṃ yācitam | kusīdādir vaiśyavṛttiḥ, taarthaṃ yaś ca parasyārpito 'rthaḥ so 'py upanidhiḥ | nāradaḥ |

sa punar dvividhaḥ proktaḥ sākṣimān itaras tathā |

pratidānaṃ tathaivāsya pratyayaḥ syād viparyaye ||

pratyayo divyam | bṛhaspatiḥ |

dadato yad bhavet puṇyaṃ hemakupyāmbarādikam |

tat syāt pālayato nyāsaṃ tathā ca śaraṇāgatam ||

bhartur drohe yathā nāryāḥ puṃsaḥ putrasuhṛdvadhe |

doṣo bhavet tathā nyāse bhakṣitopekṣite nṛṇām || 2.65 ||

*pratideyaṃ tathaiva taditarasyāpavādam āha |*

**na dāpyo 'pahṛtaṃ tat tu rājadaivikataskaraiḥ |**

tad aupanidhikaṃ dravyaṃ rājādibhir apahṛtaṃ nāśitaṃ vā tat sthāpakāyetaro na dāpyaḥ | daivikam agnyādikāryam | nāradaḥ |

grahītuḥ saha yo 'rthena naṣṭo naṣṭaḥ sa dāyinaḥ|

daivarājakṛte tadvan na cet taj jihmakāritam || **[663]**

jihmaṃ kauṭilyam | kātyāyanaḥ |

arājadaivikenāpi nikṣiptaṃ yatra nāśitam |

grahītuḥ saha bhāṇḍena dātur naṣṭaṃ tad ucyate ||

manuḥ |

caurair hṛtaṃ jalenoḍham agninā dagdham eva ca |

na dadyād yadi tasmāt sa na saṃharati kiṃcana ||

tasmād dhanād yadi stokaṃ svalpam api na saṃharati na gṛhṇātīty arthaḥ | kātyāyanaḥ |

yasya doṣeṇa yat kiṃcid vinaśyeta hriyeta vā |

tad dravyaṃ sodayaṃ dāpyo daivarājakṛtād vinā ||

sodayaṃ savṛddhikam | bṛhaspatiḥ |

bhedenopekṣayā nyāsaṃ grahītā yadi nāśayet |

yācyamāno na dadyād vā dāpyas tat sodayaṃ bhavet ||

**bhraṃśaś cen mārgite 'datte dāpyo daṇḍaṃ ca tatsamam || 2.66 ||**

sthāpakena mārgite yācita upanidhāv itareṇādatte yady api daivādivaśād bhraṃśo nāśo bhavati tathāpi tatsamaṃ dhanaṃ dhanine tatsamam eva ca daṇḍaṃ rājñā dāpyaḥ || 2.66 ||

**ājīvan svecchayā daṇḍyo dāpyas taṃ cāpi sodayam |**

svecchayā sthāpakānujñāṃ vinopanidhim ājīvann upajīvan rakṣako rājñā daṇḍyas taṃ cārthaṃ sthāpakāya sodayaṃ dāpyaḥ | kātyāyanaḥ |

grāhyas tūpanidhiḥ kāle kālahīnaṃ tu varjayet |

kālahīnaṃ dadad daṇḍaṃ dviguṇaṃ ca pradāpyate ||

yadbhayād upanidhir nikṣiptas tasminn atīte grāhyo vartamāne tu tasmin dānaṃ kālahīnam ||

**yācitānvāhitanyāsanikṣepādiṣv ayam vidhiḥ || 2.67 ||**

**[ity upanidhiprakaraṇam || 4 ||]**

ayaṃ pūrvokto vidhir yācitādiṣu veditavyaḥ | yācitādisvarūpam uktam | manuḥ |

yo nikṣepaṃ nārpayati yaś cānikṣipya yācate |

tāv ubhau cauravac chāsyau dāpyau daṇḍaṃ ca tatsamam ||. **[664]**

bṛhaspatiḥ |

gṛhītvāpahnute yaś ca sākṣibhiḥ śapathena vā |

vibhāvya dāpayen nyāsaṃ tatsamaṃ vinayaṃ tathā ||

manuḥ |

nikṣepo yatkṛto yena yāvān vā kulasaṃnidhau |

tāvān eva sa vijñeyo vibruvan daṇḍam arhati ||

vibruvan vitathaṃ bruvan |

yo nikṣepaṃ yācyamānaṃ nikṣeptre na prayacchati |

sa yācyaḥ prāḍvivākena tannikṣeptur asaṃnidhau ||

sa yadi pratipadyeta yathānyastaṃ yathākramam |

na tatra vidyate kiṃcid yat parair abhiyujyate ||

teṣāṃ na dadyād yadi tu taddhiraṇyaṃ yathāvidhi |

svayaṃ nigṛhya dāpyaḥ syād iti dharmasya dhāraṇā ||

taddhiraṇyaṃ tanmūlyaṃ hiraṇyadvayaṃ dviguṇaṃ nigṛhya daṇḍayitvā dāpyaḥ | bṛhaspatiḥ |

raho datte nidhau yatra visaṃvādaḥ prajāyate |

vibhāvakaṃ tatra divyam ubhayor api ca smṛtam ||

ubhayor madhya ekasyety arthaḥ |

anvāhite yacitake śilpityāge sabandhake |

eṣa evodito dharmas tathā ca śaraṇāgate ||

kātyāyanaḥ |

yo yācitakam ādāya no dadyāt pratiyācitaḥ |

sa nigṛhya balād dāpyo daṇḍena ca dadāti yaḥ ||

nigṛhya balād upavāsādi kārayitvā sthāpakena dāpyo grāhyaḥ | evam api yo na dadāti sa rājñā daṇḍya iti | matsyapurāṇe |

yo hi yācitam ādāya na dadyād vitathaṃ bruvan |

sa nigṛhya tathā dāpyo daṇḍyo vā pūrvasāhasam ||

vāśabdaḥ samuccaye | bhukteḥ prāmāṇyam uktaṃ tatprasaṅgād api, pratubhūprabhṛty uktam | iti niṣepaprakaraṇam || 2.67 ||

**[iti śrīvidyādharavaṃśaprabhavaśrīśilāhāranarendrajīmūtavāhanānvayaprasūta-**

**śrīmadaparādityadevaviracite yājñavalkyadharmāstranibandhe 'parārka**

**upanidhiprakaraṇam || 4 ||**

**[665]**

**atha saṭīkayājñavalkyasmṛtau**

**sākṣiprakaraṇam | (5|**

*adhunā sākṣiṇam āha* |

**tapasvino dānaśīlāḥ kulīnāḥ satyavādinaḥ |**

**dharmapradhānā ṛjavaḥ putravanto dhanānvitāḥ || 2.68 ||**

**tryavarāḥ sākṣiṇo jñeyāḥ śrautasmārtakriyāparāḥ |**

**yathājāti yathāvarṇaṃ sarve sarveṣu vā smṛtāḥ || 2.69 ||**

tapaḥ kṛcchādi svadharmavartitvaṃ vā, tadvantaḥ | dānaśīlāḥ svabhāvād dātāraḥ | kulīnāḥ kalyāṇavaṃśajāḥ | satyaṃ yathādṛṣṭārthavacanaṃ tacchīlāḥ satyavādinaḥ | dharmapradhānā dharmaviruddhārthakāmatyāginaḥ | tathā śrautasmārtakriyāsv analasāḥ | tryavarās tryavarasaṃkhyākāḥ | nyūnasaṃkhyākāś cet tadā trayo nāto nyūnā ity arthaḥ | evaṃvidhāḥ sākṣiṇo veditavyāḥ | kartavyā iti tātparyārthaḥ | te ca yathājāti vādiprativādijātyanatikrameṇa kāryāḥ | tajjātīyā eva kāryā ity arthaḥ | etac ca vādiprativādinoḥ sajātitve jñeyam | nānājātitve tu yathāvarṇaṃ brāhmaṇādivarṇakrameṇety arthaḥ | sarve vā brāhmaṇādayo varṇāḥ sarveṣu nānāvarṇeṣu vyavahartṛṣu sākṣitvena grāhyāḥ | atra nāradaḥ |

samakṣadarśanāt sākṣī vijñeyaḥ śrotracakṣuṣoḥ |

śrotrasya yatparo brūte cakṣuṣaḥ kāryakarmakṛt ||

yatparo vyavahārasamarpakaṃ vākyaṃ brūte tadviṣayaṃ samakṣadarśanam | śrotrasya śrotrasaṃbandhīty arthaḥ | evaṃ cakṣuṣaḥ samakṣadarśanaṃ vyavahārarūpaśarīravyāpāraviṣayam | manuḥ |

strīṇāṃ sākṣyaṃ striyaḥ kuryur dvijānāṃ sadṛśā dvijāḥ |

śūdrāś ca santaḥ śūdrāṇām antyānām antyayonayaḥ ||

tathā |

gṛhiṇaḥ putriṇo maulāḥ kṣatraviṭśūdrayonayaḥ |

arthajñāḥ sākṣyam arhanti na ye kecid anāpadi || **[666]**

nāradaḥ |

śreṇiṣu śreṇipuruṣāḥ sarveṣu vargeṣu vargiṇaḥ |

bahirvāsiṣu bāhyāḥ syuḥ striyaḥ strīṣu ca sākṣiṇaḥ ||

kātyāyanaḥ |

liṅginaḥ śreṇipūgāś ca vaṇigvrātās tathā pare |

samūhasthāś ca ye cānye vargās tān abravīd guruḥ ||

dāsacāraṇamallānāṃ hastyaśvāyudhajīvinām |

pratyekaikaṃ samūhānāṃ nāyakā vargiṇas tathā ||

teṣāṃ vādaḥ svavargeṣu vargiṇas teṣu sākṣiṇaḥ ||

prajāpatiḥ |

sākṣī dvibhedo vijñeyaḥ kṛta eko 'paro 'kṛtaḥ |

lekhyārūḍhaḥ kṛto jñeyo muktako 'kṛta ucyate ||

nāradaḥ |

ekādaśavidhaḥ sākṣī śāstre dṛṣṭo manīṣibhiḥ |

kṛtaḥ pañcavidhas teṣāṃ ṣaḍvidho 'kṛta ucyate ||

likhitaḥ smāritaś caiva yadṛcchābhijña eva ca |

gūḍhaś cottarasākṣī ca sākṣī pañcavidhaḥ kṛtaḥ ||

akṛtaḥ ṣaḍvidhas teṣāṃ sūribhiḥ parikīrtitaḥ |

trayaḥ punar anirdiṣṭāḥ sākṣiṇaḥ samudāhṛtāḥ ||

grāmaś ca prāḍvivākaś ca rājā ca vyavahāriṇām |

kāryeṣv abhyantare yaḥ syād arthinā prahitaś ca yaḥ ||

kulyākulyavivādeṣu bhaveyus te 'pi sākṣiṇaḥ ||

bṛhaspatiḥ |

likhito lekhito gūḍhaḥ smāritaḥ kulyadūtakau |

yadṛcchaś cottaraś caiva kāryamadhyagato 'paraḥ ||

nṛpo 'dhyakṣas tathā grāmaḥ sākṣī dvādaśadhā smṛtaḥ |

prabhedam eṣāṃ vakṣyāmi yathāvad anupūrvaśaḥ ||

jātināmādilikhitaṃ yena svaṃ pitryam eva ca |

nivāsaś ca sa vijñeyaḥ sākṣī likhitasaṃjñakaḥ ||

saṃvitkriyāṃ kriyābhedaiḥ kāryaṃ kṛtvā ṛṇādikam |

pratyakṣaṃ lekhyate yac ca lekhitaḥ sa udāhṛtaḥ ||

**[667]** kuḍyavyavahito yas tu śrāvyate ṛṇabhāṣitam |

vinihnuto yathābhūtaṃ gūḍhaḥ sākṣī sa ucyate ||

āhūya yaḥ kṛtaḥ sākṣī ṛṇanyāsakriyādike |

smāryate ca muhur yaś ca smāritaḥ sa udāhṛtaḥ ||

vibhāgadāne vipaṇe jñātir yaś copayujyate |

dvayoḥ samāno dharmajñaḥ kulyaḥ sa parikīrtitaḥ ||

arthipratyarthivacanaṃ śṛṇuyāt preṣitas tu yaḥ |

ubhayoḥ saṃmataḥ sādhur dūtakaḥ sa udāhṛtaḥ ||

kriyamāṇe tu kartavye yaḥ kaścit svayam āgataḥ |

atra sākṣī tvam asmākam ukto yādṛcchikas tu saḥ ||

yatra sākṣī diśaṃ gacchen mumūrṣur vā yathākramam |

anyaṃ saṃśrāvayet taṃ tu vidyād uttarasākṣiṇam ||

ubhābhyāṃ yasya visvastaṃ kāryaṃ cāpi niveditam |

gūḍhadhārī sa vijñeyaḥ karyamadhyagatas tathā ||

arthipratyarthinor vākyaṃ yac chrutaṃ bhūbhṛtā svayam |

sa eva tatra sākṣī syād visaṃvāde dvayor api ||

nirṇīte vyavahāre tu punar nyāyo yadā bhavet |

adhyakṣaḥ sabhyasahitaḥ sākṣī syāt tatra nānyathā ||

muṣitaṃ ghātitaṃ yatra sīmāyāś ca samantataḥ |

arthato 'pi bhavet sākṣī grāmas tatra na saṃśayaḥ ||

kātyāyanaḥ |

aśakya āgamo yatra videśaṃ prativādinām |

traividyaprahitaṃ tatra lekhyasākṣyaṃ pravādayet ||

vādināṃ vyavahāriṇāṃ videśe viruddhadeśa āgamanam āgamo 'śakyo yatra tatra traividyaiḥ sabhyaiḥ prahitaṃ lekhyam eva sākṣiṇo vādayet | lekhyārtham avadhārya sabhyaprahitapuruṣasaṃnidhau sākṣiṇo brūyur ity arthaḥ | iti sākṣiṇaḥ || 2.68, 69 ||

athāsakṣiṇa āha |

**strībālavṛddhakitavamattonmattābhiśastakāḥ |**

**[668]** **raṅgāvatāripāṣāṇḍikūṭakṛdvikalendriyāḥ || 2.70 ||**

**patitāptārthasaṃbandhisahāyariputaskarāḥ |**

**sāhasī dṛṣṭadoṣaś ca nirdhūtaś cety asākṣiṇaḥ || 2.71 ||**

strībālādyā asākṣiṇaḥ | eṣām avihitatvād evāsākṣitve prāpte yadvacanaṃ tadvihitasākṣyalābhe pratiṣiddhavyatiriktānāṃ sākṣitvajñāpanārtham | abhiśastaḥ pāpakāritvenākṣiptaḥ | raṅgāvatārī naṭādiḥ | pāṣāṇḍī avedamūlasmṛtyanuṣṭhātā | kūṭakṛt kūṭamānādikartā | āpto brāhmayaunasaṃbandhī | sāhasī haṭhakārī | dṛṣṭadoṣaḥ stenādiḥ | nirdhūtaḥ śiṣṭair garhitaḥ | prasiddham anyat | nāradaḥ |

asākṣy api hi śāstreṣu dṛṣṭaḥ pañcavidho budhaiḥ |

vacanād doṣato bhedāt svayamuktir mṛtāntaraḥ ||

śrōtriyād yā vacanataḥ stenād yā doṣadarśanāt |

bhedād vipratipattiḥ syād vivāde sākṣiṇāṃ yataḥ ||

svayamuktis tv anirdiṣṭaḥ svayam evaitya yo vadet |

mṛtāntaro 'rthini prete mumūrṣuḥ śrāvitād ṛte ||

śrotriyās tāpasā vṛddhā ye ca pravrajitā narāḥ |

asākṣiṇas te vacanān nātra hetur udāhṛtaḥ ||

stenāḥ sāhasikāś caṇḍāḥ kitavo bāndhavās tathā ||

asākṣiṇas te dṛṣṭatvāt teṣu satyaṃ na vidyate ||

tāpasā vānaprasthāḥ |

dāsanaikṛtikāśuddhavṛddhastrībālacākrikāḥ |

mattonmattapramattārtakitavagrāmayājakāḥ ||

naikṛtikāś chādmikaḥ | cākrikaḥ kulālaḥ |

mahāpathikasāmudravaṇikpravrajitāturāḥ |

yugmaikaśrotriyācārahīnaklībakuśīlavāḥ ||

nāstikavrātyadārāgnityāgino 'yājyayājakāḥ |

ekasthāni sahāyāni cārajñātisanābhayaḥ ||

prāgdṛṣṭadoṣaśaulūṣaviṣajīvyāhituṇḍakāḥ |

gadāgnidakīnāśaśūdrāpataupapātikāḥ ||

**[669]** klāntasāhasikaśrāntanirdhūtāntyavasāyinaḥ |

antyāvasāyinaḥ pratilomajāḥ |

bhinnavṛttāḥ samāvṛttajaḍatailikapaupikāḥ ||

paupikaḥ pakvavikretā |

bhūtāviṣṭanṛpadviṣṭavarṣanakṣatrasūcakāḥ |

aghaśaṃsyātmavikretṛhīnāṅgabaka(bhaga)vṛttayaḥ ||

kunakhaśyāvadacchvitrimitradhrukśaṭhaśauṇḍikaḥ |

aindrajālikalubdhograśreṇīgaṇavirodhinaḥ ||

vadhakaś citrakṛn nagnaḥ patitaḥ kūṭakārakaḥ |

kuhakaḥ pratyavasitas taskaro rājapūruṣaḥ ||

manuṣyaviṣamāṃsāsthimadhukṣīrāmbusarpiṣām |

vikretā brāhmaṇaś caiva dvijo vārdhuṣikaś ca yaḥ ||

cyutaḥ svadharmāt kulikaḥ sūcako hīnasevakaḥ |

pitrā vivadamānaś ca bhedakṛc cety asākṣiṇaḥ ||

śreṇyādiṣu tu vargeṣu kaścic ced dveṣyatām iyāt |

tasya taiś ca sākṣyaṃ syād dveṣṭāraḥ sarva eva te ||

sāmudraviaṇiksamudrayāyī | āturo mumūrṣuḥ | yugmau dvau | ekaḥ prasiddhaḥ | klībaḥ ṣaṇḍho nirutsāho vā | kuśīlavo nartakaḥ | śaulūṣo naṭaḥ | viṣajīvī viṣakrayī | ahituṇḍako vyālagrāhī | garado viṣadaḥ | kīnāśo hālikaḥ | klāntaḥ khinnaḥ | nirdhūto bahiṣkṛtaḥ | antyāvasāyī pratilomajaḥ | bhinnavṛtto durācāraḥ | paupikaḥ sūpādivikrayī | aghaśaṃsī abhiśāpakṛt | bhagavṛttiḥ svavṛttaye bhāryāyā veśyātvakārī | śauṇḍikaḥ surāvikrayī | kātyāyanaḥ |

tadvṛttijīvino ye ca tatsevāhitakāriṇaḥ |

tadbandhusuhṛdo bhṛtyā āptās te tu na sākṣiṇaḥ ||

mātṛṣvasṛsutāś caiva vivāhyo bhaginīpatiḥ |

pitā bandhuḥ pitṛvyaś ca sodaryāsutamātulāḥ ||

**[670]** ete sanābhayaḥ proktāḥ sākṣyaṃ teṣu na yojayet |

kulyāḥ saṃbandhinaś caiva vivāhyo bhaginīpatiḥ ||

pitā bandhuḥ pitṛvyaś ca śvaśuro guravas tathā |

nagaragrāmadeśeṣu niyuktā ye padeṣu ca ||

vallabhāś ca na pṛccheyur bhaktās te rājapūruṣāḥ ||

tathā |

sākṣiṇāṃ likhitānāṃ tu nirdiṣṭānāṃ tu vādinā |

teṣām eko 'nyathāvādī bhedāt sarve na sākṣiṇaḥ ||

tathā |

anyena hi kṛtaḥ sākṣī naivānyas taṃ vivādayet |

tadabhāve niyukto vā bāndhavo vā vivādayet ||

ity asākṣiṇaḥ || 2.70, 71 ||

**ubhayānumataḥ sākṣī bhavaty eko 'pi dharmavit |**

yas tūbhābhyām arthipratyarthibhyām anumato 'nujñātaḥ sa ced dharmavid eko 'pi sākṣī bhavati | ubhayānumatābhāve tūktalakṣaṇās tryavarā eva sākṣiṇo bhavanti ||

**sarvaḥ sākṣī saṃgrahaṇe cauryapāruṣyasāhase || 2.72 |**

saṃgrahaṇaṃ pāradāryam | cauryaṃ prasiddham | pāruṣyaṃ vākpāruṣyaṃ daṇḍapāruṣyaṃ ca | sāhasam āha manuḥ |

manuṣyamāraṇaṃ cauryaṃ paradārābhimarṣaṇa(śana)m |

pāruṣyam ubhayaṃ ceti sāhasaṃ tu caturvidham ||

cauryapāruṣyasāhasa ity atra sāhasaśabdena mnuṣyamāraṇam eva vivakṣitam, na cauryādikam, tasya svaśabdenaivoktatvāt | sāhasaśabdaś ca cauryādimātravācakaḥ, kiṃ tu tadviśeṣasya | yad āha nāradaḥ |

sahasā kriyate karma yat kiṃcid baladarpitaiḥ |

tat sāhasam iti proktaṃ saho balam ihocyate || iti |

tena sāhasarūpeṣv api cauryādiṣu sarvasya sākṣitvavidhānārthaṃ sāhasacauryādīnāṃ pṛthaggrahaṇam | sarvaḥ sākṣī na tu guṇavān evety arthaḥ | doṣavāṃs tatrāpi pariharaṇīya eva, vaktṛdoṣāṇāṃ vacana(nā)prāmāṇyahetutvāt | kātyāyanaḥ |

vyāghāteṣu nṛpājñāyāḥ saṃgrahe sāhaseṣu ca |

steyapāruṣyayoś caiva na parīkṣeta sākṣiṇaḥ || **[671]**

nṛpājñāyā vyāghāteṣu bhaṅgeṣv ity arthaḥ |

antarveśmani rātrau ca bahirgrāmāc ca yad bhavet |

eteṣv evābhiyogaś cen na parīkṣeta sākṣiṇaḥ ||

manuḥ |

anubhāvī tu yaḥ kaścit kuryāt sākṣyaṃ vivādinām |

antarveśmany araṇye vā śarīrasyāpi vātyaye ||

striyo (stiryā) 'py asaṃbhave kāryaṃ sthavireṇa vā |

śiṣyeṇa bandhunā vāpi dāsena bhṛtakena vā ||

anubhāvī sākṣād draṣṭā | strīprabhṛtīnāṃ duṣṭāśayatvādidoṣarahitānām eva sākṣitvam atra veditavyam | uśanā |

dāso 'ndho badhiraḥ kuṣṭhī strībālasthavirādayaḥ |

ete 'py anabhisaṃbaddhāḥ sāhase sākṣiṇo matāḥ ||

anabhisaṃbaddhā mitrāribhāvarahitā ity arthaḥ |

asākṣiṇo ye nirdiṣṭā dāsanaikṛtikādayaḥ |

kāryagauravam āśritya bhaveyus te 'pi sākṣiṇaḥ ||

teṣām api na bālaḥ syān naiko na strī na kūṭakṛt |

na bāndhavo na cārātir brūyus te sākṣyam anyathā ||

bālo 'jñānād asatyāt strī pāpābhyāsāc ca kūṭakṛt |

vibrūyur bāndhavāḥ snehād vairaniryātanād ariḥ ||

evaṃ ca sati vacanāprāmānyakāraṇībhūtānāṃ doṣāṇāṃ sadbhāva eva heyāḥ | tadabhāve tu niścite bālādayo 'py upādeyā iti bālādīnāṃ sākṣitvavidhāyakena vacanenāvirodhaḥ |

sākṣiṇo hi samuddiṣṭāḥ satsv adoṣeṣu dūṣayet |

aduṣṭān dūṣayan vādi tatsamaṃ daṇḍam arhati ||

tatsamo duṣṭasākṣidaṇḍasamaḥ | kātyāyanaḥ |

nātathyena pramāṇaṃ tu doṣeṇaiva tu dūṣayet |

mithyābhiyoge daṇḍaḥ syāt sādhyārthāc cābhihīyate ||

pramāṇasya hi ye doṣā vaktavyās te vivādinā |

gūḍhās tu prakaṭāḥ sabhyaiḥ kāle śāstrapradarśanāt || **[672]**

pramāṇasya pramāṇabuddhyā prayuktasya gūḍhā doṣā vivādinā vaktavyāḥ, prakaṭās tu sabhyair ity anvayaḥ | pramāṇadoṣodbhāvanakālam āha bṛhaspatiḥ |

lekhyadoṣās tu ye kecit sākṣiṇāṃ caiva ye smṛtāḥ |

vādakāle tu vaktavyāḥ paścād uktān na dūṣayet ||

vyāsaḥ |

sabhāsadāṃ prasiddhaṃ yal lokasiddham athāpi vā |

sākṣiṇāṃ dūṣaṇaṃ grāhyam asādhyaṃ doṣavarjanāt ||

asādhyam asādhyanirākaraṇam, doṣavarjanāt | sabhyaprasiddhasya lokaprasiddhasya ca doṣarahitatvād ity arthaḥ |

anyais tu sākṣibhiḥ sādhye dūṣaṇe pūrvasākṣiṇām |

anavasthā bhaved doṣas teṣām apy anyasaṃbhavāt ||

bṛhaspatiḥ |

lekhyaṃ vā sākṣiṇo vāpi vivāde yasya dūṣitāḥ |

tasya kāryaṃ na śodhyaṃ tu yāvat tan na viśodhayet ||

sākṣisaṃdūṣaṇe kāryaṃ pūrvaṃ sākṣiviśodhanam |

śuddheṣu sākṣiṣu tataḥ paścāt karyaṃ viśodhayet ||

vyāsaḥ |

sākṣidoṣāḥ prayoktavyāḥ saṃsadi prativādinā |

patre 'bhilikhitān sarvān vācyāḥ pratyuttaraṃ ca te ||

pratipattau na sākṣitvam arhanti tu kadācana |

ato 'nyathā bhāvanīyāḥ kriyayā prativādinā ||

asādhayan sa(nda)maṃ dāpyaḥ pratyarthī sākṣiṇaḥ sphuṭam |

bhāvitāḥ sākṣiṇo varjyāḥ sākṣidharmān nirākṛtāḥ ||

jitaḥ savinayaṃ dāpyaḥ śāstradṛṣṭena karmaṇā |

yadi vādī nirākāṅkṣaḥ sākṣisatye vyavasthitaḥ ||

asādhayan damaṃ dāpya iti sākṣiṇo 'sādhayan doṣam anaṅgīkārayan pratyarthī daṇḍaṃ dāpyaḥ | bhāvitā aṅgīkāritadoṣāḥ sākṣiṇo varjyāḥ | evaṃ sati prativādī pramāṇāntaraṃ prati nirākāṅkṣas tadāsau jito daṇḍyaḥ | kātyāyanaḥ |

yena kāryasya lobhena nirdiṣṭāḥ kūṭasākṣiṇaḥ |

gṛhītvā tasya sarvasvaṃ kuryān nirviṣayaṃ tataḥ ||

**[673]** ukte 'rthe sākṣiṇo yas tu dūṣayet prāgdūṣitān |

na ca tatkāraṇaṃ brūyāt prāpnuyāt pūrvasāhasam || 2.72 ||

*sākṣiśravaṇavidhim āha* |

**sākṣiṇaḥ śrāvayed vādiprativādisamīpagān |**

arthipratyarthinoḥ saṃnidhau sākṣiṇaḥ prādvivākaḥ śrāvayet | manuḥ |

devabrāhmaṇasāṃnidhye sākṣyaṃ pṛcched ṛtaṃ dvijaḥ |

udaṅmukhān prāṅmukhān vā pūrvāhṇe vā śuciḥ śucīn ||

*kiṃ śrāvayed ity apekṣita āha* |

**ye ca pātakināṃ lokā mahāpātakināṃ tathā || 2.73 ||**

**agnidānāṃ ca ye lokā ye ca strībālaghātinām |**

**tān sarvān samavāpnoti yaḥ sākṣyam anṛtaṃ vadet || 2.74 ||**

**sukṛtaṃ yat tvayā kiṃcij janmāntaraśataiḥ kṛtam |**

**tat sarvaṃ tasya jānīhi yaṃ parājayase mṛṣā || 2.75 ||**

nigadavyākhyātam etat | atra yady api mithyāvādinaḥ sākṣiṇo janmaśatasaṃcitaṃ sukṛtaṃ parājitasya vyavahāriṇo bhavatīty āpātataḥ pratīyate tathāpi tan na tathā grāhyam | kartṛgāmiphalapradaṃ hi dharmam agnihotraṃ juhuyāt svargakāma ityādīni śrutivacanāni bodhayantīti tadvirodhaparihārārthaṃ sākṣiṇām utthāpa(uttrasa)nāyaiva sukṛtaṃ yat tvayā kiṃcid ityādy ucyate | ata eva nāradaḥ |

purāṇair dharmavacanaiḥ sabhyamāhātmyakīrtanaiḥ |

anṛtasyāpavādaiś ca bhṛśam uttrāsayed api ||

itīdam uktavān | yāni punaḥ śrutibhyo 'viruddhāni tāni yathārthāny eva smṛtivacanāni | tathāha nārada eva |

avīcinarake kalpaṃ vaseyuḥ kūṭasākṣiṇaḥ |

bṛhaspatiḥ |

kūṭasatyaḥ kūṭasākṣī brahmahā ca samaḥ smrtaḥ ||

ityādīni | ata eva prāyaścittaprakaraṇe |

uktvā caivānṛtaṃ sākṣye kṛtvā ca strīsuhṛdvadham | **[674]**

ity atra brahmahatyāprāyaścittaṃ kūṭasākṣiṇāṃ manur vidadhāti | śūdrān sākṣiṇaḥ praty evaitad dūṣaṇaṃ na dvijān prati | ata āha manuḥ |

brūhīti brāhmaṇaṃ brūyāt satyaṃ brūhīti bhūmipam |

gobījakāñcanair vaiśyaṃ śūdram ebhis tu pātakaiḥ ||

brahmaghnāṃ ye smṛtā lokā ye ca strībālaghātinām |

mitradruhaḥ kṛtaghnasya te te syur vadato mṛṣā ||

janmaprabhṛti yat kiṃcit puṇyaṃ bhadraṃ tvayā kṛtam |

tat te sarvaṃ śuno gacched yadi brūyās tvam anyathā ||

eko 'ham asmīty ātmānaṃ yadi kalyāṇa manyase |

nityaṃ sthitaḥ sa hṛdy eṣa puṇyapāpekṣitā punaḥ ||

yamo vaivasvato devas tavaiṣa hṛdaye sthitaḥ |

tena ced avivādas te mā gaṅgāṃ mā kurūn gamaḥ ||

nagno muṇḍaḥ kapālena bhikṣārthī kṣutpipāsitaḥ |

andhaḥ śatrugṛhaṃ gacched yaḥ sākṣyam anṛtaṃ vadet ||

arvāk śirās tamasy andhe kilbiṣī narakaṃ vrajet |

yaḥ praśnaṃ vitathaṃ brūyāt pṛṣṭaḥ san dharmaniścaye ||

yasya vidvān hi vadataḥ kṣetrajño nābhiśaṅkate |

tasmān na devāḥ śreyāṃsaṃ loke 'nyaṃ puruṣaṃ viduḥ ||

yāvatā bāndhavān yasmin hanti sākṣy anṛtaṃ vadan |

tāvataḥ saṃkhyayā tasmiñ śṛṇu somyānupūrvaśaḥ ||

pañca paśvanṛte hanti daśa hanti gavānṛte |

śatam aśvānṛte hanti sahasraṃ puruṣānṛte ||

hanti jātān ajātāṃś ca hiraṇyārthe 'nṛtaṃ vadan |

sarvaṃ bhūmyanṛte hanti mā sma bhūmyanṛtaṃ vadet ||

etān doṣān avekṣya tvaṃ sarvān anṛtavādinaḥ |

yathāśrutaṃ yathādṛṣṭaṃ satyam evāñjasā vada ||

gorakṣakān vāṇijakāṃs tathā kārukuśīlavān |

preṣyān vārdhuṣikāṃś caiva viprāñ śūdravad ācaret ||

nāradaḥ |

āhūya sākṣiṇaḥ pṛcchen niyamya śapathair bhṛśam |

samastān viditācārān vijñātārthān pṛthak pṛthak || **[675]**

tathā |

sabhāntaḥ sākṣiṇaḥ prāptān arthipratyarthisaṃnidhau |

prāḍvivādo 'nuyuñjīta vidhinānena sāṃtvayan ||

yad dvayor nanayor vettha kārye 'smiṃś ceṣṭitaṃ mithaḥ |

tad brūta sarvaṃ satyena yuṣmākaṃ hy atra sākṣitā ||

satyaṃ sākṣye vadan sākṣī lokān āpnoti puṣkalān |

iha cānuttamāṃ kīrtiṃ vāg eṣā brahapūjitā ||

sākṣye 'nṛtaṃ vadan sākṣī pāśair badhyeta dāruṇaiḥ |

vivaśaḥ śatam ājātīs tasmāt sākṣye vaded ṛtam ||

ātmaiva hy ātmanaḥ sākṣī hy ātmaiva gatir ātmanaḥ |

māvamaṃsthāḥ svam ātmānaṃ nṛṇāṃ sākṣiṇam uttamam ||

manyante vai pākaṛto na kaścit paśayatīti naḥ |

tāṃś ca devāḥ prapaśyanti svaś caivāntarapūruṣaḥ ||

dyaur bhūmir āpo hṛdayaṃ candrārkāgniyamānilāḥ |

rātriḥ saṃdhye ca dharmaś ca vṛttajñāḥ sarvadehinām ||

bṛhaspatiḥ |

kūṭaasabhyaḥ kūṭasākṣī brahmahā ca samāḥ smṛtāḥ |

bhrūṇahā mitrahā caiṣāṃ nādhikaḥ samudāhṛtaḥ ||

nāradaḥ |

pitaras te 'valambante tvayi sākṣitvam āgate |

tārayiṣyati kiṃ nv asmān kiṃ nv asmān pātayiṣyati ||

kātyāyanaḥ |

sabhāntasthais tu vaktavyaṃ sākṣyaṃ nānyatra sākṣibhiḥ |

sarvasākṣyeṣv ayaṃ dharmo 'nyatra syāt sthāvareṣu tu ||

bṛhaspatiḥ |

vihāyopānad uṣṇīṣaṃ dakṣiṇaṃ pāṇim uddharet |

hiraṇyaṃ gośakṛddarbhān samādāya ṛtaṃ vadet ||

kātyāyanaḥ |

samavetais tu yad dṛṣṭaṃ vaktavyaṃ tat tathaiva tu |

vibhinnaikaikakāryaṃ yad vaktavyaṃ tat pṛthak pṛthak ||

bhinnakāle tu yat kāryaṃ vijñātaṃ tatra sākṣibhiḥ |

ekaikaṃ vādayet tatra bhinnakālaṃ tu tad bhṛguḥ ||

svabhāvoktaṃ vacas teṣāṃ grāhyaṃ yad doṣavarjitam |

ukte tu sākṣiṇo rājñā na praṣṭavyāḥ punaḥ punaḥ ||

upasthitān parīkṣyātha sākṣiṇo nṛpatiḥ svayam |

sākṣibhir vyāhṛtaṃ vākyaṃ saha sabhyaiḥ parīkṣayet ||

**[676]** yadā śuddhakriyā nyāyāt tadā tadvākyaśodhanam |

śuddhād vākyāc ca yaḥ śuddhaḥ sa śuddho 'rtho 'nyathā na tu ||

kriyā likhitādi pramāṇam | śuddhir doṣagaṇādarśanam | nāradaḥ |

puruṣāḥ santi ye lobhād vibrūyuḥ sākṣyam anyathā |

santi vānye durātmānaḥ kūṭalekhyakṛto narāḥ ||

ataḥ parīkṣyam ubhayam etad rājñā viśeṣataḥ |

lekhyācāreṇa likhitaṃ sākṣyācāreṇa sākṣiṇaḥ ||

kūṭākūṭaviveko dharma ācāraḥ | bṛhaspatiḥ |

upasthitāḥ parīkṣyāḥ syuḥ svaravarṇeṅgitādibhiḥ |

nāradaḥ |

yas tv ātmadoṣaduṣṭatvād asvastha iva lakṣyate |

sthānāt sthānāntaraṃ gacched ekaikaṃ cānudhāvati ||

kāsatyakasmāc ca bhṛśam abhīkṣṇaṃ niḥśvasaty api |

vilikhaty avaniṃ padbhyāṃ bahu vāsaś ca dhūnayet ||

bhidyate mukhavarṇo 'sya lalāṭaṃ svidyate tathā |

śoṣam āgacchataś cauṣṭhāv ūrdhvaṃ tiryak ca vīkṣate ||

tvaramāṇa ivātyartham apṛṣṭo bahu bhāṣate |

kūṭasākṣī sa vijñeyas taṃ pāpaṃ vianyed bhṛśam || 2.73, 74, 75 ||

*yathāvidhi codito 'pi yo na brūte taṃ praty āha* |

**abruvan hi naraḥ sākṣyam ṛṇaṃ sadaśabandhakam |**

**rājñā sarvaṃ pradāpyaḥ ṣaṭcatvāriṃśattame 'hni || 2.76 ||**

yo 'bhyupetya sākṣitvaṃ yathāvidhi ca pṛṣṭaḥ sann api sākṣivācyaṃ na brūte tadāsau daśabandhasahitaṃ sarvaṃ savṛddhikam ṛṇaṃ rājñā dāpyaḥ | atra ca daśabandho rājñā grāhyo daṇḍatvāt | ṛṇaṃ tūttamarṇena, ṛṇatvād eva | abruvatā sākṣiṇādharmarṇadeyaṃ dātavyam ity etāvad atra vākye vidhīyate | ṣaṭcatvāriṃśattame 'hanīti vacanād ataḥ prāg bruvato na doṣaḥ | bṛhaspatiḥ |

āhūto yatra nāgacchet sākṣī rogavivarjitaḥ |

ṛṇaṃ damaṃ ca dāpyaḥ syāt tripakṣāt paratas tu saḥ ||

rogavivarjitagrahaṇaṃ sāmarthyopalakṣaṇārtham | ṛṇādivyavahāraviṣayam etat | tad āha manuḥ |

**[677]** tripakṣād abruvan sākṣyam ṛṇādiṣu naro 'gadaḥ |

tad ṛṇaṃ prāpnuyāt sarvaṃ daśabandhaṃ ca sarvaśaḥ || iti || 2.76 ||

*ṛṇādivyatiriktaviṣaye punar anyathā daṇḍam āha* |

**na dadāti hi yaḥ sākṣyaṃ jānann api narādhamaḥ |**

**sa kūṭasākṣiṇāṃ pāpais tulyo daṇḍena caiva hi || 2.77 ||**

satyāsatyatāṃ vyavahāre jānann api yo narādhamo 'tikrāntavidhiniṣedhaḥ sākṣyaṃ vivādanivartakaṃ satyavacanaṃ na dadāti na prayuṅkte | satyavacanaprayogaḥ svasya parasya copakāraka iti dānatulyas tasmād dadātinā vyapadiśyate | sa mṛṣāvādisākṣiṇāṃ pāpair brahmahatyāsāmyādyupalakṣitair vakṣyamāṇena ca daṇḍena tulyo veditavyaḥ | atra kātyāyanaḥ |

sākṣī sākṣyaṃ na ced brūyāt samadaṇḍaṃ vahed ṛṇam |

ato 'nyeṣu vivādeṣu triśataṃ damam arhati ||

tribhiḥ śataṃ kārṣāpaṇānām | viṣṇuḥ |

pārayanto 'pi ye sākṣyaṃ tūṣṇīṃbhūta upāsate |

te kūṭasākṣiṇāṃ pāpais tulyā daṇḍena caiva hi ||

kātyāyanaḥ |

samyakkriyāparijñāne deyaḥ kālas tu sākṣiṇām |

saṃdigdhaṃ yatra sākṣyaṃ syāt sadhyaḥpṛṣṭaṃ vivādayet || 2.77 ||

*sākṣivipratipattau satyāṃ yat kāryaṃ tad āha |*

**dvaidhe bahūnāṃ vacanaṃ sameṣu guṇināṃ tathā |**

**guṇidvaidhe tu vacanaṃ grāhyaṃ ye guṇavattamāḥ || 2.78 ||**

sākṣiṇāṃ dvaidhe vipratipattau satyāṃ bahūnāṃ vacanaṃ pramāṇatayā grāhyam | atra vaktṛbhūyastvam eva vacanaprāmāṇyakāraṇam uktam | saṃkhyāsāmye tu ye tapaḥprabhṛtiguṇavantas tadvacanaṃ pramāṇtvena grāhyam | guṇināṃ vimatau tu ye 'tiśayena guṇavantas tadvacanam | guṇānāṃ atiśayo bhūyastvaṃ pāṭavaṃ vā | atra manuviṣṇū |

bahutvaṃ parigṛhṇīyāt sākṣidvaidhe narādhipaḥ |

sameṣu ca guṇokṛṣṭān guṇidvaidhe dvijottamān ||

nāradaḥ |

sākṣivipratipattau tu pramāṇaṃ bahavo matāḥ |

tatsāmye śucayo grāhyās tatsāmye śucimattaraḥ || **[678]**

yat tu nāradenoktam,

rājñā parigṛhīteṣu sākṣiṣv ekārthanirṇaye |

vacanaṃ yatra bhidyeta te syur bhedād asākṣiṇaḥ ||

iti, tat saṃkhyāto tuṇataś ca sāmye sati veditavyam | na hi tatra śrotṝṇāṃ saṃśayanivṛttir asti || 2.78 ||

**yasyocuḥ sākṣiṇaḥ saytāṃ pratijñāṃ sa jayī bhavet |**

**anyathā vādino yasya dhruvas tasya parājayaḥ || 2.79 ||**

sādhyārthanirdeśaḥ pratijñā | tatra prathamavādinaḥ sā tāvad bhavati | pratyavaskandanaprāṅnyāyottarayor api sādyaviṣayatvāt pratijñāśabdena parigrahaḥ | tena yasya vadinaḥ prativādino vā pratijñāṃ sākṣiṇaḥ satyām āhuḥ sa jayī bhavati, yasya tu mithyābhūtām āhuḥ sa dhruvaṃ parājayī na punar arthāpattigamyaḥ | ekasya tu jayitvā dvitīyasya parājayo na sākṣivacanāt sākṣād gamyate kiṃ tv arthāt | atra bṛhaspatiḥ |

yasyāśeṣaḥ pratijñārthaḥ sākṣibhiḥ prativarṇitaḥ |

sa jayī syād anyathā tu sādhyārthaṃ na samāpnuyāt ||

pūrvapakṣe pratijñātam aśeṣaṃ pratibhāvayet |

ūnādhikaṃ tu yatroktaṃ na tan nigaditaṃ bhavet ||

pūrvapakṣagrahaṇaṃ pradarśanārtham | nigaditaṃ vinirṇītam |

deśaṃ kālaṃ dinaṃ saṃkhyāṃ rūpaṃ jātyākṛtī vayaḥ |

visaṃvaded yatra sākṣye tad anuktaṃ vidur budhāḥ ||

ṛṇādiṣu vivādeṣu sthiraprāyeṣu niścitam |

ūne vāpy adhike vārthe prokte sādhyaṃ na sidhyati ||

ūnādhikaṃ tu yatra syāt sākṣyaṃ tatra vivarjayet |

sākṣī tatra na daṇḍyaḥ syād abruvan daṇḍam arhati ||

sādhyaikāṃśe 'pi gadite sākṣibhiḥ sakalaṃ bhavet |

strīsaṅge sāhase caurye yat sādhyaṃ parikalpitam || 2.79 ||

*sākṣivacanaprāmānyabhedahetum āha* |

**ukte 'pi sākṣibhiḥ sākṣye yady anye guṇavattamāḥ |**

**dviguṇā vānyathā brūyuḥ kūṭāḥ syuḥ pūrvasākṣiṇaḥ || 2.80 ||**

**[679]**

vādinā prativādinā vā nirdiṣṭaiḥ sākṣibhir ukte 'pi vākye pratiyoganirdiṣṭāḥ pūrvasākṣibhyo balavattamā dvaiguṇyena vā bhūyāṃsa uktam evārtham anyathā brūyus tadā pūrvasākṣiṇaḥ pūṭā mithyāvādinaḥ syuḥ | tathā ca kātyāyanaḥ |

yatraiva bhāvitaṃ kāryaṃ sākṣibhir vādino bhavet |

prativādi tadā tatra bhavayet kāryam anyathā ||

bahubhis tatkulīnair vā kūṭāḥ syuḥ pūrvasākṣiṇaḥ ||

kulīnagrahaṇaṃ guṇātiśayopalakṣaṇārtham | nanu caikasmin vyavahāre vādiprativādinoḥ kathaṃ sākṣisaṃbhavaḥ, uktaṃ hi |

sā caikasmin vivāde tu kriyā syād vādinor dvayoḥ |

na cārthasiddhir ubhayor na caikatra kriyādvayam || iti |

satyam, tulyavad ubhayor nāsti kriyāprāptiḥ | yadā yasya kriyā śāstrataḥ prāptā tadā tasya tāṃ mithyābhūtāṃ viditvā tasyā mithyātvakhyāpanāya sākṣyantaram upanyasanīyam ity etenocyate | atra ca smṛtyantaroktaviśeṣaḥ |

tīritaṃ cānuśiṣṭaṃ ca yo manyeta vidharmataḥ |

dviguṇaṃ daṇḍam āsthāya tat kāryaṃ punar uddharet || iti |

adharma eva vidharmas tasmād vidharmataḥ | etat tīritaṃ likhitam | anuśiṣṭaṃ sākṣivacanaṃ ca yo manyeta sa dviguṇaṃ daṇḍam uddhṛtya tat kāryaṃ taṃ vyavahāraṃ punaḥ sākṣyantarair uddhared ity arthaḥ | yat tu vyāsenoktam,

anyais tu sākṣibhiḥ sādhye dūṣaṇe pūrvasākṣiṇām |

anavasthā bhaved doṣas teṣām apy anyasaṃbhavāt ||

iti, tat sākṣidūṣaṇam evānyaiḥ sākṣibhir na kāryam ity evamartham | anavasthāprasaṅgaś ca sākṣiṇāṃ sāmye sati bhaveti, na punaḥ saṃkhyādivaiṣamye | yat tu nāradenoktam,

nirṇīte vyavahāre tu pramāṇam aphalaṃ param |

likhitaṃ sākṣiṇo vāpi na cet pūrvaṃ niveditam ||

[iti,] tad vadinaḥ prativādino vā jayaparājayāvadhāraṇarūpavyavahāranirṇejane sati pūrvopanyastāt pramāṇāntarasya pūrvam upanyastasya pratipādanam aphalam ity ācaṣṭe, na punaḥ prāg api nirṇejanāt || 2.80 ||

*kūṭasākṣidaṇḍām āha |*

**pṛthak pṛthag daṇḍanīyāḥ kūṭakṛt sākṣiṇas tathā |**

**vivādād dviguṇaṃ daṇḍaṃ vivāsyo brāhmaṇaḥ smṛtaḥ || 2.81 ||**

**[680]**

utkocādinā sākṣiṇaḥ kūṭān karoti yo vā kūṭaṃ likhitaṃ karoti sa kūṭakṛt | sa ca kūṭasākṣiṇaś ca vivādaviṣayībhūtād dhanād dviguṇaṃ daṇḍaṃ pṛthak pṛthak pratyekaṃ daṇḍanīyāḥ | brāhmaṇas tu na daṇḍanīyaḥ kiṃ tu deśān nirvāsanīyaḥ | etac ca daṇḍavidhānaṃ kūṭakṛt prabhṛtīnāṃ svalpāparādhe 'nabhyāse ca veditavyam | manuḥ |

lobhāt sahasraṃ daṇḍyaḥ syān mohāt pūrvaṃ tu sāhasam |

bhayādau madhyamo daṇḍo maitrāt pūrvaṃ caturguṇam ||

kāmād daśaguṇaṃ pūrvaṃ krodhāt tu triguṇaṃ param |

ajñānād dve śate pūrṇe bāliśyāc chatam eva ca ||

kārṣāpaṇasaṃkhyāś caitāḥ | kaścin manyate dvividhaṃ kūṭasākṣitvaṃ lobhādinimittakaṃ tadviparītaṃ ceti | tatra lobhādinimittake kūṭasākṣitve mānavo daṇḍavidhiḥ | itaratra tu yājñavalkīya iti, tad asat | lobhādinimittakam eva kūṭasākṣitvam |tad āha manuḥ |

lobhān mohād bhayān maitrāt kāmāt krodhāt tathaiva ca |

ajñānād bālabhāvāc ca sākṣyaṃ vitatham ucyate || iti ||

tasmād uktaiva vyavasthā nyāyyā | lobho 'rthaparatvam, moho bhramaḥ | ajñānaṃ kiṃcijjñatā, bālabhāvo 'pariṇatatvam | tathā dravyaviśeṣapratibaddhaṃ doṣaśya gauravaṃ lāghavaṃ ca dṛṣṭvā daṇḍe 'pi tathātvaṃ kalpanīyam iti | tad uktaṃ manunā: "pañca paśvanṛte hanti" ityādinā | tathā |

kauṭasākṣyaṃ tu kurvāṇāṃs trīn varṇān pālako nṛpaḥ |

pravāsayed daṇḍayitvā brāhmaṇaṃ tu vivāsayet ||

trīn varṇān kṣattriyādīn daṇḍayitvā deśān nirvāsayet | brāhmaṇaṃ tu na daṇḍayet, kiṃ tu vivāseyed eva | abhyāse viṣayagaurave vā vipro 'pi daṇḍyaḥ | viṣṇuḥ: "kūṭasākṣiṇāṃ sarvasvāpahāraḥ kāryaḥ" | bhūmyanṛtaviṣayam etat | nāradaḥ |

yasya dṛśyeta saptāhād uktavākyasya sākṣiṇaḥ |

rogāgnijñātimaraṇam ṛṇaṃ dāpyo damaṃ ca saḥ ||

yena kāryasya lobhena nirdiṣṭāḥ kūṭasākṣiṇaḥ |

gṛhītvā tasya sarvasvaṃ kuryān nirviṣayaṃ tataḥ || 2.81 ||

**yaḥ sākṣyaṃ śrāvito 'nyebhyo nihnute tat tamovṛtaḥ |**

**[681]** **sa dāpyo 'ṣṭaguṇaṃ daṇḍaṃ brāhmaṇaṃ tu vivāsayet || 2.82 ||**

yas tamovṛtas tāmasaḥ sabhyair yathāvidhi sākṣipraśnavākyaṃ śrāvitaḥ san vādakāle 'nyebhyaḥ sākṣibhyaḥ svakīyaṃ sākṣyaṃ sākṣitvaṃ nihnute — nāham atra sākṣī bhavāmīty apalapati (?), sa sākṣidaṇḍam aṣṭaguṇaṃ dāpyaḥ | svakīyasākṣitvāpahnavam anyān sākṣiṇo jñāpayatīti anyebhya iti caturthyā arthaḥ | svayaṃ tāvat sākṣitvāpahnavaṃ karoti, parāṃś ca kārayitum icchatīty atiduṣṭatvād aṣṭaguṇaṃ daṇḍaṃ dāpyaḥ | brāhmaṇaś ced evaṃvidhas taṃ svadeśād vivāsayen nirvāsayen na tu daṇḍayet | śrāvita iti vacanād aṅgīkṛtasākṣibhāvo 'sāv iti gamyate | nāradaḥ |

śrāvayitvā tathānyebhyaḥ sākṣitvaṃ yo vinihnute |

sa vineyo bhṛśataraṃ kūṭasākṣyadhiko hi saḥ || 2.82 ||

*sākṣibhiḥ satyaṃ vaktavyam ity asya kvacid viṣaye 'pavādam āha |*

**varṇināṃ hi vadho yatra tatra sākṣy anṛtaṃ vadet |**

**tatpāvanāya nirvāpyaś caruḥ sārasvato dvijaiḥ || 2.83 ||**

**iti sākṣiprakaraṇam || 5 ||**

yatra satye kathyamāne brāhmaṇādīnāṃ vadho māraṇaṃ prasajyate tatrānṛtaṃ sākṣī brūyāt | tatpāvanāya taddoṣanirharaṇāya sarasvatīdaivatyaś catur nirvāpyo dvijātibhir na śūdreṇa | brāhmaṇasya yady api vadhaḥ pratiṣiddhaḥ,

na jātu brāhmaṇaṃ hanyāt sarvapāpeṣv api sthitam |

rāṣṭrād enaṃ bahiḥ kuryāt samagradhanam akṣatam ||

na brāhmaṇavadhād bhūyān adhamo vidyate kvacit |

tasmād asya vadhaṃ rājā manasāpi na cintayet ||

ityādimanvādivākyais tathāpi vadhatulayatāsti daṇḍasya, yathāha manuḥ |

mauṇḍyaṃ prāṇāntiko daṇḍo brāhmaṇasya vidhīyate |

itareṣāṃ tu varṇānāṃ daṇḍaḥ prāṇāntiko bhavet || iti |

tena puranirvāsanādir api daṇḍo vadhasama eva | tad uktaṃ smṛtyantare |

brāhmaṇasya vadho mauṇḍyaṃ purān nirvāsanaṃ tathā |

lalāṭe cāṅkakaraṇaṃ prayāṇaṃ gardabhena ca || iti |

yad vā,

gorakṣakān vāṇijakāṃs tathā kārukuśīlavān |

preṣyān vārdhuṣikāṃś caiva viprāñ śūdravad ācaret || **[682]**

iti manuvacanān mahaty aparādhe vipraviśeṣasyāpi vadhaḥ prāpnoti | na ca vācyaṃ "varṇināṃ hi vadhaḥ" ity atra varṇagrahaṇaṃ brāhmaṇaviṣayam iti | yad āha manuḥ |

śūdraviṭkṣatraviprāṇāṃ yatra cokto bhaved vadhaḥ |

tatra vaktavyam anṛtaṃ tad dhi satyād viśiṣyate || iti |

atha vātikrāntaniṣedhena yatra brahmavadhaḥ kriyate tatraitat | gautamaḥ: "nānṛtavacane doṣo jīvitaṃ cet tadadhīnam | na tu pāpīyaso jīvanam" | viṣṇuḥ: "tatpāvanāya kūṣmāṇḍībhir dvijo 'gniṃ juhuyāt | śūdraś caikāgni(hni)kaṃ godaśakasya grāsaṃ dadyāt" | manuḥ |

vāgdaivataiś ca carubhir yajeraṃs te sarasvatīm |

anṛtasyainasas tasya kurvāṇā niṣkṛtiṃ parām ||

carubhir iti vacanaṃ kartṛbahutvābhiprāyam |

kūṣmāṇḍair vāpi juhuyād ghṛtam agnau yathāvidhi |

udity ṛcā vā vāruṇyā tryṛcenābdaivatena vā ||

ud iti "ud uttamaṃ varuṇapāśam asmat" ity asyāḥ pratīkam | baudhāyanasmṛtau: "pradhānataḥ pratipattir ato 'nyathā | kartā dvādaśarātraṃ payaḥ piban kūṣmāṇḍair juhuyāt" || 2.83 ||

iti sākṣiprakaraṇaṃ samāptam || 5 ||

**[iti śrīvidyādharavaṃśaprabhavaśrīśilāhāranarendrajīmūtavāhanānvayaprasūta-**

**śrīmadaparādityadevaviracite yājñavalkyadharmāstranibandhe 'parārka**

**sākṣiprakaraṇam || 5 ||**

**atha saṭīkayājñavalkyasmṛtau**

**lekhyaprakaraṇam | (6)**

*bhuktisākṣiṇāv abhihitau | idānīṃ likhitam abhidhatte |*

**yaḥ kaścid artho niṣṇātaḥ svarucyā tu parasparam |**

**lekhyaṃ tu sākṣimat kāryaṃ tasmin dhanikapūrvakam || 2.84 ||**

yaḥ kaścid ṛṇādir artha uttamarṇādhamarṇābhyāṃ parasparaṃ svecchayā niṣṇātaḥ svarūpasaṃkhyāvṛddhirūpeṇa saṃpratipannas tasmin viṣaye dhanikanāmapūrvakaṃ sākṣināmabhir yuktaṃ lekhyaṃ karaṇīyam | **[683]** bṛhaspatiḥ |

rājalekhyaṃ sthānakṛtaṃ svahastalikhitaṃ tathā |

lekhyaṃ tat trividhaṃ proktaṃ bhinnaṃ tad bahudhā punaḥ ||

bhāgadānakrayādhīnāṃ saṃvid dāsaṛṇādibhiḥ |

saptadhālaukikaṃ lekhyaṃ trividhaṃ rājaśāsanam ||

bhrātaraḥ saṃvibhaktā ye svarucyā tu parasparam |

vibhāgapatraṃ kurvanti bhāgalekhyaṃ tad ucyate ||

bhūmiṃ datvā yas tu patraṃ kuryāc candrārkakālikam |

anācchedyam anāhāryaṃ dānalekhyaṃ tu tad viduḥ ||

gṛhakṣetrādikaṃ krītvā tulyamūlyākṣarānvitam |

patraṃ kārayate yat tu krayalekhyaṃ tad ucyate ||

jaṅgamaṃ sthāvaraṃ bandhaṃ datvā lekhyaṃ karoti yat |

gopyabhogyakriyāyuktam ādhilekhyaṃ tu tat smṛtam ||

grāmo deśaś ca yat kuryān matalekhyaṃ parasparam |

rājāvirodhi dharmārthe saṃvitpatraṃ vadanti tat ||

vastrānnahīnaḥ kāntāre likhitaṃ kurute tu yate |

karmāhaṃ te kariṣyāmi dāsapatraṃ tad iṣyate ||

dhanaṃ vṛddhyā gṛhīvā tu svayaṃ kuryāc ca kārayet |

uddhārapatraṃ tat proktam ṛṇalekhyaṃ manīṣibhiḥ ||

vasiṣṭhaḥ |

laukikaṃ rājakīyaṃ ca lekhyaṃ vidyād dvilakṣaṇam |

rājakīyaṃ caturbhedam aṣṭabhedaṃ tu laukikam ||

śāsanaṃ prathamaṃ jñeyaṃ jayapatraṃ tathāparam |

ājñāprajñāpanaṃ patraṃ rājakīyaṃ caturvidham ||

cīrakaṃ ca svahaastaś ca tathopagatasaṃjñakam |

ādhipatraṃ caturthaṃ tu pañcamaṃ krayapatrakam ||

ṣaṣṭhaṃ tu smṛtipatrākhyaṃ saptamaṃ ṣaṭipatrakam |

viśuddhipatrakaṃ caivam aṣṭadhā laukikaṃ smṛtam ||

datvā bhogān dvijātibhyo ratnāni vividhāni ca |

rājā bhūmiṃ ca kurvīta teṣāṃ tasyāś ca śāsanam ||

kriyākārakasaṃbaddhaṃ samāsārthakiryānvitam |

samāmāsatadardhāharnṛpanāmopalakṣitam ||

**[684]** pratigrahītṛjātyādisagotrabrahmacārikam |

saṃniveśapramāṇaṃ ca svahastaṃ tu likhet svayam ||

saṃdhivigrahakārī ca bhaved yas tatra lekhakaḥ |

svayaṃ rājñā samādiṣṭaḥ sa likhed rājaśāsanam ||

svanāma vilikhet paścān mudritaṃ rājamudrayā |

grāmakṣetragṛhadīnām īdṛk syād rājaśāsanam ||

kātyāyanaḥ |

mudrāśuddhaṃ kriyāśuddhaṃ bhuktiśuddhaṃ sacihnakam |

rājasvahastasaṃśuddhaṃ śuddhim āyāti śāsanam ||

nāradaḥ |

sakalaṃ pūrvapādaṃ ca sottaraṃ sakriyaṃ tathā |

sāvadhāraṇakaṃ vaiva taj jñeyaṃ jayapatrakam ||

nṛpānujñātalikhitaḥ saṃśrāvyo 'rthaś ca pakṣayoḥ |

sabhyair nirdhāritaḥ paścād rājñā śāsyaḥ sa śāstrataḥ ||

prāptaṃ dviguṇadaṇḍaṃ tu daṇḍayitvā punas tataḥ |

jayine vāpi deyaṃ syād yathāvaj jayapatrakam ||

madhye yat sthāpitaṃ dravyaṃ caraṃ vā yadi vā sthiram |

paścāt tat sodayaṃ dāpyaṃ jayine jayapatrakam ||

kātyāyanaḥ |

siddhe cārthena saṃyojyo vādī satkārapūrvakam |

lekhyaṃ svahastasaṃyuktaṃ tasmād dadyāt tu pārthivaḥ ||

vṛddhavasiṣṭhaḥ |

yathopanyastasādhyārthasaṃyuktaṃ sottarakriyam |

sāvadhāraṇakaṃ caiva jayapatraṃ tad iṣyate ||

prāḍvivākādihastāṅkaṃ mudritaṃ rājamudrayā |

siddhe 'rthe vādine dadyāj jayine jayapatrakam || 2.84 ||

*kiṃ ca* |

**samāmāsatadarthāharnāmajātisagotrakaiḥ |**

**sabrahmacārikātmīyapitṛnāmādicihnitam || 2.85 ||**

tal lekhyaṃ samāmāsādicihnitaṃ kuryat | samā saṃvatsaraḥ | māsaś caitrādiḥ | tadardhaṃ śuklapakṣakṛṣṇapakṣau | ahaḥ pratipadāditithiḥ | nāma saṃjñā | jātir brāhmaṇatvādiḥ | kaśyapādinā samānaṃ gotraṃ tad eva sagotrakam | kaṭhādinā samānam abhinnaṃ brahma vedaśākhāṃ caraty adhīta ity evaṃśīlaḥ sabrahmacārī, tasya bhāvaḥ sabrahmacārikam | **[685]** ātmīyapitṛnāmādi uttamarṇādharmarṇasākṣināṃ pitṛnāmādi | ādiśabdena ca dhanasya jātisaṃkhyāparimāṇādīnāṃ grahaṇam | nāmajātisagotrabrahmacāritvādīny atra dhanikādīnām eva | vyāsaḥ |

jātiḥ saṃjñā nivāso 'rthaḥ saṃkhyā vṛddhiś ca vatsaraḥ |

māsaḥ pakṣo dinaṃ caiṣāṃ likhitaṃ vyaktikārakam || 2.85 ||

*api ca* |

**samāpte 'rtha ṛṇī nāma svahastena niveśayet |**

**mataṃ me 'mukaputrasya yad atropari lekhitam || 2.86 ||**

dhanikādharmarṇayor yo 'rthaḥ saṃpratipannas tal lekhye samāpte carṇiko mamāmukaputrasyaitan mataṃ yad atra patra uparitanapaṅktyādau likhitam iti svahastena niveśayel likhed ity arthaḥ || 2.86 ||

*kiṃ ca |*

**sākṣiṇaś ca svahastena pitṛnāmakapūrvakam |**

**atrāham amukaḥ sākṣī likheyur iti te 'samāḥ || 2.87 ||**

na kevalam ṛṇī sākṣiṇo 'py atrārthe 'mukaputro 'ham amukanāmā sākṣīti pitṛnāmapūrvakaṃ svanāma svahastena pratyekaṃ likheyuḥ | te nāsamā viṣamasaṃkhyākā bhavantīty arthaḥ | samā iti nṛpaṃ prati vādiprativādinoḥ saṃās tulyā bhavantīty arthaḥ | yady adhamarṇaḥ sākṣī vā lipijño na bhavati tadānyena lipijñena sarvasākṣisamakṣaṃ svamataṃ lekhayet | tad āha nāradaḥ |

alipijña ṛṇī yaḥ syāl lekhayet svamataṃ tu saḥ |

sākṣī vā sākṣiṇānyena sarvasākṣisamīpataḥ ||

sākṣiṇānyeneti lipijñamātrapradarśanārtham | anyathā tv adṛṣṭārthaṃ syāt || 2.87 ||

*kiṃ ca |*

**ubhayābhyarthitenaitan mayā hy amukasūnunā |**

**likhitaṃ hy amukeneti lekhako 'nte tato likhet || 2.88 ||**

ubhābhyām uttamarṇādhamarṇābhyām arthitena mayāmukaputreṇāmukenaital lekhyaṃ likhitam iti lekhyānte lekhako niveśayet || 2.88 ||

**[686]**

*sākṣimal lekhyaṃ kāryam ity uktaṃ tasya kvacid viṣaye 'pavādam āha |*

**vināpi sākṣibhir lekhyaṃ svahastalikhitaṃ tu yat |**

**tat pramāṇaṃ smṛtaṃ sarvaṃ balopādhikṛtād ṛte || 2.89 ||**

yad adhamarṇaḥ svahastena likhati, tadvināpi sākṣibhir lekhyaṃ pramāṇaṃ bhavati | yadi na balenopādhinā vā kṛtaṃ syāt | balaṃ haṭhāt | upādhiś chadma | apiśabdāt sasākṣikam api | yat punar na svahastalikhitaṃ tat sākṣimad eva satpramāṇam |

lekhyaṃ tu dvividhaṃ vidyāt svahastānyakṛtaṃ tathā |

asākṣimat sākṣimac ca siddhir deśasthitas tayoḥ ||

tathā |

mattābhiyuktastrībālabalātkārakṛtaṃ tu yat |

tad apramāṇaṃ likhitaṃ bhayopādhikṛtaṃ tathā ||

bhayādikṛtatvam evātrāprāmāṇye kāraṇam, na stryādikṛtatvam api | tathā hi sati strībālādibhir yathārtham api kriyamāṇaṃ likhitam apramāṇaṃ syāt | na ca yathārtham apramāṇaṃ bhavitum arhati | yat tu stryādīnāṃ pṛthagupādānaṃ tat teṣāṃ bāhulyena bhayādisaṃbhavakhyāpanārtham | kātyāyanaḥ |

sākṣidoṣād bhaved duṣṭaṃ patraṃ vai lekhakasya vā |

dhanikasyopadhādoṣāt tathā dhāraṇakasya ca ||

āśayadoṣata eva bṛhaspatiḥ |

mumūrṣuśiśubhītārtastrīmattavyasanāturaiḥ |

niśopadhibalātkārakṛtaṃ lekhyaṃ na sidhyati ||

kātyāyanaḥ |

dhanikena svahastena likhitaṃ sākṣivarjitam |

bhavet kūṭaṃ na cet kartrā kṛtaṃ hīti vibhāvayet ||

yady uttamarṇo bhavadanumatena mayaital likhitam iti prativādinaṃ na bhāvayen nāṅgīkārayed ity arthaḥ |

deśācāraviruddhaṃ yat saṃdigdhaṃ kramavarjitam |

kṛtam asvāminā yac ca sādhyahīnaṃ ca duṣyati ||

bṛhaspatiḥ |

dūṣito garhitaḥ sākṣī yatraiko viniveśitaḥ |

kūṭalekhyaṃ tu tat prāha lekhako vāpi tādṛśaḥ ||

yad ujjavalaṃ cirakṛtaṃ malinaṃ svalpakālikam |

bhagnaṃ mliṣṭākṣarayutaṃ lekhyaṃ kūṭatvam āpnuyāt ||

**[687]** sthānabhraṣṭās tv akāntisthāḥ saṃdigdhā lakṣaṇacyutāḥ |

yatraivaṃ syuḥ sthitā varṇā lekhyaṃ duṣṭaṃ tadā bhṛguḥ || 2.89 ||

*api ca* |

**ṛṇaṃ lekhyakṛtaṃ deyaṃ puruṣais tribhir eva tu |**

**ādhis tu mucyate tāvad yāvat tan na pradīyate || 2.90 ||**

lekhyagataṃ likhitam ṛṇaṃ tribhiḥ puruṣair ṛṇagrāhakeṇa tatputrapautrābhyāṃ ca deyam | putrapautrair ṛṇaṃ deyam ity uktatvāt | ata evāyam anuvādaḥ | ādhis tu bhujyate tāvad ityādi vidhānārtham | na hy ādhigatam ṛṇaṃ puruṣasaṃkhyāniyamaviṣayaṃ bhavati | evaṃ ca yad hārītena,

lekhyaṃ yasya bhaved dhaste bhogaṃ tasya vinirdiśet |

iti niravadhikam uktam, tad ādhiviṣayaṃ grāhyam | etad vacanam antareṇa hi phlabhogyo na naśyatīti vākyaṃ puruṣatrayaviṣayaṃ syād iti tannivṛttyartho 'rthavān eṣa vākyārambhaḥ || 2.90 ||

*kiṃ ca* |

**deśāntarasthe durlekhye naṣṭonmṛṣṭe hṛte tathā |**

**bhinne dagdhe tathā chinne lekhyam anyat tu kārayet || 2.91 ||**

durgamadeśasthe duravabodhākṣare pradhvaste, utpuṃ(ddhvaṃ)sitākṣare 'pahṛte vidīrṇe dagdhe dvidhākṛte lekhye lekhyāntaraṃ kārayet | nāradaḥ |

lekhye deśāntaranyaste śīrṇe durlikhite hṛte |

satas tatkālakaraṇam asato draṣṭṛdarśanam ||

ayam arthaḥ — sato deśāntarasthasyānayanārthaṃ kālakaraṇam iyatā kālena tvayā tad āharaṇīyam iti kālāvadhikaraṇam | asati tu pūrvalikhite likhitāntaraṃ kṛtvā tasya darśayitavyam, yena tat pūrvaṃ likhitaṃ dṛṣṭaṃ dvitīyasya lekhyasyānyathābhāvanirākaraṇāya | kātyāyanaḥ |

malair yad bheditaṃ dagdhaṃ chidritaṃ vītam eva ca |

tadanyat kārayel lekhyaṃ svedenollikhitaṃ tathā ||

vītaṃ vigatam || 2.91 ||

*api ca* |

**saṃdigdhalekhye śuddhiḥ syāt svahastalikhitādibhiḥ |**

**yuktiprāptikriyācihnasaṃbandhāgamahetubhiḥ || 2.92 ||**

lekhye pramāṇatayā saṃdighe svahastalikhitādibhiḥ prāmāṇyaliṅgair yuktyādibhiś ca kāraṇaiḥ śuddhiḥ saṃśayanivṛttiḥ prāmāṇyāvadhāraṇalakṣaṇā syāt | etac cādharmarṇena sākṣirahitaṃ svahastena kṛtaṃ yal lekhyaṃ tadviṣayavacanam | tatra hy adhamarṇasya na mayaital likhitam iti pratyavasthānasaṃbhavaḥ | tatra tenaiva yad anya lekhyaṃ kṛtaṃ tat svahastalikhitaṃ tenaiva nirṇayaḥ | ādiśabdena ca pitṛnāmagotrasabrahmacāritvānāṃ grahaṇam | yuktyādīnām api tatraiva patrake svayaṃ pramāṇatayā pramāṇāntarānugrāhakatayā vā nirṇāyakatvam | yuktir arthāpattiḥ | prāptir ekatra deśe kāle ca vādiprativādinoḥ sthitiḥ | etac ca pramāṇāntarānugrāhakatayā śuddhihetur na svātantryeṇa | yadi hi naikatra deśādau tayoḥ sthitis tadā likhitam apramāṇam eveti niścite svahastalikhitādiṣu lekhyaprāmāṇyāvadhārakeṣu vicārakāṇāṃ jijñāsaiva na jāyate | kriyā saṃvyavahāraḥ | yayoḥ khalu nāsty āryadraviḍayor iva saṃvyavahāras tatra lekhyaṃ prati prāmāṇyam asaṃbhavanirastam | cihnaṃ mudrā | saṃbandho vādiprativadinoḥ prāgvivādāt parasparaṃ viśvāsapūrva ādānapratidānādiḥ | āgamo vivādāspadībhūtasyārthasya svasvāmisaṃbandhopāyaḥ krayādiḥ | asyārthina etāvad dhanaṃ krayādinopāyenāsya saṃbhavaty etadbuddhir iti | hetur anumānam | svahastalikhitādikaṃ na lekhyasya śuddhau yuktyādinirapekṣaṃ kāraṇaṃ bhavitum arhati | anaikāntikatvāt | santi khalu puruṣāḥ kuśalā ye puruṣāntaralikhitatulyaṃ lekhyam āpādayanti | pitṛnāmādīnāṃ vābhedaḥ saṃbhavati | vyāsaḥ |

lekhyam ālekhyavat kecil likhanti kuśalā narāḥ |

tasmāt tal lekhyasāmarthāt siddhir naikāntikī matā ||

jñātvā kālaṃ deśakārye kuśalāḥ kūṭakārakāḥ |

kurvanti sadṛśaṃ lekhyaṃ tad yatnena vicārayet ||

strībālān alipijñānān vañcayanti svabāndhavāḥ |

lekhyaṃ kṛtvā svanāmāṅkaṃ jñeyaṃ yuktyāgamais tu tat ||

nāradaḥ |

lekhyaṃ yac cānyanāmāṅkaṃ hetvantarakṛtaṃ bhavet |

vipratyaye parīkṣyaṃ tat saṃbandhāgamahetubhiḥ || **[689]**

vipratyayo vimatiḥ | evam adharmarṇalikhitasya sākṣirahitasya prāmāṇyasaṃśaye svahastalikhitādayaḥ prāmāṇyaśuddhyupāyāḥ kathitāḥ | sākṣimato 'pi lekhyasya saṃśaye nirṇayopāyam āha kātyāyanaḥ |

na lekhakena likhitaṃ na dṛṣṭaṃ sakṣibhis tathā |

evaṃ pratyarthinokte tu kūṭalekhyaṃ prakīrtitam ||

evaṃ duṣṭaṃ nṛpasthāne yasmiṃs tad dhi vicāryate |

vimṛśya brāhmaṇaiḥ sārdhaṃ patradoṣān nirūpayet ||

kṛtākṛtavicāre tu sākṣibhiḥ patranirṇayaḥ |

pratyakṣam anumānena na kadācit prabādhyate ||

tasmāl lekhyasya duṣṭasya vacobhiḥ sākṣiṇāṃ bhavet |

nirṇayaḥ svadhanārthaṃ hi patraṃ dūṣayate svayam ||

svayaṃ likhitaṃ patraṃ svayaṃ dūṣayate prativādī, sākṣimat tu na śakyaṃ dūṣayituṃ sākṣivacanena sakaladoṣoddhārāt | tathā |

likhitaṃ likhitenaiva sākṣimat sākṣibhir haret |

pratyarthilikhitaṃ sākṣirahitaṃ likhitāntareṇa tatkṛtena, sākṣimat tu sākṣibhir uddharet | tathā |

kūṭoktau sākṣiṇāṃ vākyāl lekhakasya ca patrakam |

nayec chuddhiṃ na yaḥ kūṭaṃ sa dāpyo damam uttamam ||

asyārthaḥ — lekhakaṃ prati kūṭoktau sākṣiṇāṃ vacanāt patrakaṃ yo vādī śuddhiṃ na nayet sa uttamasāhasaṃ daṇḍyaḥ |

atha pañcatvam āpanno lekhakaḥ saha sākxibhiḥ |

tat svahastādibhis teṣāṃ viśudhyeta na saṃśayaḥ ||

tathā |

samudre 'pi tathā lekhye mṛtāḥ sarve 'pi tatsthitāḥ |

likhitaṃ tatpramāṇe tu mṛteṣv api hi teṣu vai ||

samudre rājamudrāsahite śāsana ity arthaḥ | nāradaḥ |

darśitaṃ pratikālaṃ yac chrāvitaṃ smāritaṃ ca yat |

lekhyaṃ sidhyati sarvatra mṛteṣv api hi sākṣiṣu ||

etac ca lekhyasiddhisaṃbhāvanāmātrapratipādakaṃ na punaḥ parīkṣānivārakam | yathoktam |

**[690]** ṛṇisvahastasaṃdehe jīvato vā mṛtasya vā |

tat svahastakṛtair anyaiḥ patrais tal lekhyanirṇayaḥ ||

tathā |

likhitaṃ likhitenaiva sakṣimat sākṣibhir nayet |

sākṣibhyo likhitaṃ śreyo likhitān na tu sākṣiṇaḥ ||

likhitānārūḍhasākṣiviṣayam etat | kātyāyanaḥ |

kriyā na daivikī deyā vidyamāneṣu sākṣiṣu |

lekhye ca sati vādeṣu na syād divyaṃ na sākṣiṇaḥ ||

yadā tu sākṣirahitaṃ likhitaṃ na mayaitat kṛtam ity adharmaṇo brūte, na ca svahastalikhitādi taduddhārakaraṇam asti, tad divyenoddhāryam ity āha hārītaḥ |

na mayaitat kṛtaṃ lekhyaṃ kūṭam etena kāritam |

adharīkṛtya tat patram arthe divyena nirṇayaḥ ||

prajāpatiḥ |

yannāmagotrais tattulyarūpasaṃkhyā kvacid bhavet |

pragṛhīte dhane tatra kāryo divyena nirṇayaḥ ||

sākṣiṇāṃ svahastalikhitādyabhāve caitat | nāradaḥ |

duṣṭe patre sphuṭe doṣaṃ noktavān ṛṇiko yadi |

tato viṃśativarṣāṇi kāntaṃ patraṃ sthiraṃ bhavet ||

yadi sadoṣaṃ patraṃ kathaṃ viṃśadva(tiva)rṣaparyantaṃ patravato bhuktir ity evaṃ saṃdigdhaprāmāṇyaṃ lekhyaṃ divyapratisādhanārthaṃ sthirī bhavatīty arthaḥ | vyāsaḥ |

yac cānyasya kṛtaṃ lekhyam anyahaste pradṛśyate |

avaśyaṃ tena vaktavyaṃ patrasyāgamanaṃ tataḥ ||

amukasyaital lekhyaṃ tato māṃ praty anenopāyenāgatam iti yasya haste dṛśyate tena vaktavyaṃ sādhanīyam ity arthaḥ | kātyāyanaḥ |

śaktasya saṃnidhāv artho yasya lekhyena bhujyate |

varṣāṇi viṃśatiṃ yāvat tat patraṃ doṣavarjitam ||

vinā divyenety arthaḥ | pūrvatra tu vākye duṣṭasya lekhyasyānudbhāvitadoṣasya viṃśativarṣāyāṃ bhuktau divyasādhyatoktā | iha tv aduṣṭasyāvidyamānasākṣisvahastalikhitāder bhuktyaivoktakālayā prāmāṇyasiddhir ucyata ity avirodhaḥ |

**[691]** tathā viṃśativarṣāṇi ādhir bhuktaḥ suniścitaḥ |

yena lekhyena tat siddhaṃ lekhyaṃ doṣavivarjitam ||

pūrveṇaitat tulyaviṣayam |

sīmāvivāde nirṇīte sīmāpatraṃ vidhīyate |

tasya doṣāḥ prayoktavyā yāvad varṣāṇi viṃśatiḥ ||

ādhānasahitaṃ yatra ṛṇalekhyaṃ niveśitam |

mṛtasākṣi pramāṇaṃ tu svalpabhoge 'pi tad viduḥ ||

ādhānam ādhiḥ | mṛtasākṣi mṛtasākṣikam | nāradaḥ |

yadi labdhaṃ bhavet kiṃcit prajñaptir vā kṛtā bhavet |

pramāṇam eva likhitaṃ mṛtā yady api sākṣiṇaḥ ||

yadi likhitabalād uttamarṇenādhamarṇāt kiṃcid labdhaṃ yad vā likhitaṃ mamaitaddhaste vidyate 'tra viṣaya iti prajñaptir adharmarṇaṃ prati kṛtā bhavati tadā lekhyāruḍhasākṣinām abhāve 'pi lekhyaṃ pramāṇam ity arthaḥ | lekhyānām anyonyavirodhe yat pramāṇāntaraṃ tad āha vyāsaḥ |

svahastakāj jānapadaṃ tasmāc ca nṛpaśāsanam |

pramāṇataram iṣṭaṃ hi vyavahārārtham āgatam ||

atropapattim āha |

dvitrilipijñaḥ svakṛtena salekhyena yuktibhiḥ |

kuryād dhi sadṛśaṃ lekhyaṃ tasmāj jānapadaṃ śubham ||

salekhyena samanena lekhyena yuktibhiś cānekalipijñena kṛtaṃ svalekhyaṃ śuddhiṃ na yātīty adhyāhāryam | yato 'sau sadṛśam api kartuṃ śaknoti | tasmāc jānapadaṃ varam ity arthaḥ |

aprakāśāt sākṣiyutaṃ lekhakākṣaramudritam |

lokaprasiddhaṃ sukṛtād varam anyakṛtaṃ śubham ||

deśādhyakṣādinā lekhyaṃ yatra jānapadaṃ kṛtam |

samakālaṃ paścimaṃ vā tatra rājakṛtaṃ śubham ||

samakālapaścimābhyāṃ rājakṛtam eva viśiṣyate | saṃvartaḥ |

lekhye lekhyakriyā proktā vācike vācikī matā |

vācike tu na sidhyet sā lekhyasyopari yā kriyā ||

**[692]** lekhyasyopari yat sākṣyaṃ kūṭaṃ tad abhidhīyate |

adharmasya hi tad dvāram ato rājā vivarjayet ||

vācikair yadi sāmarthyam akṣarāṇāṃ vihanyate |

kriyāṇāṃ sarvanāśaḥ syād anavasthā ca jāyate ||

lekhyasyopari yat sākṣyaṃ lekhyaviruddhaṃ tad varjyam ity arthaḥ | kriyāṇāṃ lekhyakriyāṇām | kātyāyanaḥ |

na divyaiḥ sākṣibhir vāpi hīyate likhitaṃ kvacit |

lekhyadharmaḥ sadā śreṣṭho hy ato nānyena hīyate ||

tadyuktipratilekhyena tadviśiṣṭena vā sadā |

lekhyakriyā nirasyeta na sākṣiśapathaiḥ kvacit ||

bṛhaspatiḥ |

āḍhyasya nikaṭasthasya yac chaktena na yācitam |

śuddharṇāśaṅkayā tatra lekhyaṃ durbalatām iyāt ||

śuddhaṃ dattam |

lekhyaṃ triṃśatsamātītam adṛṣṭāśrāvitaṃ ca yat |

na tat siddhim avāpnoti tiṣṭhatsv api hi sākṣiṣu ||

prayukte śāntalābhe tu likhitaṃ yo na darśayet |

na yācate ca ṛṇikaṃ tat saṃdeham avāpnuyāt ||

prayukte dhane śāntalābhe likhitam uparate lābhe yo na patraṃ darśayati na cādhamarṇaṃ yācate, tal lekhyaṃ saṃdehaṃ prāmāṇyaviṣayaṃ avāpnuyād ity arthaḥ | nāradaḥ |

mṛtāḥ syuḥ sākṣiṇo yatra dhanikarṇikalekhakāḥ |

tad apy anarthaṃ likhitaṃ na ced ādhiḥ sthirāśrayaḥ ||

āśrayo bhuktir apramāṇatayānapekṣyamāṇatvāt | vyāsaḥ |

adṛṣṭāśrāvitaṃ lekhyaṃ pramītadhanikarṇikam |

abandhalagnakaṃ caiva bahukālaṃ na sidhyati ||

bahukālaṃ bahukālīnam | bṛhaspatiḥ |

unmattajaḍabālānāṃ rājabhītapravāsinām |

apragalbhabhayārtānāṃ na lekhyaṃ hānim āpnuyāt || 2.93 ||

*śanair yathodayādānaviṣaye patre yat kāryaṃ tad āha |*

**[693]** **lekhyasya pṛṣṭhe 'bhilikhed datvā datvarṇiko dhanam |**

**dhanī vopagataṃ dadyāt svahastaparicihnitam || 2.93 ||**

yadādhamarṇaḥ svaśaktyanurodhenālpam alpaṃ pratidadāti tadā yāvad dattaṃ tāval lekhyasya pṛṣṭhe 'bhilikhet | yad vottamarṇaḥ svahastacihnitam upagatam adharmarṇāya dadyāt | etāvad anena pratidattam iti likhitānantaram upagatam ity ucyate | nāradaḥ |

gṛhītvopagataṃ dadyād ṛṇikāyodayaṃ dhanī |

adadad yācyamānas tu śeṣahānim avāpnuyāt ||

udayaḥ śanair dāpyo yathodayam ity anena yo vihitaḥ || 2.93 ||

**darvarṇaṃ pāṭayel lekhyaṃ śuddhyai vānyat tu kārayet |**

**sākṣimac ca bhaved yad vā tad dātavyaṃ sasākṣitam || 2.94 ||**

savṛddhikaṃ dhanam uttamarṇāyādhamarṇo datvā lekhyaṃ patraṃ pāṭayed bhindyāt | yadi punar naṣṭaṃ viprakṛṣṭaṃ ceti na śakyaṃ pāṭayituṃ tadā śuddhyartham anṛṇatvaprasiddhyartham uttamarṇāt sasākṣikaṃ lekhyaṃ gṛhṇīyāt | yathā bahubhir avaśiṣṭatarasākṣisamakṣam ṛṇam apākuryāt | atra nāradaḥ |

lekhyaṃ dadyād ṛṇe śuddhe tadabhāve pratiśravam |

dhanikarṇikayor evaṃ viśuddhiḥ syāt parasparam ||

pratiśravaśabdena sākṣiśravaṇaṃ vivakṣitam || 2.94 ||

iti lekhyalakṣaṇam ||

**[iti śrīvidyādharavaṃśaprabhavaśrīśilāhāranarendrajīmūtavāhanānvayaprasūta-**

**śrīmadaparādityadevaviracite yājñavalkyadharmāstranibandhe 'parārka**

**lekhyaprakaraṇam || 5 ||**

**atha saṭīkayājñavalkyasmṛtau**

**divyaprakaraṇam | (7)**

*uktaṃ trividham api likhitādi pramāṇaṃ tadasaṃbhave ca divyāni vihitāni, teṣāṃ svarūpam idānīm āha |*

**tulāgnyāpo viṣaṃ kośo divyānīha viśuddhaye |**

yāni viśuddhaye 'bhiyoge vihitāni divyāni tāni tulādīni veditavyāni | na ca kośādīny eva veditavyānīti vācyam | pitāmahaḥ |

**[694]** dhaṭo 'gnir udakaṃ caiva viṣaṃ kośaś ca pañcamaḥ |

ṣaṣṭhaṃ ca taṇḍulaḥ proktaṃ saptamaṃ taptamāṣakam ||

aṣṭamaṃ phalam ity uktaṃ navamaṃ dharmajaṃ bhavet |

divyāny etāni sarvāṇi nirdiṣṭāni svayaṃbhuvā ||

nāradaḥ |

yadā sākṣī na vidyeta vivāde vadatāṃ nṛṇām |

tadā divyaiḥ parīkṣeta śapathaiś ca pṛthak pṛthak ||

satyavāhanaśastrāṇi gobījakanakāni ca |

devatā pitṛpādāś ca dattāni sukṛtāni ca ||

etāni divyaśabdavācyāni, eṣu divyaśabdaprayogāt | evaṃ ca śapathavācyāny api | tathā ca nārada eva |

yuktiṣv apy asamarthāsu śapathair enam anviyāt |

arthakālabalāpekṣam agnyambusukṛtādibhiḥ ||

ghaṭo 'ginir udakaṃ caiva viṣaṃ kośaś ca pañcamaḥ |

uktāny etāni divyāni viśuddhyarthaṃ mahātmabhiḥ ||

śaṅkhaḥ: "divyaṃ nāma tulārohaṇaṃ viṣāśanam apsu praveśo lohadhāram iṣṭāpūrtapradānam anyāṃś ca śapathān kārayet" | manuḥ |

asākṣikeṣu tv artheṣu mitho vivadamānayoḥ |

vivadaṃs tattvataḥ satyaṃ śapathenāpi lambhayet ||

agniṃ vāhārayed enam apsu vainaṃ nimajjayet |

putradārasya vāpy enaṃ śirasi sparśayed dṛḍham ||

yasmād devaiḥ prayuktāni duṣkare 'rthe manīṣibhiḥ |

parasparaviśuddhyarthaṃ tasmād divyāni nāmataḥ ||

(asākṣikeṣv iti mānuṣapramāṇarahiteṣv ity arthaḥ |) yat tu pitāmahenoktam,

avaṣṭambhābhiyuktānāṃ dhaṭādīni vinirdiśet |

taṇḍulāś caiva kośaś ca śaṅkāsv eva na saṃśayaḥ ||

tathā |

ghaṭo 'gniviṣam āpaś ca pramāṇaṃ hi caturvidham |

daivakasya prabhedo 'yaṃ kośāśaṅkāsu pañcamaḥ || **[695]**

iti, tad alpābhiyoge śaṅkāyāṃ ca kośavidhāyakam | mahābhiyoge tva(ge ')vaṣṭambhābhiyoge ca śīrṣakasthe 'bhiyoktary eva kośa ity avirodhaḥ | tathā |

cauryaśaṅkābhiyuktānāṃ taptamāṣo vidhīyate |

śaṅkāviśvāsasaṃdhāne vibhāgeṣv ṛkthināṃ tathā ||

kiryāsamūhakartṛtve kośam eva pradāpayet |

visrambhe sarvaśaṅkāsu saṃdhikārye tathaiva ca |

eṣa kośaḥ pradātavyo nityaṃ cittaviśuddhaye ||

*uktānāṃ tu tulādidivyānāṃ viṣayaviśeṣam abhiyoktuś ca kriyāviśeṣaṃ vidhātum idānīm āha* |

**mahābhiyoge tv etāni śīrṣakasthe 'bhiyoktari || 2.95 ||**

yāny etāni tulādīni kośāntāni divyāni viśuddhyartham uktāni, tāni mahābhiyogaviṣaye bhavanti, nānyathety ekaṃ vākyam | tathā "śīrṣakasthe 'bhiyoktari" iti dvitīyam | anayoś ca vākayayor etānīti sādhāraṇaḥ śeṣaḥ | sahasrādiparimāṇadravyaviṣayo mahāpātakaviṣayo vākṣepo mahābhiyogaḥ | abhiyuktasya divyato doṣābhāve 'haṃ doṣavān doṣānurūpasya daṇḍasya dātety abhyupagama ity (iha) śīrṣam | evaṃ cābhoyoktari śīrṣakasthitiṃ vidadhāne 'rthād abhiyuktasya divyakāritvaṃ niyamyata iti saṃbhāvyam | yad āha pitāmahaḥ |

abhiyoktā śiraḥsthāne divyeṣu parikalpate |

abhiyuktāya dātavyaṃ śrutinirdeśanād api ||

nanu cābhiyoktaiva sādhyārthavaktā yaś ca sādhyanirdeśakaḥ sa eva sādhanavādīti tenaiva divyaṃ karyam iti nyāyyam | atrottaram "śrutinirdeśanāt" iti | ayam arthaḥ — yac ca (yathā) mānuṣaṃ pramāṇam abhiyoktrā mithyottare kāryaṃ tathaiva divyasya prāptir nyāyasiddhā vacanenānyathā kriyata iti | kātyāyano 'pi |

na kaścid abhiyoktāraṃ dviyeṣu viniyojayet |

abhiśaṃsyāya dātavyaṃ divyaṃ divyaviśāradaiḥ || iti || 2.95 ||

*idānīm abhiyoktṛkartṛkaśīrṣakāvasthānaniyamasya kvacin nimitte 'pavādam āha |*

**rucyā vānyataraḥ kuryād itaro vartayec chiraḥ |**

rucyecchayānyataro 'bhiyoktā vā divyaṃ kuryāt | itaro divyakartur anyaḥ **[696]** śirasi tiṣṭhet | abhiyoktur divyakartṛtānena tātparyato vidhīyate | avaśyaṃ ca śiro vartayed dhaṭādiṣu | yad āha pitāmahaḥ |

śiraḥsthāyivihīnāni divyāni parivarjayet |

dhaṭādīni viṣāntāni kośa evāśirāḥ smṛtaḥ || iti |

śaṅkābhiyogakośaviṣayam etat | atra viśeṣam āha kātyāyanaḥ |

mahāpātakayukteṣu nāstikeṣu viśeṣataḥ |

na deyaṃ teṣu divyaṃ tu pāpābhyāsarateṣu ca ||

bhṛguḥ |

yeṣu pāpeṣu divyāni pratiśuddhāni yatnataḥ |

kārayet sajjanais tāni nābhiśastaṃ tyajen manuḥ ||

ayam arthaḥ — yaḥ pūrvaṃ kṛtamahāpātakādiḥ sa punar viṣayāntare jātamahāpātakābhiyogaḥ san na svayaṃ divyaṃ kuryāt | ṛtviksthānīyais tu sajjanaiḥ karayet | na punar abhiśastasya divyam akurvato 'sti mokṣa iti manur manyata iti ||

*ghaṭādy api divyaṃ śīrṣakam antareṇāpi kvacid viṣaye bhavatīy āha |*

**vināpi śīrṣakāt kuryān nṛpadrohe 'tha pātake || 2.96 ||**

rājadrohābhiyoge pātakābhiyoge vābhiyoktā yady api na śiraḥsthāyī bhavati, tathāpi divyam abhiyuktaḥ kuryāt | droho jighāṃsā, dhanavanitāpahāraḥ śatrupakṣapāto mantrabhedo vā | nṛpadrohapātakābhiyogaviṣayam etat | viṣṇuḥ: "rājadrohasāhaseṣu vināpi śīrṣakavartanāt" | divyaṃ kuryād ity arthaḥ | pitāmahaḥ |

atha ced ātmaśuddhyarthaṃ divyaṃ prakramate naraḥ |

aśiras tasya dātavyam iti śāstraviniścayaḥ ||

rājabhiḥ śaṅkitānāṃ ca nirdiṣṭānāṃ ca dasyubhiḥ |

ātmaśuddhiparāṇāṃ ca divyaṃ deyaṃ śiro vinā||

corayatām asmākam ete saṃghātina ity evaṃ dasyubhir nirdiṣṭānāṃ divyam aśiraḥ | kātyāyanaḥ |

lokāpavādaduṣṭānāṃ śaṅkitānāṃ ca dasyubhiḥ |

tulādīni viṣāntāni na śiras tatra vai bhṛguḥ ||

na śaṅkāsu śiraḥ kośe kalpayeta kadācana || 2.96 || **[697]**

*divyavidhim āha* |

**sacailasnānam āhūya sūryodaya upoṣitam |**

**kārayet sarvadivyāni nṛpabrāhmaṇasaṃnidhau || 2.97 ||**

divyakartāraṃ sūryodayasamaye sacailasnānaṃ pūvedyuḥ kṛtopavāsaṃ cāhūya rājño brāhmaṇānāṃ ca saṃnidhau divyāni sarvāṇi prāḍvivākaḥ kārayet | nāradaḥ |

pūrvāhṇe 'gniparīkṣā syāt pūrvāhṇe codvahed dhaṭam |

madhyāhne tu jalaṃ deyaṃ madhyāhnāt parato viṣam ||

divasasyaiva pūrvāhṇe kośaśuddhir vidhīyate |

rātrau tu paścime yāme viṣaṃ deyaṃ suśītale ||

tathā |

ahorātroṣitaṃ snāte sārdravāsasi mānave |

pūrvāhṇe sarvadivyānāṃ pradānam upakīrtitam ||

nityaṃ divyāni deyāni śucaye cārdravāsase ||

ghaṭakośāgnīnāṃ pūrvāhṇo niyataḥ | anyeṣāṃ vaikalpikaḥ | pitāmahaḥ |

trirātropoṣitāyaiva ekarātroṣitāya vā |

nityaṃ divyāni deyāni śucaye cārdravāsase ||

divyeṣu sarvakāryāṇi prāḍvivākaḥ samācaret |

adhvareṣu yathādhvaryuḥ sopavāso nṛpājñayā ||

kātyāyanaḥ |

sādhayet tat punaḥ sādhyaṃ vyāghāte sādhanasya hi |

dattāny api yathoktāni rājā divyāni varjayet ||

mūrkhair lubdhaiś ca duṣṭaiś ca punar deyāni tāni vai ||

sādhanasya hi divyasya vyāghāte nirṇāyakatvābhāve punaḥ sādhyaṃ divyena sādhayet | ayathāśāstraṃ ca dattāny api divyāni rājā vyāvartya yathoktāni dadyād ity arthaḥ | mūrkhādigrahaṇam ayathāśāstradānopalakṣaṇārtham | tathā |

adeśakāladattāni bahirvāsakṛtāni ca |

vyabhicāraṃ sadārtheṣu kurvantīha na saṃśayaḥ ||

vāso nivāso grāma ity eko 'rthaḥ |

tasmād yathoktavidhinā divyaṃ deyaṃ viśāradaiḥ |

ayathoktaprayuktaṃ tu na śaktaṃ tasya sādhane || **[698]**

pitāmahaḥ |

caitro mārgaśirāś caiva vaiśākhaś ca tathaiva hi |

ete sādhāraṇā māsā divyānām avirodhinaḥ ||

dhaṭaḥ sarvartukaḥ prokto vāte vāti vivarjayet |

agniṃ śiśirahemante varṣāsv api ca dāpayet ||

grīṣme salilam ity uktaṃ viṣaṃ kāle himāvahe |

na śīte jalaśuddhiḥ syān noṣṇakāle 'gniśodhanam ||

na prāvṛṣi viṣaṃ dadyāt pravāte na tulāṃ nṛpaḥ || 2.97 ||

*divyeṣu kartṛniyamam āha* |

**tulā strībālavṛddhāndhapaṅgubrāhmaṇarogiṇām |**

**agnir jalaṃ vā śūdrasya yavāḥ sapta viṣasya vā || 2.98 ||**

nigadavyākhyātam etat | atra tulāsaṃbandhitvena strībālādayo vidhīyante | tena strīpramukhāṇām eva tuletiniyamopapattiḥ | sarvatra hi vidhinā vidheyaṃ niyamyate | na cātra tulā vidheyā, kiṃ tv anūdyā prāthamyāt | tad uktam |

yac chabdayogaḥ prāthamyam ityādyuddeśyalakṣaṇam" iti |

ataś ca pravātādikārite strīprabhṛtīnāṃ dhaṭāsaṃbhave divyāntaram api deyam | saṃbhave tu tulaiva | tathā ca kātyāyanaḥ |

rājanye 'gniṃ dhaṭaṃ vipre vaiśye toyaṃ niyojayet |

sarveṣu sarvaṃ divyaṃ vā viṣavarjaṃ dvijottame ||

gorakṣakān vāṇijakāṃs tathā kārukuśīlavān |

preṣyān vārdhuṣikāṃś caiva grāhayec chūdravad dvijān ||

nāradaḥ |

brāhmaṇasya dhaṭo deyaḥ kṣatriyasya hutāśanaḥ |

vaiśyasya salilaṃ proktaṃ viṣaṃ śūdrasya dāpayet ||

pitāmahaḥ |

sādhāraṇaḥ samastānāṃ kośaḥ prokto manīṣibhiḥ |

viṣavarjaṃ brāhmaṇasya sarvāṇy eteṣu ca triṣu ||

toyam agnir viṣaṃ caiva dātavyaṃ balināṃ nṛṇām |

bālavṛddhastriyaś caiva prīkṣeta dhaṭe sadā ||

yat tu tenaivoktam,

brāhmaṇānāṃ kṛśāṅgānāṃ bālavṛddhatapasvinām |

strīṇāṃ ca na bhaved divyaṃ yadi dharmas tv avekṣyate ||

iti, etat tulāvyatiriktadivyaviṣayam | rogaviśeṣe divyaviśeṣaniṣedhaṃ sa evāha |

**[699]** kuṣṭhināṃ varjayed agniṃ salilaṃ śvāsakāsinām |

pittaśleṣmavatāṃ nityaṃ viṣaṃ tu parivarjayet ||

nāradaḥ |

na majjanīyaṃ strībālaṃ dharmaśāstravicakṣaṇaiḥ |

rogiṇo ye ca vṛddhāḥ syuḥ pumāṃso ye ca durbalāḥ ||

kātyāyanaḥ |

na lohaśilpinām agniṃ salilaṃ nāmbusevinām |

mantrayogavidāṃ caiva nāgnidivyaṃ vidhīyate ||

taṇḍulair na niyuñjīta kṣatinaṃ mukharogiṇam ||

pitāmahaḥ |

madyapastrīvyasnināṃ kitavānāṃ tathaiva ca |

kośaḥ prājñair na dātavyo ye ca nāstikavṛttayaḥ ||

nāradaḥ |

mahāparādhe nirdharme kṛtaghne klībakutsite |

nāstike dṛṣṭadoṣe ca kośadānaṃ vivarjayet || 2.98 ||

*mahābhiyogeṣv etānīty uktaṃ tatra ṛṇādānādau kiyati dhane mahattvam abhiyogasya bhavatīty āha* |

**nāsahasrād dharet pālaṃ na viṣaṃ na tulāṃ tathā |**

**nṛpārtheṣv abhiśāpe ca vaheyuḥ śucayaḥ sadā || 2.99 ||**

tāmrikapaṇasahasraprabhṛtivivāde divyāni kārayitavyāni | na punaḥ sahasrād ūnasaṃkhyākapaṇaviṣayavivāde | atrāpavādo nṛpārtheṣv ityādiḥ | nṛpārtheṣu rājakāryeṣv ākṣiptās tathābhiśāpe brāhmaṇavadhe śucayaḥ paramārthato nirdoṣā vaheyuḥ, paṇasahasraviṣayaṃ vinā divyāni dhārayeyur ity arthaḥ | kośo 'lpaviṣaye 'pi bhavatīti jñāpayitum iha tasyānupādānam | ata eva nāradaḥ: "kośam alpe 'pi dāpayet" iti | bṛhaspatiḥ |

saṃkhyā raśmir ajomūlā manunā samudāhṛtā |

kārṣāpaṇāntā sā divye niyojyā vinayet tathā ||

viṣaṃ sahastre 'pahṛte pādone ca hutāśanaḥ |

tripādone ca salilam ardhe deyo dhaṭaḥ sadā ||

catuḥśatābhiyoge ca dātavyas taptamāṣakaḥ |

triśate taṇḍulā deyāḥ kośaś caiva tadardhike ||

**[700]** śate hṛte 'pahnute ca dātavyaṃ dharmaśodhanam |

gocaurasya pradātavyaḥ sabhyaiḥ phālaḥ prayatnataḥ ||

ekā saṃkhyā nikṛṣṭānāṃ madhyānāṃ dviguṇā smṛtā |

caturguṇottamānāṃ ca kalpanīyā parīkṣakaiḥ ||

sarveṣāṃ varṇānām avyavasthāyāṃ sarvadivyakaraṇapakṣam āśritya guṇavattāratamyenaiṣā saṃkhyāvyavasthoktā veditavyā | yadā tu yathāvarṇaṃ dhaṭādīni bhavanti kartāraś ca guṇavantas tatrāha pitāmahaḥ |

sahasre tu dhaṭaṃ dadyāt sahasrārdhe tathāyasam |

ardhasyārdhe tu salilaṃ tasyārdhe tu viṣaṃ smṛtam ||

atyantottamaguṇavatpuruṣaviṣaye tu kātyāyanaḥ |

dattasyāpahnavo yatra pramāṇaṃ tatra kalpayet |

steyasāhasayor divyaṃ svalpe 'py arthe pradāpayet ||

sarvadravyapramāṇaṃ tu jñātvā hema prakalpayet |

hemapramāṇayuktaṃ tu tadā divyaṃ niyojayet ||

jñātvā saṃkhyāṃ suvarṇānāṃ śatanāśe viṣaṃ smṛtam |

aśītes tu vināśe vai dadyāc caiva hutāśanam ||

ṣaṣṭyā nāśe jalaṃ deyaṃ catvāriṃśati vai dhaṭam |

viṃśaddaśavināśe tu spṛśet putrādimastakam ||

tato vārdhavināśe tu laukikyaś ca kriyāḥ smṛtāḥ ||

suvarṇaḥ ṣōḍaśamāṣātmakaḥ | viṣṇuḥ: "sarveṣv evārthajāteṣu mūlyaṃ kanakaṃ kalpayet | tatra suvarṇārdhena kośo deyaḥ śūdrasya, tataḥ paraṃ yathārhaṃ dhaṭāgnyudakaviṣāṇām anyatamam, dviguṇe 'rthe yathābhihitā samayakriyā | vaiśyasya triguṇe 'rthe rājanyasya kośavarjam | caturguṇe 'rthe brāhmaṇasy kośaṃ dadyāt | prāgdṛṣṭadoṣaṃ svalpe svalpe 'py arthe divyānām anyatamam eva kārayet | satsu prathitaṃ saccāritraṃ na mahaty arthe 'pi" || 2.99 ||

tulāprayogavidhim āha |

**tulādhāraṇavidvadbhir abhiyuktas tulāśritaḥ |**

**pratimānasamībhūto rekhāḥ kṛtvāvatāritaḥ || 2.100 ||**

**[701]** **tvaṃ tule satyadhāmāsi purā devair vinirmitā |**

**tat satyaṃ vada kalyāṇi saṃśayān māṃ vimocaya || 2.101 ||**

**yady asmi pāpakṛn mātas tato māṃ tvam adho naya |**

**śuddhaś ced gamayordhvaṃ māṃ tulām ity abhimantrayet || 2.102 ||**

abhiyukto divyakartā tulām āśritas tulām ārūdhas tulāmānakuśalaiḥ suvarṇakārādibhiḥ pratimānena mṛdādinā samīkṛtas tulyatām āpāditas tulāśikyodyāmāḥ pratimānasamīkaraṇasamayeṣu yeṣv avayaveṣu saṃyuktā āsaṃs tatra rekhāḥ kṛtvā tulāto 'vatāritas tuletyādinā gamayordhvaṃ mām ityantena mantreṇa tulām abhimantrayet | tulābhimukho bhūtvemaṃ mantram uccārayed ity arthaḥ | pitāmahaḥ |

chittvā tu yajñiyaṃ vṛkṣaṃ yūpavan mantrapūrvakam |

praṇamya lokapālebhyas tulā kāryā manīṣibhiḥ ||

mantraḥ saumyo vānaspatyaś chedane japya eva ca ||

nāradaḥ |

khādirīṃ kārayet tatra nirvraṇāṃ śuklavarjitām |

śāṃsapīṃ tadalābhe tu sālād vā koṭarair vinā ||

evaṃvidhāni kāṣṭhāni dhaṭārthe parikalpayet |

ṛjvī dhaṭatulā kāryā khādirī taindukī tathā ||

caturaśrā tribhiḥ sthānair dhaṭakarkaṭakādibhiḥ ||

dhaṭo madhyaṃ[karkaṭakau] karkaṭakāvartau | pitāmahaḥ |

prāṅmukho niścalaḥ kāryaḥ śucau deśe dhaṭaḥ sadā |

indrasthāne sabhāyāṃ vā dharmasthāne catuṣpathe ||

udagagro 'pi bhavati, tad āha nāradaḥ |

dhārayed uttare pārśve puruṣaṃ dakṣiṇe śilām |

aucityād udagagram uttarataḥ |

sabhārājakuladvāri surāyatanacatvare ||

niśceyo niścalaḥ pūjyo gandhamālyānulepanaiḥ ||

dadhyakṣatahavirgandhakṛtādhyayanamaṅgalaḥ |

dharmo rakṣārtham āhūto lokapālair adhiṣṭhitaḥ || **[702]**

pitāmahaḥ |

tatraiva lokapālāṃs tu sarvadikṣu niveśayet |

trisaṃdhyaṃ pūjayec cainaṃ dhūpamālyānulepanaiḥ ||

lokapālāṃs tathādityān rudrāṃś caiva vasūṃs tathā |

pūjyāḥ prabhāvayuktāś ca sāṃnidhyaṃ kalpayanti te ||

viśālām ucchritāṃ śubhrāṃ dhaṭaśālāṃ tu kārayet |

yatrastho nopahanyeta śvabhiś caṇḍālavāyasaiḥ ||

kavāṭabījasaṃyuktāṃ parivārakarakṣitām |

pānīyāgnisamāyuktām aśūnyāṃ kārayen nṛpaḥ ||

dhaṭaṃ tu kārayen nityaṃ patākādhvajaśobhitam |

vāditratūryaghoṣaiś ca dhūpamālyānulepanaiḥ ||

tathā |

caturaśrā tulā kāryā dṛṣṭā ṛjvī tathaiva ca |

kaṭakāni ca deyāni triṣu sthāneṣu yatnataḥ ||

caturhastā tulā kāryā pādau copari tatsamau |

antare tu tayor hastau bhaved adhyardha eva vā ||

kaṭakāni lohavalayāni | adhyardhaḥ sārdhaḥ | vyāsaḥ |

hastadvayaṃ nikheyaṃ tu pādayor ubhayor api |

toraṇe ca tathā kārye pārśvayor ubhayor api ||

dhaṭāduccatare syāyāṃ nityaṃ daśabhir aṅgulaiḥ |

avalambau ca kartavyau toraṇābhyām adhomukhau ||

mṛnmayau sūtrasaṃbaddhau dhaṭamastakacumbakau |

śikyadvayaṃ samāsajjya pārśvayor ubhayor api ||

prāṅmukhān kalpayed antāñ śikyayor ubhayor api |

paścime tolayet kartṝn anyasmin mṛttikāṃ śubhām ||

piṭikāṃ kārayet tasminn iṣṭakāyāṃ saloṣṭakaiḥ |

parīkṣakā niyoktavyās tulāmānaviśāradāḥ ||

vaṇijo hemakārāś ca kāṃśyakārās tathaiva ca |

kāryaḥ parīkṣakair nityam avalambasamo dhaṭaḥ ||

**[703]** udakaṃ ca pradātavyaṃ dhaṭasyopari paṇḍitaiḥ |

yasmin na plavate toyaṃ sa vijñeyaḥ samo dhaṭaḥ ||

tolayitvā naraṃ pūrvaṃ paścāt tam avatārayet |

dhaṭaṃ tu kārayen nityaṃ patākādhavajaśobhitam ||

tata āvāhayed devān vidhinānena mantravit |

vāditratūryaghoṣaiś ca gandhamālyānulepanaiḥ ||

prāṅmukhaḥ prāñjalir bhūtvā prāḍvivākas tato vadet |

ehy ehi bhagavan dharma asmin divye samāviśa ||

sahito lokapālaiś ca vasvādityamarudgaṇaiḥ |

tasyārtham abhiyuktasya lekhayitvā tu patrake ||

mantreṇānena sahitaṃ kuryāt tasy śirogatam |

ādityacandrāv anilo 'nalaś ca dyaur bhūmir āpo hṛdayaṃ yamaś ca |

ahaś ca rātriś ca ubhe ca saṃdhye dharmaś ca jānāti narasya vṛttam ||

imaṃ dharmavidhiṃ kṛtsnaṃ sarvadivyeṣu yojayet |

āvāhanaṃ ca devānām athainaṃ parikalpayet ||

dhaṭaṃ tvaṃ brahmaṇā sṛṣṭaḥ parīkṣārthaṃ durātmanām |

dhakārād dharmamūrtis tvaṃ ṭakārāt kuṭilo nṛṇām ||

dhaṭo dhārayase yasmād dhaṭas tenābhidhīyate ||

viṣṇuḥ |

tvem eva dhaṭa jānīṣe na vidur yāni devatāḥ |

vyavahārābhiśato 'yaṃ mānuṣas tulyate tvayi ||

tad enaṃ saṃśayād asmād dharmatas trātum arhasi |

brahmaghnā ye smṛtā lokā ye lokāḥ kūṭasākṣiṇaḥ ||

tulādhārasya te lokās tulāṃ dhārayato mṛṣā ||

śrīnāradaḥ |

samayaiḥ parigṛhyātha punar āropayen naram |

nivāte vṛṣṭirahite śirasyāropya patrakam ||

tulito yadi vardheta śuddho bhavati dharmataḥ |

samo vā hīyamāno vā na viśuddho bhaven naraḥ ||

tulitas tolito yadi vardhetordhvaṃ gacched dharmato na tu kuhakatas tadā śuddhaḥ satyapratijño bhavati | yadi samo 'ghogāmī vā bhavati, tadānīm aviśuddho 'satyapratijñaḥ | yat tu pitāmanenoktam,

**[704]** alpapāpaḥ samo jñeyo bahupāpas tu hīyate |

dharmagauravamāhātmyād atirikto viśudhyati ||

iti, tad daṇḍaprāyaścittayor alpatvaparam | vyavahāre tu samasyāpi parājaya eva | na hi doṣālpatvena dātavyadhanasya saṃkhyālpatvaviśeṣaḥ śakyo vyavasthātum, yena vyavahāre 'pi doṣālpatvaṃ pravṛttiviśeṣakāritām upeyāt | bṛhaspatiḥ |

dhaṭe 'bhiyuktas tulito hīnaś ced dhānim āpnuyāt |

tatsamas tu punas tulyo vardhito vijayī bhavet ||

evaṃ ca sati prathamatolane paryāye samasya punas tolyamānasya yadi samataiva bhavati tadānīm aviśuddhir avadhāraṇīyā, na prathama eva paryāye | śikyādīnāṃ dṛṣṭakāraṇam antareṇa chedādau jayo 'vadhāryaḥ, tad āha nāradaḥ |

kakṣāchede tulābhaṅge dhaṭakarkaṭayos tathā |

rajjucchede 'kṣabhaṅge ca mūrchitaḥ śuddhim āpnuyāt ||

kakṣā śikyam | śikyādhārāv ayomayāv aṅkuśau karkaṭau | tulā prasiddhā | akṣaḥ stambhadvayopari sthitaṃ tulādhārabhūtaṃ kāṣṭham | tulādīnāṃ samudāyo dhaṭaḥ | yadā tu dṛṣṭād eva hetoḥ śikyacchedādi bhavati, tadā punaḥ kriyā | tad āha kātyāyanaḥ |

śikyacchede tulābhaṅge tathā cāpi guṇasya vā |

śuddhes tu saṃśaye caiva parīkṣeta punar naram ||

nāradaḥ |

tulāśirobhyām udbhrāntaṃ vicalaṃ vyastalakṣaṇam |

yadā vāyupraṇunno vā calaty ūrdhvam adho 'pi vā ||

nirmuktaḥ sahasā vāpi tadā naikataraṃ vrajet |

śikyacchede 'kṣabhaṅge vā dadyāc chuddhiṃ punar nṛpaḥ ||

ayam arthaḥ — tulāyāḥ śirobhyām antābhyām udbhrāntaṃ calitaṃ yadā bhavati, yadā ca tulāsāmyajñānārthaṃ yaj jalādilakṣaṇaṃ nyastaṃ tad vicalati, yadā ca vāyunā prerito dhaṭa ūrdhvam adho vā kampate, yadā ca tulādhārakeṇa sahasaiva dhaṭo vimucyate, tadā jayaṃ parājayaṃ vā na vadet | kiṃ tu punas tolayet | evaṃ śikyacchedādāv api | it dhaṭavidhiḥ || 2.100, 101, 102 ||

*kramaprāptam idānīm agnidivyaprayogam āha |*

**[705]** **karau vimṛditavrīhī lakṣayitvā tato nyaset |**

**sapta cāśvatthapatrāṇi tāvat sūtreṇa veṣṭayet || 2.103 ||**

upavāsādi sādhyārthalikhitaṃ dhāraṇāntaṃ kṛtvā tataḥ karau vimṛditavrīhī vimṛditā vimarditā vrīhayo yābhyāṃ tau vimṛditavrīhī lakṣayitvā tayor yat kṣatādikam upalabdhaṃ tal lakṣayed aṅkayed agnidhāraṇāt prāktanam etad iti jñapanārtham | tatas tayor añjalībhūtayor aśvatthasya sapta patrāṇi nyaset | tatas tāvadbhir eva sūtraiḥ saptabhir veṣṭayet | hārītaḥ |

prāṅmukhas tu tatas tiṣṭhet prasāritakarāṅguliḥ |

ārdravāsāḥ śuciś caiva śirasy āropya patrakam ||

pitāmahaḥ |

paścime maṇḍale tiṣṭhet prāṅmukhaḥ prāñjaliḥ śuciḥ |

lakṣayeyuḥ kṣatādīni hastayos tasya kāriṇaḥ ||

karau vimṛditavrīhī tasyādāv eva lakṣayet ||

nāradaḥ |

lakṣayet tasya cihnāni hastayor ubhayor api |

prākṛtāni ca gūḍhāni savraṇāny avraṇāni ca ||

kṛtvaivam abhiyuktasya prathamaṃ hastalakṣaṇam |

śāntyarthaṃ juhuyāt tatra ghṛtam agnau yathāvidhi ||

tathā |

hastakṣateṣu sarveṣu kuryād bindupadāni ca |

tāny eva punar ālakṣayed dhastau biduvicitritau ||

saptāśvatthasya patrāṇi tv abhiyuktasya hastayoḥ |

kṛtvā veṣṭyāni yatnena sapatbhis tatra tantubhiḥ ||

pitāmahaḥ |

sapta pippalapatrāṇi śamīpatrāṇy athākṣatān |

hastayor nikṣipet tatra tantūn sūtrasya sapta ca ||

vṛddhaḥ |

ayas taptaṃ tu pāṇibhyām arkapatrais tu saptabhiḥ |

antarhitaṃ harañ śucchas tv adagdhaḥ saptame pade || 2.103 ||

*kiṃ ca* |

**tvam agne sarvabhūtānām antaś carasi pāvaka |**

**sākṣivat puṇyapāpebhyo brūhi satyaṃ kave mama || 2.104 ||**

**[706]** **tasyety uktavato lo(lau)haṃ pañcāśatpalikaṃ samam |**

**agnivarṇaṃ nyaset piṇḍaṃ hastayor ubhayor api || 2.105 ||**

tvam agna ityādikaṃ kave mamety antaṃ mantram uktavato 'bhiyuktasya hastayor lohamayaṃ pañcāśatpalaparimāṇam agnivarṇam aśrirahitaṃ piṇḍaṃ prāḍvivāko vinyaset | samam animnonnatam | pitāmahaḥ |

tāpayitvā tataḥ paścād agnim āvāhayec chuciḥ |

tvam agne vedāś catvāras tvaṃ ca yajñeṣu hūyase ||

tvaṃ mukhaṃ sarvadevānāṃ tvaṃ mukhaṃ brahmavādinām |

udarastho 'si bhūtānāṃ tato vetsi śubhāśubham ||

pāpaṃ punāsi vai yasmāt tasmāt pāvaka ucyase |

pāpeṣu darśayātmānam arciṣmān bhava pāvaka ||

atha vā śuddhabhāveṣu śīto bhava mahābala |

āyasaṃ lelihānasya jihvayāpi samādiśet ||

tathā |

aśrihīnaṃ samaṃ kṛtvā aṣṭāṅgulam ayomayam |

piṇḍaṃ tu tāpayed agnau pañcāśatpalikaṃ samam ||

samaṃ tāpayet sarvata ity arthaḥ | nāradaḥ |

jātyaiva lohakāro yaḥ kuśalaś cāgnikarmaṇi |

dṛṣṭaprayogaś cānyatra tenāyo 'gnau tu tāpayet ||

agnivarṇam ayaḥpiṇḍaṃ sasphuliṅgaṃ suyantritam |

pañcāśatpalikaṃ bhūyaḥ kārayitvā śucir dvijaḥ ||

tṛtīyatāpe taptaṃ taṃ brūyāt satyapuraskṛtaḥ |

śṛṇvimaṃ mānavaṃ dharmaṃ lokapālair adhiṣṭhitam ||

tvam agne sarvabhūtānāṃ hṛdistho vetsi ceṣṭitam |

satyānṛte ca jihvāyās tvattaḥ samupalabhyate ||

vedādibhir idaṃ proktaṃ nānyathā kartum arhasi |

anenādāv idaṃ proktaṃ mithyā cedam asau vadet ||

sarvathā ca yathā mithyā tathāgniṃ dhārayāmy aham |

sa eṣa tvāṃ dārayati satyenānena mānavaḥ ||

satyavākyasya vākyatvaṃ śīto bhava hutāśana |

**[707]** mṛṣāvākyasya pāpasya daha hastau ca pāpinaḥ ||

amum arthaṃ ca patrastham abhiyuktaṃ yathārthataḥ |

saṃśrāvyam ūrjitasyaiva nyasya deyo yathākriyam ||

tvaṃ devānāṃ jihvety anvayaḥ | deyaḥ śapatho deya ity arthaḥ || 2.104, 105 ||

**sa tam ādāya saptaiva maṇḍalāni śanair vrajet |**

**ṣoḍaśāṅgulikaṃ jñeyaṃ maṇḍalaṃ tāvad antaram || 2.106 ||**

so 'bhiyuktas tam ayaḥpiṇḍakam agnivarṇaṃ karābhyām ādāya śanair atvaramāṇaḥ saptasu maṇḍaleṣu sapta kramān kṛtvā vrajet | maṇḍalāni ca pratyekaṃ ṣoḍaśāṅgulapramāṇāni | maṇḍalānāṃ cāntarāṇy api pratyekaṃ ṣoḍaśāṅgulāny eva | pitāmahaḥ |

agner vidhiṃ pravakṣyāmi yathāvac chāstracoditam |

kārayen maṇḍalāny aṣṭau purastān navamaṃ tathā ||

āgneyaṃ maṇḍalaṃ tv ādyaṃ dvitīyaṃ vāruṇaṃ tathā |

tṛtīyaṃ vāyudai(de)vatyaṃ caturthaṃ yamadaivatam ||

pañcamaṃ tv indradai(de)vatyaṃ ṣaṣṭhaṃ kauberam ucyate |

saptamaṃ somadai(de)vatyam aṣṭamaṃ śarvadaivatam ||

purastān navamaṃ yat tu tan mahatpārthivaṃ viduḥ |

gomayena kṛtāni syur adbhiḥ paryuṣitāni ca ||

dvātriṃśadaṅgulāny āhur maṇḍalān maṇḍalāntaram ||

atha prāksaṃsthā maṇḍalapaṅktir ārjavavatī kāryā | tatra paścimaṃ maṇḍalaṃ divyakartur avasthānārtham, tatra sthito hy agnim abhimantrya gṛhṇāti | yasmād āha sa eva |

paścime maṇḍale tiṣṭhet prākmukhaḥ prāñjaliḥ śuciḥ | iti |

navamaṃ tu maṇḍalam agnikṣepartham, yasmāt sa evāha |

tvaramāṇo na gacchet tu svastho gacchec chanaiḥ śanaiḥ|

na maṇḍalam atikrāmen nāntarā sthāpayet padam ||

aṣṭamaṃ maṇḍalaṃ gatvā navamaṃ nikṣiped budhaḥ ||

yat tu ekasmān maṇḍalād dvitīyaṃ dvātriṃśadaṅgulānīty uktaṃ tadantarālasya maṇḍalasaṃmilitasya parimāṇam it veditavyam | na tu kevalasyāntarālasya **[708]** maṇḍalasya vā | evaṃ ṣoḍaśāṅgulikam ityādivacanāvirodhaḥ | tatra yadi ṣoḍaśāṅgulaṃ maṇḍalaṃ tadantarālam api ṣoḍaśāṅgulakam eva | yadā tu kartṛpādena parimitaṃ maṇḍalaṃ tadā tadantarālaṃ saptadaśāṅgulaṃ kāryam, nānyathā sāntarālasya maṇḍalasya dvātriṃśadaṅgulatā syāt | nāradaḥ |

ataḥ paraṃ pravakṣyāmi vidhim agnes tathottaram |

dvātriṃśadaṅgulaṃ prāhur maṇḍalān maṇḍalāntaram ||

saptabhir maṇḍalair evam aṅgulānāṃ śatadvayam |

caturviṃśatsamākhyātā bhūmes tu parikalpanā ||

maṇḍalasya pramāṇaṃ tu kuryāt tatpadasaṃmitam ||

pitāmahaḥ |

maṇḍale maṇḍle deyāḥ kuśāḥ śāstrapracoditāḥ |

vinyaset tu padaṃ kartā teṣu nityam iti sthitiḥ ||

nāradaḥ |

sthitvaikasmiṃs tato 'nyāni vrajet sapta tv ajihmagaḥ |

asaṃbhrāntaḥ sa tair gacched akruddhaḥ so 'nalaṃ prati ||

na prāpayet tam aprāpya yā bhūmiḥ parikalpitā || 2.106 ||

**muktvāgniṃ mṛditavrīhir adagdhaḥ śuddhim āpnuyāt |**

**antarā patite piṇḍe saṃdehe vā punar haret || 2.107 ||**

sapta maṇḍalāni gatvāgniṃ vimucya karābhyāṃ vimarditavrīhir adagdhahastaḥ śuddho 'nyathā tv aśuddhaḥ | yadi punar madhya evāyaḥpiṇḍaḥ patati kāraṇāntarād vā saṃdehe jāte punas taṃ haret | pitāmahaḥ |

tatas tadvat tayoḥ prāsyed vrīhīn vā yadi vā yavān |

nirviśaṅkena teṣāṃ tu hastābhyāṃ mardane kṛte ||

nirvikāre dinasyānte śuddhiṃ tasya vinirdiśet ||

nāradaḥ |

tasyaivaṃ muktapiṇḍasya kuryāt karanirīkṣaṇam |

pūrvadṛṣṭeṣu cihneṣu tato 'nyatrāpi lakṣayet ||

maṇḍalaṃ raktasaṃkāśaṃ yatrānyad vāgnisaṃbhavam |

so 'viśuddhas tu vijñeyo 'satyadharmavyavasthitaḥ ||

yadā tu na vibhāvyena dagdhāv iti karau tadā |

vrīhīn atiprayatnena saptavāraṃ tu mardayet ||

**[709]** marditair eva no dagdhaḥ sabhyair eva viniścitaḥ |

mocyaḥ śuddhaḥ sa saṃskṛtya dagdho daṇḍyo yathākramam ||

nāradaḥ |

yas tv antarā pātayati dagdhaś ca na vibhāvyate |

punas taṃ hārayed agniṃ sthitir eṣā dṛḍīkṛtā ||

kātyāyanaḥ |

praskhalaty abhiyuktaś cet sthānād anyatra dahyate |

na dagdhaṃ taṃ vidur devās tasya bhūyo 'pi dāpayet ||

dāhasya sthānaṃ hastau, tato 'nyatrāvayave dagdhasya punar dāpayed ity arthaḥ | ity agnidivyavidhiḥ || 2.107 ||

*atha jalaparīkṣāprayogam āha* |

**satyena mābhirakṣasva varuṇety abhiśāsya kam |**

**nābhidaghnodakasthasya gṛhītvorū jalaṃ viśet || 2.108 ||**

**samakālam iṣuṃ suktam ānayed yo javī naraḥ |**

**gate tasmin nimagnāṅgaṃ paśyec cec chuddim āpnuyāt || 2.109 ||**

satyena mābhirakṣasva varuṇeti mantreṇa kaṃ jalam abhimantrayet | asminn eva kāle jalapradeśād vimuktaḥ śaro yatra nipatati tatra balavantaṃ puruṣaṃ sthāpayet | tato nābhimātre jale 'vasthitasya puruṣasyorū gṛhītvā śuddhimāko nimajjet | asminn eva kāle 'tikuśalena dhanvinā vimukta iṣur yatr deśe nipatitaḥ, taṃ deśaṃ yo 'tivegavān puruṣaḥ sa vegena gacchet | tatas tatra deśe yaḥ prāg avasthitaḥ, taṃ śaraṃ gṛhītvā nipātavegenāgatya yadi nimagnaḥ sarvāṅgaṃ śodhyaṃ paśyet, tato nimagnaḥ śuddhim āpnuyāt | aśuddhim anyathā | pitāmahaḥ |

toyasyātaḥ pravakṣyāmi vidhiṃ dharmyaṃ sanātanam |

maṇḍalaṃ puṣpadhūpābhyāṃ kārayeta vicakṣaṇaḥ ||

śarān saṃpūjayed bhaktyā vaiṇavaṃ ca dhanus tathā |

maṇḍayet puṣpadhūpaiś ca tataḥ karma samācaret ||

kātyāyanaḥ |

śarāṃs tu nāyasair agraiḥ prakurvīta viśuddhaye |

veṇukāṇḍamayāṃś caiva kṣeptā ca sudṛḍhaḥ(ḍhaṃ) kṣipet ||

pitāmahaḥ |

kṣeptā tu kṣatriyaḥ kāryas tadvṛttir brāhmaṇo 'pi vā |

akrūrahṛdayaḥ śāntaḥ sopavāsaḥ śarān kṣipet ||

**[710]** iṣūṃś ca prakṣiped vidvān mārute vāti vā bhṛśam |

viṣame bhūpradeśe ca vṛkṣasthāṇusamākule ||

nāradaḥ |

krūraṃ dhanuḥ saptaśataṃ madhyamaṃ ṣaṭśataṃ smṛtam |

mandaṃ pañcaśataṃ jñeyam eṣa jñeyo dhanur vidhiḥ ||

saptādhikaṃ śataṃ saptaśatam | evaṃ ṣaṭśatam, pañcaśatam | aṅgulasaṃkhyā caiṣā | pitāmahaḥ |

madhyamena ca cāpena prakṣipec ca śaratrayam |

hastānāṃ tu śate sārdhe lakṣyaṃ kṛtvā vicakṣaṇaḥ ||

teṣāṃ ca preṣitānāṃ tu śarāṇāṃ śāstracodanāt |

madhyamas tu śaro grāhyaḥ puruṣeṇa balīyasā ||

śarāṇāṃ patanaṃ grāhyaṃ sarpaṇaṃ parivarjayet |

sarpan sarpan sadā yāti dūrād dūrataraṃ tu saḥ ||

nāradaḥ |

nātikrūreṇa dhanuṣā kṣepayitvā śaratrayam |

pānīyamajjanaṃ kāryaṃ śaṅkā yatra na jāyate ||

uśanā |

śarāṇāṃ preṣitānāṃ syāt samagrāṅganimajjanam |

kātyāyanaḥ |

kṣipte tu majjanaṃ kāryaṃ gamanaṃ samakālikam |

gamane tv āgame(maḥ?) kāryaḥ pumān anyo jale viśet ||

pitāmahaḥ |

sthire toye nimajjet tu na grāhiṇī na cālpake |

tṛṇaśaivālarahite jalaukomatsyavarjite ||

devakhāteṣu yat toyaṃ tasmin kuryād viśodhanam |

āhāryaṃ varjayen nityaṃ śīghravegaṃ nadīṣu ca ||

nadīṣu nātivegāsu taḍāgeṣu saraḥsu ca |

hradeṣu sthiratoyeṣu kuryāt puṃsāṃ nimajjanam ||

pitāmahaḥ |

sthāpayet puruṣaṃ toye stambhavat prathamaṃ dṛḍham |

āśritya taṃ majjayeyuḥ puruṣāḥ śuddhikāṅkṣiṇaḥ ||

nāradaḥ |

brāhmaṇaḥ kṣatriyo vaiśyo rāgadveṣavivarjitaḥ |

nābhimātre jale sthāpyaḥ puruṣaḥ stambhavad balī ||

tasyorū pratisaṃgṛhya nimajjed abhiśāpavān |

śaraprakṣepaṇasthānād yuvā javasamanvitaḥ ||

**[711]** gacchet paramayā śaktyā yatrāsau madhyamaḥ śaraḥ |

madhyamaṃ śaram ādāya puruṣo 'nyas tathāvidhaḥ ||

pratyāgacchet tu vegena yataḥ sa puruṣo gataḥ |

āgatas tu śaragrāhī na paśyati yadā jale ||

antarjalagataṃ samyak tadā śuddhaṃ vinirdiśet ||

bṛhaspatiḥ |

ānīte madhyame bāṇe magnāṅgaḥ śucitām iyāt ||

nāradaḥ |

anyathā na viśuddhiḥ syād ekāṅgasyāpi darśane |

sthānād vānyatra gamanād yasmin pūrvaṃ niveśitaḥ ||

kātyāyanaḥ |

śiromātraṃ tu dṛśyeta na karṇau nāpi nāsikā |

apsu praveśane yasya śuddhaṃ tam api nirdiśet |

nimajyotplavate yas tu dṛṣṭaś cet prāṇinā naraḥ |

punas tatra nimajjet sa deśacihnavibhāvitaḥ ||

iti jaladivyavidhiḥ || 2.108, 109 ||

*atha viṣadivyaprayogam āha* |

**tvaṃ viṣa brahmaṇaḥ putraḥ satye dharme vyavasthitaḥ |**

**trāyasvāsmād abhīśāpāt satyena bhava me 'mṛtam || 2.110 ||**

**evam uktvā viṣaṃ śārṅgaṃ bhakṣayed dhimasailajam |**

**yasya vegair vinā jīrṇaṃ tasya śuddhiṃ vinirdiśet || 2.111 ||**

sarvadivyasādhāraṇe sādhye 'rthe lekhyadhāraṇaparyante dharmajāte kṛte vakṣyamāṇaprāḍvivākamantre prayukte vakṣyamāṇena vābhiśastaprayojyamantreṇa viṣe 'bhimantrite "svaṃ viṣa brahmaṇa putraḥ" ity anena mantreṇa viṣaṃ śārṅgaṃ himavaty utpannaṃ saptayavaparimāṇam abhiśasto bhakṣayet | yasya tad bhakṣitaṃ vegair vinā jīrṇaṃ bhavati pariṇāmaṃ yāti sa śuddhaḥ, viparīto 'śuddhaḥ | tvagasṛṅmāṃsamedo'sthimajjāśukrāṇi dhātavaḥ | eteṣv ekasmin dhātau vartamānasya viṣasya śīghraṃ dhātvantaraprāptiḥ | tatra tvaci vartamānaṃ viṣaṃ romāñcanaṃ janayati, tad eva lohitaṃ prāpya svedaṃ vaktraśoṣaṃ ca, māṃsaṃ prāpya vaivarṇyam, medaḥ prāpya kampaṃ, tad evāsthigataṃ netrapāravaśyam, majjāgataṃ tu viṣādaṃ moham, tad eva śukragataṃ maraṇaṃ janayati | **[712]** nāradaḥ |

ataḥ paraṃ pravakṣyāmi viṣasya vidhim uttamam |

yasmin kāle yadā deyaṃ yādṛśaṃ ca prakīrtitam ||

yavamātrā maduddiṣṭā dharmatattvārthavedibhiḥ |

tulayitvecchataḥ kāle deyam etad dhimāgame ||

nāparāhṇe na madhyāhne na saṃdhyāyāṃ ca dharmavit |

śaradgrīṣmavasanteṣu varṣāsu ca vivarjayet ||

bhagnaṃ ca dhāritaṃ caiva dhūpitaṃ miśritaṃ tathā |

kālakūṭam alābuṃ ca viṣaṃ yatnena varjayet ||

varṣāsu ṣaḍyavā mātrā grīṣme pañca yavāḥ smṛtāḥ |

hemante ca yavāḥ sapta śarady alpās tato 'pi hi ||

pitāmahaḥ |

vārijāny atiśīrṇāni kṛtrimāṇi tathaiva ca |

bhūmijāni ca sarvāṇi viṣāṇi parivarjayet ||

oṣadhīr mantrayogāṃś ca maṇīn atha viṣāpahān |

kartuḥ śarīrasaṃsthāṃś ca gūḍhān anyān parīkṣayet ||

kātyāyanaḥ |

ajāśṛṅganibhaṃ śyāmaṃ supīnaṃ śṛṅgasaṃbhavam |

bhaṅge ca śṛṅgaver ābhaṃ khyātaṃ tacchṛṅgiṇāṃ viṣam ||

raktaṃ tad asitaṃ kuryāt kaṭhinaṃ caiva tatkṣaṇāt |

anena vidhinā jñeyaṃ viṣaṃ divyaviśāradaiḥ ||

vatsanābhanibhaṃ pītaṃ varṇajñānena viścayaḥ |

śuktiśaṅkhākṛtir bhaṅge vidyāt tadvat sanābhakam ||

madhukṣīrasamāyuktaṃ svacchaṃ kurvīta tatkṣaṇāt |

bāhyam evaṃ samākhyātaṃ lakṣaṇaṃ dharmasādhakaiḥ ||

raktam asṛk tad yena saṃsṛṣṭaṃ kṛṣṇaṃ kaṭhinaṃ ca tatkṣaṇād bhavati tacchṛṅgiviṣaṃ jñeyam ity arthaḥ | pitāmahaḥ |

yavāḥ sapta pradātavyāḥ śuddhihetor asaṃśayam |

śṛṅgiṇo vatsanābhasya himajasya viṣasya vā ||

kātyāyanaḥ |

pūrvāhṇe śītale deśe viṣaṃ dadyāt tu dehinām |

ghṛtena yojitaṃ ślakṣṇaṃ piṣṭaṃ triṃśadguṇena tu ||

triṃśadguṇena ghṛtenety anvayaḥ | **[713]** nāradaḥ |

dadyād dhi sopavāsāya devabrāhmaṇasaṃnidhau |

dhūpopahāramantraiś ca pūjayitvā maherśvaram ||

dvijānāṃ saṃnidhāne ca dakṣiṇābhimukhe sthite |

udaṅmukhaḥ prāṅmukho vā dadyād vipraḥ samāhitaḥ ||

kātyāyanaḥ |

viṣasya palaṣaḍbhāgād bhāgo viṃśatim astu yaḥ |

tam aṣṭabhāgahīnaṃ tu śodhye deyaṃ ghṛtāplutam ||

pitāmahaḥ |

dīyamānaṃ kare kṛtvā viṣaṃ tu pariśāpayet |

viṣa tvaṃ brahmaṇā sṛṣṭaṃ parīkṣārthaṃ durātmanām ||

pāpeṣu darśayātmānaṃ śuddhānām amṛtaṃ bhava ||

viṣṇuḥ |

viṣatvād viṣamatvāc ca krūras tvaṃ sarvadehinām |

tvam eva viṣa jānīṣe na vidur yāni mānavāḥ ||

vyavahārābhiśasto 'yaṃ mānuṣaḥ siddhim icchati |

tad enaṃ saṃśayād asmād dharmatas trātum arhasi ||

ayaṃ ca mantraḥ prāḍvivākena sāmarthād vācyaḥ | pitāmahaḥ |

bhakṣīte yadi sa svastho mūrchāchardivivarjitaḥ |

nirvikāro dinasyānte śuddhaṃ tam iti nirdiśet ||

nāradaḥ |

chāyāniveśito rakṣyo dinaśeṣam abhojanaḥ |

viṣavegaklamāpetaḥ śuddho 'sau manur abravīt ||

bṛhaspatiḥ |

vidhidattaṃ viṣaṃ yena jīrṇaṃ mantrauṣadhaṃ vinā |

sa śuddhaḥ syād anyathā tu daṇḍyo dāpyaś ca tad dhanam ||

pitāmahaḥ |

trirātraṃ pañcarātraṃ vā puruṣaiḥ svair adhiṣṭhitam |

kuhikāśaṅkayā rājā dārayed divyadhāraṇam ||

iti viṣadivyavidhiḥ || 2.110, 111 ||

*atha kośavidhim āha* |

**devān ugrān samabhyarcya tatsnānodakam āharet |**

**saṃśrāvya pāyayet tasmāj jalāt tu prasṛtitrayam || 2.112 ||**

sarvadivyasādhāraṇe dharmavarge kṛta ugrān ādityādidevān samyag gandhapuṣpādinābhyarcya tatsnānodakam āhṛtya tasmāj jalāt satyena mābhirakṣasva varuṇety abhimantritāt prasṛtitrayaṃ divyakartāraṃ pāyayet | prāḍvivāka iti śeṣaḥ | **[714]** pitāmahaḥ |

bhakto yo yasya devasya pāyayet tasya taṃ naram |

samabhāve tu devānām ādityasya tu pāyayet ||

bṛhaspatiḥ |

yadbhaktaḥ so 'bhiyuktaḥ syāt tad evāyudhamaṇḍalam |

prakṣālya pāyayet tasmāj jalāt tu prasṛtitrayam ||

nāradaḥ |

pūrvāhṇe sopavāsasya snātasyārdrapaṭasya ca |

saśūkasyāvyasaninaḥ kośapānaṃ vidhīyate ||

icchataḥ śraddadhānasya devabrāhmaṇasaṃnidhau |

yadbhaktaḥ so 'bhiyuktaḥ syāt taddai(de)vatyaṃ pradāpayet ||

saśūka āstikaḥ | kātyāyanaḥ |

svalpe 'parādhe devānāṃ snāpayitvāyudhodakam |

pāyyo vikāre cāśuddho niyamyaḥ śucir anyathā ||

pāyyaḥ pāyayitavyaḥ | kośam iti śeṣaḥ | vikāro 'niṣṭam | niyamyo daṇḍyaḥ | pitāmahaḥ |

durgāyāḥ pāyayec caurān ye ca śastropajīvinaḥ |

bhāskarasya tu yat toyaṃ brāhmaṇaṃ tat tu pāyayet ||

durgāyāḥ snāpayec chūlam ādityasya ca maṇḍalam |

itareṣāṃ tu devānāṃ snāpayitvāyudhāni ca ||

madyapastrīvyasanināṃ kitavānāṃ tathaiva ca |

kośaḥ prājñair na dātavyo ye ca nāstikavṛttayaḥ ||

nāradaḥ |

mahāparādhe nirdharme kitave klībakutsite |

nāstikavrātyadāseṣu kośapānaṃ vivarjayet ||

tam āhūyābhiśastaṃ tu maṇḍalābhyantare sthitam |

ādityābhimukhaṃ kṛtvā pāyayet prasṛtitrayam || 2.112 ||

*jayaparājayāvadhāraṇakāraṇam āha |*

**arvāk caturdaśād ahno yasya no rājadaivikam |**

**vyasanaṃ jāyate ghoraṃ sa śuddhaḥ syān na saṃśayaḥ || 2.113 ||**

kośapānadinaprabhṛti caturdaś dināni yasya rājadaivakṛtaṃ ghoraṃ tīvraṃ vyasanaṃ duḥkhakāraṇaṃ na jāyate sa śuddha eveti veditavyam | taduttarakāle tu vyasanodaye 'py aśuddhir nāśaṅkanīyā | **[715]** nāradaḥ |

ūrdhvaṃ yasya dvisaptāhād vaikṛtaṃ tu mahad bhavet |

nābhiyojyaḥ sa viduṣā kṛtakālavyatikramāt ||

viṣṇuḥ |

yasya paśyed dvisaptāhāt trisaptāhād athāpi vā |

rogo 'gnir jñātimaraṇaṃ rājadaṇḍam athāpi vā ||

tam aśuddhaṃ vijānīyāt tathā śuddhaṃ viparyaye ||

pitāmahaḥ |

trirātrāt saptarātrād vā dvisaptāhād athāpi vā |

vaikṛtaṃ yasya dṛśyeta pāpakṛt sa tu mānavaḥ ||

tasyaikasya na sarvasya janasya yadi tad bhavet |

rogo 'gnir jñātimaraṇaṃ saiva tasya vibhāvanā ||

kātyāyanaḥ |

atha daivavisaṃvādas trisaptāhāt tu dāpayet |

abhiyuktaṃ tu yatnena tam arthaṃ daṇḍam eva ca ||

atra dinasaṃkhyālpatvamahattve abhiyogaviṣayasyālpatvamahattvānusāreṇa veditavye | tatrātyantmahābhiyoge trisaptāho mahābhiyogamātre tu caturdaśāha ityādi kalpyam |

iti kośavidhiḥ |

pitāmahaḥ |

taṇḍulānāṃ pravakṣyāmi vidhiṃ bhakṣaṇavarjane |

caurye tu taṇḍulā jñeyā nānyasminn iti niścayaḥ ||

taṇḍulān kārayec chuklāñ śāler nānyasya kasyacit |

mṛnmaye bhājane kuryād ādityasyāgrataḥ śuciḥ ||

snānodakena saṃmiśrān rātrau tatraiva vāsayet |

prabhāte kāriṇo deyā ādityābhimukhasya ca ||

kāraṇaḥ śapathakāriṇaḥ | ādityasyābhimukhasya prāṅmukhasyety arthaḥ |

taṇḍulān bhakṣayitvā tu patre niṣṭhīvayet tadā |

bhūrjasyaiva tu nānyasya alābhe pippalasya tu ||

śoṇitaṃ dṛśyate yatra hanus tāluś ca śīryate |

gātraṃ ca kampate yasya tam aśuddhaṃ vinirdiśet ||

saraktās taṇḍulā yasya yatra na syuḥ sucarvitāḥ |

vikṛtaṃ ṣṭhīvanaṃ yasya tam aśuddhaṃ vinirdiśet ||

upajihvātālupātī mukharogī tathaiva ca |

na teṣāṃ taṇḍulā deyāḥ śaṅkayā śoṇitasya ca || **[716]**

sarvadivyasādhāraṇaṃ dharmajātam ihāpi kartavyam | tathā |

taptamāṣasya vakṣyāmi vidhim uddharaṇe śubham |

kārayed āyasaṃ pātraṃ tāmraṃ vātha hiraṇmayam ||

caturaṅgulam utsedhaṃ mṛnmayaṃ vāpi vartulam |

pūrayed ghṛtatailābhyāṃ palair viṃśatibhis tu tat ||

suvarṇamāṣakaṃ tasmin sutapte nikṣipet tataḥ |

aṅguṣṭhāṅguliyogena coddharet taptamāṣakam ||

karāgraṃ yo na dhunuyād visphoṭo vā na jāyate |

śuddho bhavati dharmeṇa nirvikārakarāṅguliḥ ||

atha pālavidhiḥ | tatra bṛhaspatiḥ |

āyasaṃ dvādaśapalaṃ ghaṭitaṃ phālam ucyate |

adagdhaś cec chuddhim iyād anyathā tv apahīyate ||

atha dharmavidhiḥ |

patradvaye lekhanīyau dharmādharmau sitāsitau |

jīvadānādibhir mantrair gāyatryādyaiś ca sāmabhiḥ ||

āmantrya pūjayed gandhaiḥ kusumaiś ca sitāsitaiḥ |

abhyukṣya pañcagavyena mṛtpiṇḍāntaritau tataḥ ||

samau kṛtvā tu tau kumbhe sthāpyau cānupalakṣitau |

tataḥ kumbhāt piṇḍam ekaṃ pragṛhṇītāvilambitaḥ ||

dharme gṛhīte śuddhaḥ syāt sa pūjyaś ca parīkṣakaiḥ || 2.113 ||

**[iti śrīvidyādharavaṃśaprabhavaśrīśilāhāranarendrajīmūtavāhanānvayaprasūta-**

**śrīmadaparādityadevaviracite yājñavalkyadharmāstranibandhe 'parārke**

**divyaprakaraṇam || 7 ||**

**atha saṭīkayājñavalkyasmṛtau**

**dāyavibhāgaprakaraṇam | (8)**

**[717]**

*uktam ṛṇādānākhyaṃ nikṣepākhyaṃ ca vyavahārapadam, tadaṅgatayā ca pramāṇāny api mānuṣāṇi divyāni ca | athedānīṃ vibhāgākhyaṃ vyavahārapadam ārambhate |*

**vibhāgaṃ cet pitā kuryād icchayā vibhajet sutān |**

**jyeṣṭhaṃ vā śreṣṭhabhāgena sarve vā syuḥ samāṃśinaḥ || 2.114 ||**

pitrādidhanasya putrādīn uddiśya vivicya bhāgakaraṇaṃ vibhāgaḥ | tatra pitṛdhanaṃ pitā vibhajed ity utsargaḥ | hetuviśeṣe tu putrā api vibhajante, tad upariṣṭād vakṣyate | tatra yadi pitā vibhajet tadicchayā nyūnādhikavibhāgaviṣayān sutān uddiśya dhanaṃ vibhajet | asmaddhanasyāyam aṃśas tavāyam aṃśas taveti vyavasthāpayed iti yāvat | śaṅkhaḥ: "yady ekaputraḥ syāt tadā dvau bhāgau vātmanaḥ kuryāt" | nanv icchayeti na vaktavyam, vibhāgakartṛtvād eva tatprāpteḥ | na hi cetano 'nicchan kriyāsu svatanto bhavati, svatantra eva kartocyate | satyam | vibhāgakartṛtvād eva vibhāgaviṣayecchā prāptā | ata evāsāv icchayā vibhajed ity anena [na] vidhīyate kiṃ tv anyaiva | tasyāś ca kasyacit putrasya nyūno dhanāṃśaḥ kasyacid adhika ity evaṃ viṣamo bhāgo viṣayaḥ | tataś cecchayā nyūnādhikavibhāgaiḥ sutān vibhajed ity arthaḥ | yady api vibhajed ity asmād vibhāga eva pratīyate, na vaiṣamyaviśiṣṭas tathāpi,

jyeṣṭhasya viṃśa uddhāraḥ sarvadravyāc ca yad varam |

tato 'rthaṃ madhyamasya syāt turīyaṃ tu yavīyasaḥ ||

ityādibhir uddhāraśāstrair yāvanta uddhāraprakārā vihitās te sarve 'tropalakṣitā bhavanti | tataś ca pāriśeṣyād vibhāgakartur icchayā vibhāgavaiṣamyam "icchyayā vibhajet sutān" ity atra vidhīyata ity siddham | atra nāradaḥ |

pitraiva tu vibhaktā ya samanyūnādhikair dhanaiḥ |

teṣāṃ sa eva dharmaḥ syāt sarvasya hi pitā prabhuḥ || iti |

na caitad uddhāravākārthaviṣayam iti vācyam, pitā prabhur iti vacanāt | na hy uddhāre pituḥ prabhutvaṃ kiṃ tu śāstrasya | bṛhaspatiḥ |

samanyūnādhikā bhāgāḥ pitrā yeṣāṃ prakalpitāḥ |

tathaiva te pālanīyā vinayās te syur anyathā ||

atha cecchayā vibhajet sutān ity anena vibhāgakartṛtayāiva pitur icchayā vibhāgaprayojakatvaṃ prāptam ucyata iti vākyārthānarthakyaprasaṅgaparihārārthaṃ putrecchā vibhāgaṃ na prayuṅkta iti parisaṃkhyāyata ity āśrīyate | tathā ca manuḥ |

**[718]** ūrdhvaṃ pituś ca mātuś ca sametya bhrātaraḥ samam |

bhajeran paitṛkaṃ riktham anīśās te hi jīvatoḥ ||

devalaḥ |

pitary uparate putrā vibhajeran pitur dhanam |

asvāmyaṃ hi bhaved eṣāṃ nirdoṣe pitari sthite ||

asvāmyam asvātantryam | śaṅkhalikhitau: "ata ūrdhvaṃ rikthavibhāgaḥ | na jīvati pitari putrā rikthaṃ vibhajeran | yady api syāt paścād adhigatam etair anarhā eva putrā arthadharmayor asvātantryāt" | nāradaḥ |

vibhāgo 'rthasya pitryasya putrair yatra prakalpyate |

dāyabhāga iti proktaṃ tad vivādapadaṃ budhaiḥ ||

atra ca pitryasya putrair iti ca pradarśanārtham | "vibhāgaṃ ced pitā kuryāt" iti pituḥ svārjitadhanaviṣayam | tat pitrādyarjitadhanaviṣaye tu samam eva pitāputrayor vibhāgakartṛtvam | ata evāha viṣṇuḥ: "pitā cet putrān vibhajet tasya svecchā svayam upārjite 'rthe pitrarjite 'pi dhane kadācit putrā eva vibhāgakartāro bhavanti" | ata eva nāradaḥ,

ata ūrdhvaṃ pituḥ putrā vibhajeran dhanaṃ samam |

samam iti pitror ūrdhvaṃ vibhāgakartṛtvaṃ putrāṇāṃ pratipādya,

mātur nivṛtte rajasi prattāsu bhaginīṣu ca |

nivṛtte cāpi ramaṇe pitary uparataspṛhe ||

ity uktavān | putrāḥ samaṃ dhanaṃ vibhajeyur ity anuṣajjate | śaṅkhaḥ: "akāme pitari rikthavibhāgo vṛddho viparītacetasi dīrgharogiṇi vā" | nāradaḥ |

vyādhitaḥ kupitaś caiva viṣayāsaktamānasaḥ |

anyathāśāstrakārī ca na vibhāge pitā prabhuḥ ||

anyathāśāstrakārī vidhiniṣedhātikramakārī | pitrarjite 'pi dhane putrāṇāṃ vibhāge svātantryaṃ pitur akāmatvādau nimitte bhavati | mātari tv amriyamāṇāyām asvatantrā eva putrāḥ | yad āha śaṅkhaḥ: "jyeṣṭha eva pitṛvad arthān pālayed itareṣāṃ tu rikthamūlam eva kuṭumbam asvatantrāḥ pitṛmanto mātary evam avisthitāyām" | **[719]** mātuḥ kuṭumbabharaṇasāmarthye saty etat | jyeṣṭhasya yad anujaiḥ sahāvibhaktadhanatvam ucyate, tat teṣāṃ madhye kaiścid adhyetavye vede sati draṣṭavyam | adhītavedeṣv adhigatavedārtheṣu cāgnihotrādyanuṣṭhānasamartheṣu ca vibhāga eva śreyān | yad āha manuḥ |

evaṃ sha vaseyur vā pṛthag vā dharmakāṅkṣayā |

pṛthag vivardhate dharmas tasmād dharmyāḥ pṛthakkriyāḥ ||

vyāsaḥ |

bhrātṝṇāṃ jīvatoḥ pitroḥ sahavāso vidhīyate |

tadabhāve vibhaktānāṃ dharmas teṣāṃ vivardhate ||

yadā tv apragalbhatayā jyeṣṭhena saha vibhaktadhanāḥ kanīyāṃso bhavanti, tadā teṣām āvaśyakaṃ vaiśvadevādy api na vibhajyate | tad āha bṛhaspatiḥ |

ekapākena vasatāṃ pitṛdevadvijārcanam |

ekaṃ bhaved vibhaktānāṃ tad eva syād gṛhe gṛhe ||

ukte pitṛkartṛke vibhāge putrāṇāṃ viṣayo 'pi vibhāgo bhavatīti tasya viśeṣāpavādam āha manuḥ |

bhrātṝṇām vibhaktānāṃ yady utthānaṃ bhavet saha |

na tatra bhāgaṃ viṣamaṃ pitā dadyāt kathaṃcana || 2.114 ||

*kiṃ ca* |

**yadi kuryāt samān aṃśān patnyaḥ kāryāḥ samāṃśikāḥ |**

**na dattaṃ strīdhanaṃ yāsāṃ bhartrā vā śvaśureṇa vā || 2.115 ||**

yadi pitā putrāṇāṃ kṛte samaṃ dhanavibhāgaṃ kuryāt tadā yābhyaḥ strībhyḥ strīdhanaṃ bhartrā vā śvaśureṇa pitrā vā na dattaṃ tāḥ svapatnyaḥ putrasamāṃśāḥ kāryāḥ | ekasya putrasya yāvān aṃśas tāvadaṃśam ekaikāṃ patnīṃ kuryād ity arthaḥ || 2.115 ||

*vibhāgavaiṣamye kāraṇāntaram āha* |

**śaktasyānīhamānasya kiṃcid datvā pṛthakkriyā |**

yaḥ putro dhanārjanasamarthatayā pitṛdhanaṃ necchati, yo vā dhanārjanasamartho 'pi śaṭhatayā dhanasyārjanarakṣaṇānukūlāṃ ceṣṭāṃ na kurute, tasmai kiṃcid asāram alpakaṃ dhanaṃ datvā pitrā pṛthakkriyā kāryā | anyathā tena tatsaṃtatyā vā **[720]** vivādaḥ syāt | putraiḥ saṃbhūyārjite dhana etat | pitrādidhane tu samam aṃśaṃ labhata eva | manuḥ |

bhrātṝṇāṃ yas tu neheta dhanaṃ śaktaḥ svakarmaṇā |

sa vibhājyaḥ svakād aṃśāt kiṃcid datvopajīvanam ||

svakād aṃśād bhrātṛbhiḥ svayam arjitād ity arthaḥ | prasaṅgād anyad ucyate | atra nāradaḥ |

kuṭumbārtheṣu ced yuktas tat kāryaṃ kurute ca yaḥ |

sa bhrātṛbhir bṛṃhaṇīyo grāsāc chādanavāhanaiḥ ||

āpastambaḥ: "sarve hi dharmasaṃyuktā bhāgino yas tv adharmeṇa dravyāṇi pratipādayati jyeṣṭho 'pi tam abhāgaṃ kurvīta" | adharmeṇa dyūtādinā dravyāṇi suvarṇagovastrādīni pratipādayati vināśayati anyatra nayati vā | gautamaḥ: "savarṇāputro 'py anyāyavṛtto na labhetety ekeṣām" | manuḥ |

sarva eva vikarmasthā nāharhanti bhrātaro dhanam |

śaṅkhalikhitau: "apapātritasya rikthapiṇḍodakāni nivartante" | patitatvāj jñātibhir bahiṣkṛto 'papātritaḥ | rikthaṃ pitṛdhanam | putrasthānīyasya jñātidhanam api ||

*ukto viṣamavibhāgaḥ sa dharmatvād anatikramaṇīya ity āha* |

**nyūnādhikavibhaktānāṃ dharmaḥ pitṛkṛtaḥ smṛtaḥ || 2.116 ||**

putrair vārjitadhanasya nyūnādhikāṃśadānena putrāṇāṃ vibhaktadhanānāṃ sa eva dharmo yaḥ pitrā kṛto 'to 'sau nātikramaṇīyaḥ | bṛhaspatiḥ |

samanyūnādhikā bhāgāḥ pitrā yeṣāṃ prakalpitāḥ |

tathaiva te pālanīyā vineyās te syur anyathā || 2.116 ||

*adhunā kartṛkarmakālaprakārair viśiṣṭaṃ vibhāgāntaram āha* |

**vibhajeran sutāḥ pitror ūrdhvaṃ riktham ṛṇaṃ samam |**

**mātur duhitaraḥ śeṣam ṛṇāt tābhya ṛte 'nvayaḥ || 2.117 ||**

mātāpitror maraṇād ūrdhvaṃ tayor eva riktham ṛṇaṃ ca putrāḥ samaṃ yāvanto bhrātaras tāvato bhāgān pratyekam anyūnādhikān ṛṇasya dhanasya ca kṛtvā bhajeran | tataś ca **[721]** yo yāvantaṃ dhanasya vibhāgaṃ bhajate tāvantam ṛṇasyāpi bhajate | evaṃ ca sati yas catustridvyekabhāgāḥ syur iti tathā yena caiṣāṃ svayam utpāditaṃ syād ityādiṣu viṣamavibhāgavidhiṣu ṛṇasyāpi dhanānusāreṇa vibhāgavidhir avaseyaḥ | mātus tu dhanam ṛṇāpākaraṇe kṛte yad avaśiṣṭaṃ tat tasyā duhitaro vibhajetaṃs tābhya ṛte duhitṝṇām abhāve tadanvayo duhitranvayaḥ | duhitṝṇāṃ tadanvayasya vā(cā)bhāve putrā eva mātṛdhanaṃ vibhajeran | tad āha kātyāyanaḥ |

duhitṝṇām abhāve tu rikthaṃ putreṣu tad bhavet |

bandhudattaṃ tu bandhūnām abhāve bhartṛgāmi tat ||

bhaginyo bāndhavaiḥ sārdhaṃ vibhajeran sabhartṛkāḥ |

strīdhanasyeti dharmo 'yaṃ vibhāgas tu prakalpitaḥ || iti |

manuḥ |

jananyāṃ samsthitāyāṃ tu samaṃ sarve sahodarāḥ |

bhajeran mātṛkaṃ rikthaṃ bhaginyaś ca sanābhayaḥ || iti |

atra caśabdo vikalpārtho na samuccayārthaḥ | vikalpe ca duhitaraḥ kumāryaḥ pūrvam adhikriyante | yad āha manur eva |

mātus tu yautakaṃ yat syāt kumārībhāga eva saḥ | iti |

gautamas tu (tva)prattānām api duhitṝṇām apratiṣṭhitānāṃ mātṛdhanagrāhitvam āha: "strīdhanaṃ duhitṝṇām aprattānām apratiṣthitānāṃ ca" iti | apratiṣṭhitānapatyā nirdhanā durbhagā vā | bṛhaspatiḥ |

strīdhanaṃ syād apatyānāṃ duhitā ca tadaṃśinī |

aprattā cet samūḍhā tu labhate mānamātrakam ||

yautakaṃ pṛthagdhanam | mānamātrakaṃ svalpam ity arthaḥ | vasiṣṭhaḥ: "mātuḥ parīṇāhyaṃ striyo vibhajeran" | parīṇāhyam alakārādi | anapatyastrīdhanaviṣaye manur āha |

striyās tu yad bhaved vittaṃ pitrā dattaṃ kathaṃcana |

brāhmaṇī tad dharet kanyā tadapatyasya vā bhavet ||

pitrety upalakṣaṇam | kanyā sāpatnī, brāhmaṇīti viśeṣaṇoparodhāt | evaṃ ca sati prattāsu pratiṣṭhitāsu duhitṛṣu putrāṇām api mātṛdhane 'dhikāro bhavati | asminn eva viṣaye viśeṣāntaram āha manuḥ | **[722]**

yās tāsāṃ syur duhitaras tāsām api yathārhataḥ |

mātāmahyā dhanāt kiṃcit pradeyaṃ prītipūrvakam ||

vibhajeran sutāḥ pitror ūrdhvam ity asyāyam arthaḥ — yadi pitror maraṇād ūrdhvaṃ vibhajeraṃs tadā rikthādi samaṃ vibhajerann iti | etad bhrātṛkartṛkavibhāgaparam, tena jīvaty api pitari bhrātaraḥ samam eva vibhajeran | pitus tu vibhajamānasya nāyaṃ niyama ity arthād gamyate | na ca pitor ūrdhvaṃ vibhajerann eveti vyākhyeyam | tad āha manuḥ |

evaṃ saha vaseyur vā pṛthag vā dharmakāṅkṣayā |

pṛthag vivardhate dharmas tasmād dharmyā pṛthakkriyā ||

yat tu tenaivoktam,

jyeṣṭha eva tu gṛhṇīyāt pitryaṃ dhanam aśeṣataḥ |

śeṣās tam upajīveyur yathaiva pitaraṃ tathā ||

iti, asamāptavedādhyayaneṣu kaniṣṭheṣūnmattatvādinā niraṃśeṣv aprāptavyavahāreṣu vā veditavyam | atra kātyāyanaḥ |

saṃprāptavyavahārāṇāṃ vibhāgaś ca vidhīyate |

puṃsāṃ ca ṣoḍaśe varṣe jāyate vyavahāritā ||

aprāptavyavahāratvaṃ ca pradarśanārtham | agṛhītavedatvam api hy avibhāge kāraṇam | yad āha hārītaḥ: "yady asamāptavedāḥ kanīyāṃsas tadā saha vaseyuḥ" iti | nāradaḥ |

bibhṛyād vecchataḥ sarvāñ jyeṣṭho bhrātā yathā pitā |

bhrātā śaktaḥ kaniṣṭho vā śaktyapekṣā kule sthitiḥ ||

nāradas tu paitṛkam ṛṇam apākṛtyaiva rikthaṃ vibhajanīyam iti sa evā(evamā)ha |

yac chiṣṭaṃ pitṛdāyebhyo datvarṇaṃ paitṛkaṃ ca yat |

bhrātṛbhis tad vibhaktavyam ṛṇī syād anyathā pitā ||

pitṛdāyo navaśrāddhāni | tathāha gautamaḥ: "navaśrāddhaṃ saha dadyuḥ" | kātyāyanaḥ |

bhrātrā pitṛvyamātṛbhyāṃ kuṭumbārtham ṛṇaṃ kṛtam |

vibhāgakāle deyaṃ tad rikthibhiḥ sarvam eva tu ||

tad ṛṇaṃ dhanine deyaṃ nānyathaiva pradāpayet |

bhāvitaṃ cet pramāṇena virodhāt parato yadā ||

virodhād vivādāt parata ūrdhvam | **[723]** tathā |

pitryaṃ pitryarṇasaṃśuddham ātmīyaṃ cātmanā kṛtam |

ṛṇam evaṃvidhaṃ śodhyaṃ vibhāge bandhubhiḥ saha ||

dharmarthaṃ prītidattaṃ ca yad ṛṇaṃ svaniyojitam |

tad dṛśyamānaṃ vibhajen na dānaṃ paitṛkād dhanāt ||

asyārthaḥ — dharmārthaṃ yat saṃkalpitaṃ yac ca prītena vācā dattaṃ ca yad ṛṇam, tadā(thā) svasmin putre tvayaitad apākaraṇīyam ṛṇam iti pitrā niyojitam, tad dṛśyamānam upalabhyamānaṃ vibhajet, na tu paitṛkād dhanāt tad apākṛtya dhanavibhāgaḥ kārya iti |

dṛśyamānaṃ vibhājyaṃ tu gṛhakṣetraṃ catuṣpadam |

gūḍhadravyābhiśaṅkāyāṃ pratyayas tatra kīrtitaḥ ||

gṛhopaskaravāhyāś ca dohyābharaṇakarmaṇaḥ |

dṛśyamānaṃ vibhājyaṃ tu kośaṃ gūḍhe 'bravīd bhṛguḥ ||

pratyayo divyam | kośagrahaṇaṃ divyamātropalakṣaṇārtham | manuḥ |

ajāvikaṃ tv ekaśaphaṃ na jātu viṣamaṃ bhajet |

ajāvikaṃ tu viṣamaṃ jyeṣṭhasyaiva vidhīyate ||

viṣamaṃ bhrātṛsaṃkhyāpekṣayānyasaṃkhyam || 2.117 ||

*avibhājyam āha |*

**pitṛdravyāvirodhena yad anyat svayam arjitam |**

**maitram audvāhikaṃ caiva dāyādānāṃ na tad bhavet || 2.118 ||**

avibhaktadhanānāṃ madhye yena pitṛdhanasyāvirodhenānupaghātenānupajīvanena svayam ekākinaiva yad anyad adhikaṃ dhanam arjitam, yac ca maitraṃ mitrād avāptam, yac caudvāhikam udvāhe śvaśurādibhyo labdham, na tad dāyādasaṃbandhi bhavet | na tad vibhajanīyam | kiṃ tūpārjakasyaiva tad ity arthaḥ | manuḥ |

anupaghnan pitṛdravyaṃ śrameṇa yad upārjayet |

svayam īhitalabdhaṃ ca nākāmo dātum arhati ||

śramo yuddhakṛṣyādiḥ | īhātra śramarahitā ceṣṭā | kātyāyanaḥ |

yal labdhaṃ lābhakāle tu sajātyā kanyayā saha |

kanyāgataṃ tu tad vittaṃ śuddhaṃ vṛttikaraṃ smṛtam ||

**[724]** vaivāhikaṃ tu tad vidyād bhāryayā yat sahāgatam |

dhanam evaṃvidhaṃ sarvaṃ vijñeyaṃ dharmasādhakam || 2.118 ||

*tathā* |

**kramād abhyāgataṃ dravyaṃ hṛtam abhyuddharet tu yaḥ |**

**dāyādebhyo na tad dadyād vidyayā labdham eva ca || 2.119 ||**

yat pūrvapuruṣakramāyātaṃ kṣetrārāmādikaṃ dravyaṃ katham api pareṇāpahṛtaṃ yo dāyādānumatyābhyuddharet tad asau dāyādebhyo na dadyāt | yat punar dāyādānumatim antareṇoddhṛtaṃ tasya caturtham aṃśam uddhartā gṛhṇīyāt | śeṣam uddhārakeṇa saha sarve vibhajeran | yad āha ṛṣyaśṛṅgaḥ |

pūrvanaṣṭāṃ tu yo bhūmim ekaś cābhyuddharet kramāt |

yathāṃśaṃ tu labhante 'nye datvāṃsaṃ tu turīyakam ||

yac ca vidyayā nimittabhūtayā labdhaṃ tad api dāyādebhyo na dadyāt | manuḥ |

vidyādhanaṃ tu yad yasya tat tasyaiva dhanaṃ bhavet |

maitram audvāhikaṃ caiva mādhuparkikam eva ca ||

kātyāyanaḥ |

parabhaktopayogena vidyā prāptānyatas tu yā |

tayā prāptaṃ dhanaṃ yat tu vidyāprāptaṃ tad ucyate ||

bhaktam annam | anyataḥ pitur anyata ity arthaḥ |

upanystena labdhaṃ yad vidyayā paṇapūrvakam |

vidhyādhanaṃ tu tad vidyād vibhāge na viyujyate ||

śiṣyād ārtvjyataḥ praśnāt saṃdighapraśnanirṇayāt |

svajñānaśaṃsanād vādāl labdhaṃ prādhyayanāc ca yat ||

vidyādhanaṃ tu tat prāhur vibhāge na vibhajyate |

śilpeṣv api hi dharmo 'yaṃ mūlyād yac cādhikaṃ bhavet ||

vidyāpaṇakṛtāv eva yājyataḥ śiṣyatas tathā |

etad vidyādhanaṃ prāhuḥ sāmānyaṃ yad ato 'nyathā ||

paraṃ nirasya yal labdhaṃ vidyāto dyūtapūrvakam |

vidhyādhanaṃ tu tad vidyān na vibhājyaṃ bṛhaspatiḥ ||

vidyāpratijñayā labdhaṃ śiṣyād āptaṃ ca yad bhavet |

ṛtviṅnyāyena yal labdham etad vidyādhanaṃ bhṛguḥ ||

**[725]** āruhya saṃśayaṃ yatra prasabhaṃ karma kurvate |

tasmin karmaṇi tuṣṭena prasādaḥ svāminā kṛtaḥ ||

tatra labdhaṃ tu yat kiṃcid dhanaṃ śauryeṇa yad bhavet ||

vyāsaḥ |

vidyāprāptaṃ śauryadhanaṃ yac ca saudāyikaṃ bhavet |

vibhāgakāle tat tasya nānveṣṭavyaṃ svarikthibhiḥ ||

kātyāyanaḥ |

dhvajāhṛtaṃ bhaved yat tu vibhājyaṃ naiva tad bhavet |

saṅgrāmād āhṛtaṃ yat tu vidrāvya dvipatāṃ balam ||

svāmyarthye jīvitaṃ tyaktvā tad dhvajāhṛtam ucyate ||

maitrādīnāṃ dhanānāṃ pitṛdravyānupayogenārjitānāṃ na vibhāgaḥ | tadupayogārjitaviṣaye tu vyāsa āha |

sābhāraṇaṃ samāśritya yat kiṃcid vāhanāyudham |

śauryādināpnoti dhanaṃ bhrātaras tatra bhāginaḥ ||

tasya bhāgadvayaṃ deyaṃ śeṣās tu samabhāginaḥ ||

kātyāyanaḥ |

nāvidyānāṃ tu vaidyena deyaṃ vidyādhanaṃ kvacit |

samavidyādhikānāṃ tu deyaṃ vaidyena tad dhanam ||

nāradaḥ |

vaidyo vaidyāya nākāmo dadyād aṃśaṃ svato dhanāt |

pitryaṃ dravyaṃ samāśritya na cet tena tad āhṛtam ||

kuṭumbaṃ bibhṛyād bhrātur yo vidyām adhigacchataḥ |

bhāgaṃ vidyādhanāt tasmāt sa labhetāśruto 'pi san ||

yat kiṃcit pitari prete dhanaṃ jyeṣṭho 'dhigacchati |

bhāgo yavīyasāṃ tatra yadi vidyānupālinaḥ ||

vidyānupālino vidyābhyāsavantaḥ kanīyāṃsaḥ | aparam apy avibhājyam āha manuḥ |

vastraṃ patram alaṃkāraṃ kṛtānnam udakaṃ striyaḥ |

yogakṣemaṃ pracāraṃ ca vibhājyaṃ na pracakṣate ||

atra patraśabdena yānam ucyata iti keṣāṃcid vyākhyānaṃ tat kātyāyanavacanaviruddham | tathā hi |

dhanaṃ patraniviṣṭaṃ tu dharmārthaṃ ca nirūpitam |

udakaṃ caiva dārāś ca nibandho yaḥ kramāgataḥ ||

**[726]** ghṛtaṃ vastram alaṃkāro nānurūpaṃ tu yad bhavet |

yathā kālopayogyāni tathā yojyāni bandhubhiḥ ||

gopracāraś rakṣā ca vastraṃ yac cāṅgayojitam |

prayojyaṃ na vibhajyeta dharmārthaṃ ca bṛhaspatiḥ ||

nānurūpaṃ vibhāgānanurūpaṃ vibhaktṛbhiḥ saha viṣamasaṃkhyākaṃ tad yathākālaṃ vibhaktṛsaṃkhyānurūpeṇa kālopayuktaṃ kāryam | yac ca vastrādīnām avubhājyatvam uktaṃ tatsvarūpataḥ, mūlyatas tu vibhajanīyam eva | yad āha bṛhaspatiḥ |

vastrādayo 'vibhājyā yair uktaṃ tair na vicāritam |

dhanaṃ bhavet samṛddhānāṃ vastrālaṃkārasaṃśritam ||

madhyasthitam anājīvyaṃ dātuṃ naikasya śakyate |

yuktyā vibhajanīyaṃ tad anyathānarthakaṃ bhavet ||

vikrīya vastrābharaṇaṃ dhanam udgrāhya lekhitam |

kṛtānnaṃ cākṛtānnena parivartya vibhajyate ||

uddhṛtya kūpavāpyambhas tv anusāreṇa gṛhyate |

tathā bhāgānusāreṇa setuḥ kṣetraṃ vibhajyate ||

ekāṃ strīṃ kārayet karma yathāṃśena gṛhe gṛhe |

bahvyaḥ samāṃśato deyā dāsānām apy ayaṃ vidhiḥ ||

yogakṣemavato lābhaḥ samatvena vibhajyate |

pracāraś ca yathāṃśena kartavyo rikthibhiḥ sadā ||

ekāṃ strīm ity anupabhuktadāsīviṣayam | upabhuktāyāṃ gautama āha: "udakayogakṣemakṛtānneṣv avibhāgaḥ strīṣu ca saṃyuktāsu" iti | yogakṣemavato lābham iti yogakṣemavān rājādir īśvaro yaḥ pitrādibhiḥ svakuṭumbanirvāhakatvenopārjitas tato yo lābho labdhaṃ dhanaṃ tatsamaṃ vibhājyam ity arthaḥ | pracāraḥ preveśanirgamabhūḥ | śaṅkhalikhitāu: "na cāsti vibhāgo 'nnodapātrālaṃkārasaṃyuktastrīvāsasām upacārārthyānāṃ vibhāgaś ceti prajāpatiḥ" || 2.119 ||

**sāmānyārthasamutthāne vibhāgas tu samaḥ smṛtaḥ |**

**anekapitṛkāṇāṃ tu pitṛto bhāgakalpanā || 2.120 ||**

**[727]**

arthasamuttānam arthārjanam | sarveṣāṃ parasparasāpekṣāṇām arthārjane sati samo vibhāgaḥ kāryaḥ | etasmin viṣaye pitāpi samam eva vibhajet | tad āha manuḥ |

bhrātṝṇām avibhaktānāṃ yady utthānaṃ bhavet saha |

na tatra bhāgaṃ viṣamaṃ pitā dadyāt kathaṃcana ||

evaṃ ca sati viṣayāntare pitṛkartṛko vibhāgo viṣamo 'pi syād iti gamyate | tathā |

avidyānāṃ tu sarveṣām īhātaś ced dhanaṃ bhavet |

samas tatra vibhāgaḥ syād apitrya iti dhāraṇā ||

avibhaktadhanā eva ye bhrātaraḥ paretās teṣāṃ kasyacid ekaḥ kasyacid dvau kasycid bahavaḥ putrāḥ syuḥ | tatra teṣāṃ pitṛto bhāgakalpanā, pitur eva yāvān bhāgas tāvantam eva dvau vā bahavo vā gṛhṇīyur na teṣāṃ samo vibhāga ity arthaḥ | bṛhaspatiḥ |

samavetais tu yat prāptaṃ sarve tatra samāṃśinaḥ |

tatputrā viṣamasamāḥ pitṛbhāgaharāḥ smṛtāḥ ||

kātyāyanaḥ |

avibhakte jije prete tatsutaṃ rikthabhāginam |

kurvīta jīvanaṃ yena na labdhaṃ vai pitāmahāt ||

labhate 'ṃśaṃ hi pitryaṃ tu pitṛvyāt tasya vā sutāt |

sa evāṃśas tu sarveṣāṃ bhrātṝṇāṃ nyāyato bhavet ||

labhate tatsuto vāpi nivṛttiḥ parato bhavet ||

avibhaktadhane bhrātari mṛte tatputraḥ pitāmahād anavāptavibhāgaḥ pitṛvyāt tatputrād vā nijapitṛbhāgaṃ gṛhṇīyāt | evaṃ ca tatputras tatpautras tu na labhetety arthaḥ | atra devalokto viśeṣaḥ |

avibhaktavibhaktānāṃ kulyānāṃ vasatāṃ saha |

bhūyo dāyavibhāgaḥ syād ā caturthād iti sthitiḥ ||

tāvat kulyāḥ sapiṇḍāḥ syuḥ piṇḍabhedas tataḥ param |

samam icchanti piṇḍānāṃ dāyārthasya vibhājanam ||

vidhir eva savarṇānāṃ bahūnāṃ samudāhṛtaḥ |

eka eva savarṇaḥ syād dāyo 'tra na vibhajyate || **[728]**

viṣṇuḥ: "atha bhrātṝṇāṃ dāyavibhāgo yāś cānapatyāḥ striyaḥ syus tāsāṃ cāputralābād vibhāgo bhrātṝṇāṃ striyo bhāryāḥ" | anutpannāpatyā gṛhītagarbhā mṛtabhartṛkās tāsām api dāyo deya ā putralābhāt | putrānutpattau tu bhāgo vyāvartate | ā putralābhād iti vacanāt || 2.120 ||

*yad uktam "vibhāgaṃ cet pitā kuryād icchayā vibhajet sutān" it tasyāpavādam āha |*

**bhūr yā pitāmahopāttā nibandho dravyam eva vā |**

**tatra syāt sadṛśaṃ svāmyaṃ pituḥ putrasya cobhayoḥ || 2.121 ||**

pitāmahadhane pautrasya svapitrā tulyaṃ svāmyam, tena vibhāgam anicchann api pitā svapitṛdhanaṃ putravibhāgecchayā vibhajet | samaś ca vibhāge na svārjitadhanavad viṣamaḥ kāryaḥ | nibandho nāmāsmin bhāge pratikṣetraṃ pratigṛhaṃ caitāvad dhanam amuṣmai deyam iti | kātyāyanaḥ |

paitāmahaṃ samānaṃ syāt pituḥ putrasya cobhayoḥ |

svayaṃ tūpārjite pitrā na putraḥ sāmyam arhati ||

etat pitāmahadhanānupajīvanena pitary upārjite draṣṭavyam | vyāsaḥ |

kramāgate gṛhe kṣetre pitṛputrāḥ samāṃśinaḥ |

paitṛkeṇa vibhāgārhāḥ putrāḥ pitur anicchataḥ ||

bṛhaspatiḥ |

dravye pitāmahopātte sthāvare jaṅgame 'pi vā |

samam aṃśitvam ākhyātaṃ pituḥ putrasya caiva hi ||

paitāmahaṃ hṛtaṃ pitrā svaśaktyā yad upārjitam |

vidyāśauryādināvāptaṃ tatra svāmyaṃ pituḥ smṛtam ||

yat paitāmahaṃ dhanaṃ parair apahṛtaṃ pitrā punaḥ svasāmarthyenopārjitam, vidyādinā ca tenaiva yad avāptam, tatra pitur eva svāmyaṃ na putrāṇām | ata evāha |

pradānaṃ svecchayā kuryād bhogaṃ caiva tato dhanāt |

tadabhāve tu tanayāḥ samāṃśāḥ parikīrtitāḥ ||

kātyāyanaḥ |

svaśaktyāpahṛtaṃ naṣṭaṃ svayam āptaṃ ca yad bhavet |

etat sarvaṃ pitā putrair vibhāge naiva dāpyate ||

yad apahṛtaṃ naṣṭaṃ ca pitā svaśaktyārjayet | etad vibhāgakāle pitā putrair na **[729]** dāpyata ity arthaḥ | evaṃ tāvat paitāmahe dhane pautrasya svapitrā saha sadṛśaṃ svāmyaṃ smṛtayo vadanti | na caitāvatā "agnīn ādadhīta" ityadiśrutir virudhyate, yena tadvirodhaparihārāya sati putre pitā svapitṛdhanaṃ na sarvaṃ dadyād bhuñjīta vā kiṃ tu putrārtham avaśeṣayed ity aupacārikārthaparatayā vyākhyāyeran | na hi jātaputrasya dhane svāmyam apaiti, yena svadhanasādhyārthāḥ śrutayo virudhyetan | yady api taddhanaṃ svasya putrasya ca sādhāraṇaṃ tathāpi putrānumatyā putravibhāgapṛthakkaraṇena dravyāntarārjanena vā na svāmī syāt | saṃvibhāgo hi sādhāraṇadhanānāṃ svāminām ekaikatra bhāge svāmina ekaikasya svāmyaṃ vyavasthāpayati, nāpūrvam utpadayati | yathā loke saṃbhūya samutthāyināṃ vede ca sattriṇāṃ svāmy utthāne | yadi ca vibhāgaḥ svāmitve hetus tadā haṭhādinā kiryamāṇo 'pi taj janayet | yad api gautamenoktam: "svāmī rikthakrayasaṃvibhāgaparigrahādhigameṣu" iti, tat saṃvibhāgasya vyavasthitasya svāmibhāvajanakatvaparam || 2.121 ||

**vibhakteṣu suto jātaḥ savarṇāyāṃ vibhāgabhāk ||**

**dṛśyād vā tadvibhāgaḥ syād āyavyayaviśodhitāt || 2.122 ||**

vibhaktadhaneṣu putreṣu yaḥ savarṇāyāṃ putro jātaḥ sa pitṛvibhāgabhāg bhavati, pitṛvibhāgābhāve tu yadi vibhaktaṃ kṣetrādikaṃ kṛte vibhāge paścād dṛśyate tadutpannād viśodhitāyavyayādivibhāgaḥ kāryaḥ | manuḥ |

ūrdhvaṃ vibhāgāj jātas tu pitryam eva hared dhanam |

saṃsṛṣṭās tena vā ye syur vibhajeta sa taiḥ saha ||

vibhakteṣu jātaḥ pitṛdhanam eva haren na bhrātṛdhanaṃ pitur bhātṝṇāṃ cābhāve pitrā saha ye saṃsṛṣṭās taiḥ saha pitṛbhāgaṃ vibhajeta | jāta ity ekavacanam avivakṣitam | yad āha bṛhaspatiḥ |

pitrā saha vibhaktā ye sāpatnā vā sahodarāḥ |

jaghanyāś caiva ye teṣāṃ pitṛbhāgaharās tu te ||

tatra yadi pūrvaṃ vibhaktānāṃ mahān bhāgo jaghanyānāṃ tu pitṛbhāgam eva vibhajya gṛhṇatām alpas tathāpi pūrvavibhaktabhrātṛbhāgān na tair grāhyam iti sa evāha |

**[730]** anīśaḥ pūrvajaḥ pitrye bhrātṛbhāge vibhaktajaḥ |

putraiḥ saha vibhaktena pitrā yat svayam arjitam ||

vibhaktajasya tat sarvam anīśāḥ pūrvajāḥ smṛtāḥ ||

yadā tu na vibhaktajaḥ kutaścit pūrvoktena prakāreṇālpam api vibhāgaṃ labhate,tadā bhrātṛbhāgebhyo gṛhṇīyad ity arthaḥ | viṣṇuḥ: "pitṛvibhaktavibhāgānatrotpannasya vibhāgaṃ dadyuḥ" || 2.122 ||

*prakārāntareṇāvibhājyaviśeṣam āha |*

**pitṛbhyāṃ yasya yad dattaṃ tat tasyaiva dhanaṃ bhavet |**

prāg ūrdhvaṃ vā vibhāgān mātrā pitrā vā yasmai putrāya yat pāritoṣikaṃ dattaṃ tat tasyaiva, na putrāntarair vibhājyam ity arthaḥ | nāradaḥ |

śauryabhāryādhane cobhe yac ca vidyādhanaṃ bhavet |

trīṇy etāny avibhājyāni prasādo yaś ca paitṛkaḥ ||

mātrā ca svadhanaṃ dattaṃ yasmai syāt prītipūrvakam |

tasyāpy eṣa vidhir dṛṣṭo mātāpīṣṭe yathā pitā ||

vyāsaḥ |

pitāmahena yad dattaṃ pitrā vā prītipūrvakam |

tasya tan nāpahartavyaṃ mātrā dattaṃ ca yad bhavet ||

sthāvare paryudāsam āha nāradaḥ |

maṇimuktāpravālāṇāṃ sarvasya hi pitā prabhuḥ |

sthāvarasya tu sarvasya na pitā na pitāmahaḥ ||

pitṛprasādād bhujyante vastrāṇy ābharaṇāni ca |

sthāvaraṃ tu na bhujyeta prasāde paitṛke sati ||

*kiṃ tu* |

**pitur ūrdhvaṃ vibhajatāṃ mātāpy aṃśaṃ samaṃ haret || 2.123 ||**

pitur maraṇād ūrdhvaṃ rikthaṃ vibhajatāṃ putrāṇāṃ vibhāge samaṃ bhāgaṃ mātāpi labheta | bahuvacanam avivakṣitam | tenaikasya sutasya yāvān bhāgas tāvān eva mātur bhavatīty arthaḥ | mātṛgrahaṇaṃ tatsapatnyādipradarśanārtham | vyāsaḥ |

asutās tu pituḥ patnyaḥ samānāṃśāḥ prakīrtitāḥ |

pitāmahyaś ca sarvās tā mātṛtulyāḥ prakīrtitāḥ || **[631]**

adattastrīdhanaviṣayam etat || 2.123 ||

*putrāṇāṃ vibhajatāṃ kāryāntaram āha* |

**asaṃskṛtāś ca saṃskāryā bhrātṛbhiḥ pūrvasaṃskṛtaiḥ |**

**bhaginyaś ca nijād aṃśād datvāṃśaṃ tu turīyakam || 2.124 ||**

ye kanīyāṃso bhrātaraḥ pitrā jātakarmādinā na saṃskṛtās te jyeṣṭhaiḥ saṃskṛtaiḥ saṃskāryāḥ | bhaginyaś cākṛtavivāhasaṃskārā ekasya putrasya yāvān nijo 'ṃśas tasmāc caturtham aṃśaṃ pratyekaṃ pradāya saṃskāryā vivāhayitavyāḥ | nāradaḥ |

yeṣāṃ ca na kṛtāḥ pitrā saṃskāravidhayaḥ kramāt |

kartavyā bhrātṛbhis teṣāṃ paitṛkād eva te dhanāt ||

avidyamāne pitryaṃśe svāṃśād uddhṛtya vā punaḥ |

avaśyakāryāḥ saṃskārā bhrātṝṇāṃ pūrvasaṃskṛtaiḥ ||

vyāsaḥ |

asaṃskṛtās tu ye tatra paiṛkād eva te dhanāt |

saṃskāryā bhrātṛbhir jyeṣṭhaiḥ kanyakāś ca yathāvidhi ||

manuḥ |

svebhyo 'ṃśebhyas tu kanyābhyaḥ pradadyur bhrātaraḥ pṛthak |

svāt svād aṃśāc caturbhāgaṃ patitāḥ syur aditsavaḥ ||

atrāpi svebhyo 'ṃśebhya iti padadvayaṃ putrāṃśamātravivakṣayā | bahuvacanaṃ kanyābahutvābhiprāyam | svāt svād iti vīpsānekajātīyakanyābhiprāyā | etad uktaṃ bhavati — yadā brāhmaṇasya sarvavarṇā bhāryā bhavanti, tāsāṃ ca pratyekaṃ kanyakāḥ santi, tatra brāhmaṇī yā kanyakā sā brāhmaṇasya putrasya yāvān aṃśo bhavati tataś caturthāṃśaṃ labhate | evaṃ brāhmaṇasyeva pituḥ kṣatriyādikanyakāḥ kṣatriyādisutāṃśacaturthabhāgagrāhiṇya iti | na cayaṃ dāyaḥ | tataś cārhati strīty anuvṛttau yad uktaṃ baudhāyanena: "na dāyaṃ nirindriyāṇāṃ tā hy adāyāḥ striyo matā iti śrutiḥ" iti, tena sahāsyāvirodhaḥ | iti savarṇadāyavibhāgavidhiḥ || 2.124 ||

*asavarṇānāṃ dāyavibhāgam āha* |

**catustridvyekabhāgāḥ syur varṇaśo brāhmaṇātmajāh |**

**kṣatrajās tridvyekabhāgā viḍjau tu dvyekabhāginau || 2.125 ||**

brāhmaṇasya brāhmaṇyādiśūdrāntāsu catasṛṣu bhāryāsūtpannānāṃ putrāṇāṃ madhye pitṛdhanasya daśadhā vibhaktasya caturo bhāgān brāhmanyāḥ gṛhṇīyuḥ | trīn kṣatriyāyā **[732]** dvau vaiśyāyā ekaṃ śūdrāyāḥ | evaṃ kṣatriyasya pitur vittasya ṣoḍhāvibhaktasya trīn bhāgān kṣatriyāyāḥ putrā gṛhṇīyur dvau vaiśyāyā ekaṃ śūdrāyāḥ | vaiśyasya pitur dhanaṃ tridhā vibhājyam, tatra dvau bhāgau vaiśyāyāḥ putrāṇām ekaḥ śūdrāyāḥ | śūdrasya tu nāsavarāsti bhāryā | atra viśeṣam āha bṛhaspatiḥ |

na pratigrahabhūr deyā kṣatriyādisutāya vai |

yady apy eṣāṃ pitā dadyān mṛte viprāsuto haret ||

pratigrahagrahaṇād upāyāntaraprāptā tu deyaiva sāpi na śūdrāputrāya | tathā ca smṛtyantaram |

śūdro dvijātibhir jāto na bhūmer bhāgam arhati |

yat tu smaranti,

brāhmaṇakṣatriyaviśāṃ śūdrāputro na rikthabhāk |

yad evāsya pitā dadyāt tad evāsya dhanaṃ bhavet ||

iti, tat pitṛprasādalabdhe dhane sati vibhāgaṃ prati niṣedhati | anyathā śūdrāputraṃ prati vibhāgavidhir anarthakaḥ syāt || 2.125 ||

*vibhajanīye dhane bhrātrapahṛt dṛṣṭe yat kāryaṃ tad āha |*

**anyonyāpahṛtaṃ dravyaṃ vibhakte yadi dṛśyate |**

**tat punas te samair aṃśair vibhajerann iti sthitiḥ || 2.126 ||**

vibhajanīyaṃ dhanaṃ kenacid bhrātrāpahṛtaṃ sad vibhāgād ūrdhvaṃ yady upalabhyate tadā tat sarvaiḥ samair aṃśair vibhajanīyam | na tūddhārāpekṣayā viṣamaiḥ | etāvaty arthe pramite vacanam idam upapannam iti nāpahartur doṣābhāvaṃ prati pramāṇatām upaiti | athocyate — vibhaktāro brāhmaṇā vibhajanīyaṃ suvarṇam, tataś ca brāhmaṇasuvarnāpahāre 'pahartuḥ pātitye sati tat punas te samair aṃśair vibhajerann iti vacanam anupapannaṃ syāt | patitasyānaṃśatvād iti | tan na | dravyāntaraviṣayatvenāpi vacanopapatteḥ | na ca sāmānyaviṣayatve vacanasya viśeṣopasaṃhāro virudhyate | bhavatu vā brāhmaṇasuvarṇaviṣayam apy etad vākyam, tathāpi nāpahartur doṣābhāvaṃ gamayati, prāyaścittena vyavahāryasya sataḥ samāṃśavibhāgavidhānopapatteḥ | atha vāpahartṛvyatiriktaviṣayaṃ tat punas te samair aṃśair ity astu vacanam | na ca vācyaṃ prāg vibhāgāt tan na kasyāpīti, yata uktam — svam eva sādhāraṇaṃ sad vibhajyate na vibhāgāt sattvam utpadyata iti | kātyāyanaḥ |

pracchāditaṃ tu yad dravyaṃ punar asādya tat samam |

bhajeran bhrātṛbhiḥ sārdham abhāve hi pituḥ sutāḥ || **[733]**

tathā |

anyonyāpahṛtaṃ dravyaṃ durvibhaktaṃ ca yad bhavet |

hṛtaṃ naṣṭaṃ c yal labdhaṃ prāg uktaṃ ca punar bhajet ||

prāg uktaṃ durvibhaktam apahṛtaṃ vā || 2.126 ||

*aurasaputraviṣayo dhanavibhāg ukto 'dhunā kṣetraviśeṣaviṣayam āha* |

**aputreṇa parakṣetre niyogotpāditaḥ sutaḥ |**

**ubhayor apy asau rikthī piṇḍadātā ca dharmataḥ || 2.127 ||**

prathame 'dhyāye pratipādito niyogotpāditaḥ suto gurvanujñāta ity atratyena niyogavidhinā yo 'aputreṇa devarādinā parasyāputrasya kṣetre bhāyāyām utpāditaḥ svārthaṃ parārthaṃ vyāmuṣyāyaṇasaṃjñakaḥ sa ubhyor bījja(ji)kṣetrayoḥ(triṇyoḥ) pitror dāyaharaḥ piṇḍadaś ca dharmaśāstrato veditavyaḥ | yat tu nāradenoktam,

dvyāmuṣyāyaṇako dadyād dvābhyāṃ piṇḍodake pṛthak |

rikthād ardhāṃśagrāhī syād bījikṣetrikayor api ||

iti, tat kṣetraje jāte paścāc caurasotpattau satyāṃ veditavyam | kātyāyanaḥ |

utpanne caurase putre caturthāṃśaharāḥ sutāḥ |

savarṇā asavarṇās tu grāsācchādanabhājanāḥ ||

tataś caurase 'nutpanne kṣetraja ubhayoḥ pitroḥ sakalam eva rikthaṃ gṛhṇāti | utpanne caturthāṃśaṃ pitṛdhanasyeti sthitiḥ | yat tu manunoktam,

ṣaṣṭhaṃ tu kṣetrajasyāṃśaṃ pradadyāt paitṛkād dhanam |

auraso vibhajan dāyaṃ pitryaṃ pañcamam eva vā ||

tatra ṣaṣṭhapañcamāṃśadānam alpaguṇakṣetrajaviṣayam, tathā,

aurasakṣetrajau putrau pitṛrikthasya bhāginau |

daśāpare tu kramaśo gotrarikthāṃśabhāginaḥ ||

tad aurasasya nirguṇatve kṣetrajasya sādguṇye veditavyam | samaṃ vibhāgābhidhānāt | aurasakṣetrajaputrikāputravyatirikteṣu daśasu putreṣu jāteṣv aurasotpattir yadi syāt tad aurasasyaiva sakalaṃ riktham itareṣāṃ tadaṃśaharatvam eva | gotraṃ tu teṣām aurasasya ca samānam | nāradaḥ |

kṣetrikānumate bījaṃ yasya kṣetre prasidhyati |

tad apatyaṃ dvayor eva kṣetribījikayoḥ samam || **[734]**

hārītaḥ: "jīvati kṣetrajam āhur asvātantryād ṛte dvyāmuṣyāyaṇam anuptabījatvān nābījaṃ kṣetraṃ phalati nākṣetraṃ bījaṃ rohati ubhayadarśanād ubhayor apatyam" | anuptabījatvād iti kṣetrikānuptabījatvād ity arthaḥ || 2.127 ||

*mukhyānāṃ putrāṇāṃ dāyavibhāgam abhidhāya gauṇānām abhidhāsyaṃs teṣāṃ lakṣaṇāni mukhyalakṣaṇapuraḥsarāṇy āha* |

**auraso dharmapatnījas tatsamaḥ putrikāsutaḥ |**

**kṣetrajaḥ kṣetrajātas tu sagotreṇetareṇa vā || 2.128 ||**

**gṛhe pracchanna utpanno gūḍhajas tu tataḥ smṛtaḥ |**

**kānīnaḥ kanyakājāto mātāmahasuto mataḥ || 2.129 ||**

**akṣatāyāṃ kṣatāyāṃ vā jātaḥ paunarbhavaḥ smṛtaḥ |**

**dadyān mātā pitā vā yaṃ sa putro dattakaḥ smṛtaḥ || 2.130 ||**

**krītaś ca tābhyāṃ vikrītaḥ kṛttrimaś ca svayaṃkṛtaḥ |**

**dattātmā tu svayaṃdatto garbhe vinnaḥ sahoḍhajaḥ || 2.131 ||**

**utsṛṣṭo gṛhyate yas tu so 'paviddhaḥ suto bhavet |**

yo dharmapatnījaḥ sa auraso jñeyaḥ | yaya saha dharmaś caryate sā dharmapatnī | yady api patnīśabdenaiva sahadharmacāriṇī kathyate, tathāpi dharmaśabdopādānād atra patnīśabdo bhāryāmātraparaḥ | dharmapatnīśabdena ca śūdrā vyāvartyate, tasyāḥ sahadharmacāritvābhāvāt | yad āha vasiṣṭhaḥ: "kṛṣṇavarṇā vai rāmā ramaṇāyaiva na dharmāya" iti | evaṃ ca tatputro naurasaḥ | ata eva putrapratinidhiṣu ca tam āha manuḥ |

putrān dvādaś yān āha nṛṇāṃ svāyaṃbhuvo manuḥ |

teṣāṃ ṣaḍ bandhudāyādāḥ ṣaḍ adāyādabāndhavāḥ ||

aurasaḥ kṣetrajaś caiva dattaḥ kṛtrima eva ca |

gūḍhotpanno 'paviddhaś ca dāyādā bāndhavāś ca ṣaṭ ||

kānīnaś ca sahoḍhaś ca krītaḥ paunarbhavas tathā |

svayaṃ dattaś ca śaudraś ca ṣaḍ adāyādabāndhavāḥ ||

**[735]** kṣetrajādisutān etān ekādaśa yathoditān |

putrapratinidhīn āhuḥ kriyālopān manīṣiṇaḥ ||

aurasābhāve tatkāryakriyālopād bibhyato manīṣiṇaḥ kṣetrajādīn ekādaśa putrapratinidhīn āhur ity arthaḥ | yady api śaudreyaḥ pratinidhis tathāpy auraseṣu satsv api tasya dāyabhāgo 'stīti pūrvam eva tadbhāga uktam | ata eva yogīśvaraḥ pratinidhiṣu taṃ noktavān | na ca vaktavyaṃ kathaṃ tarhy adāyādaḥ śūdrāputra iti pitrā prasādadatte 'sya dhane sati dāyavibhāgarahitatvam uktaṃ manunaiva |

brāhmaṇakṣatriyaviśāṃ śūdrāputro na rikthabhāk || iti |

atha vā pitṛdhanasya daśamād aṃśād adhikaṃ dāyaṃ na labhata ity evaṃparaṃ tasyādāyādatvavacanam | uktaṃ manunaiva |

yady api syāt tu satputro yady aputro 'pi vā bhavet |

nādhikaṃ daśamād dadyāc chūdrāputrāya dharmataḥ || iti |

adhikaṃ tu daśamād aṃśāt | anapatyasya dhanaṃ sapiṇḍānām evety āha bṛhaspatiḥ |

anapatyasya śuśrūṣur guṇavāñ śūdrayonijaḥ |

labhetājīvanaṃ śeṣaṃ sapiṇḍāḥ samavāpnuyuḥ ||

prakṛtam ucyate — yathāśāstraṃ pariṇītāyāṃ dvijātistriyām utpanna aurasaḥ putraḥ | anvarthasaṃjñā caiṣā, tenorasi bhava aurasaḥ | tena svotpāditatvam aurasasya lakṣaṇam | ata evāha vasiṣṭhaḥ: "svayam utpāditaḥ svakṣetre saṃskṛtāyāṃ prathamaḥ" | prathamo mukhyaḥ | tena sa eva putraśabdasya mukhyo 'rthaḥ | kṣetrajādiṣu gauṇaḥ | tataḥ paripūrṇam idam aurasasya lakṣaṇam | auraso dharmapatnīja iti padadvayenoktaḥ(am) | tatsamastenaurasena samas tulyaḥ putrikāsutaḥ | putrikaiva putraḥ putrikāputraḥ | sā hi puṃstvātiriktaurasalakṣaṇayuktatvād bhavaty aurasasamā | ata eva bṛhaspatiḥ |

putrās trayodaś proktā manunā yena pūrvaśaḥ |

saṃtānakāraṇaṃ teṣāṃ aurasaḥ putrikā tathā ||

ājyaṃ vinā yathā tailaṃ sadbhiḥ pratinidhiḥ smṛtam |

tathaikādaśa putrās tu putrikaurasayor vinā ||

putrikāyāḥ putro 'pi putrikāputraśabdenātrocyate | ata eva vasiṣṭhaḥ |

abhrātṛkāṃ pradāsyāmi tubhyaṃ kanyām alaṃkṛtām |

asyāṃ yo jāyate putraḥ sa me putro bhaved iti || **[736]**

gautamaḥ: "pitotsṛjet putrikām anapatyo 'gniṃ prajāpatiṃ ceṣṭvāsmadartham apatyam iti saṃvādyābhisaṃdhimātrāt putrikety ekeṣāṃ tatsaṃśayān nopayacchetābhrātṛkām" | jābāliḥ |

putrikāyāḥ pradāne tu sthālīpākena dharmavit |

agniṃ prajāpatiṃ ceṣṭvā putradāne tathaiva ca ||

yasya kṣetre kalatre kṣetrasvāminā samānagotreṇetareṇa vā saṃbandhinotpāditaḥ kṣetrajasaṃjñakaḥ putraḥ kṣetrasvāmino bhavati | yasya gṛhe bhāryāyāṃ pracchanno 'prajñāyamānajanakaviśeṣa utpannaḥ sa tajjananīsvāmino gūḍhotpannanāmā putro bhavati | ayaṃ ca svabhāryāyām anyotpāditatvena kṣetrajatulya iti tadanantaram uktaḥ | yas tu kanyāyām anūḍhāyāṃ jātaḥ sa kānīnasaṃjñako mātāmahaputro manvādisaṃmataḥ | ayam api kathaṃcit svasaṃbandhini duhitṛrūpo kṣetre jāta iti gūḍhotpannasādṛśyāt tadanantaram uktaḥ | vasiṣṭhaḥ |

aprattā duhitā yasya putraṃ vindeta tulyataḥ |

putrī mātāmahas tena dadyāt piṇḍaṃ hared dhanam ||

yā vāgdattā na bhavati sātrāprattā | aprattetiviśeṣaṇāt pradānāt ūrdhvaṃ prāg vivāhād uptannaḥ kānīno voḍhur eva bhavati | tadabhiprāyeṇāha manuḥ |

pitṛveśmani kanyā tu yaṃ putraṃ janayed rahaḥ |

taṃ kānīnaṃ vaden nāmnā voḍhuḥ kanyāsamudbhavam || iti |

akṣatāyāṃ klībādibhāryāyāṃ vidhavāyām avidhavāyāṃ vā bhāryāyāṃ tu kṣatāyāṃ parair upabhuktāyāṃ punaḥ parigṛhya saṃskṛtāyāṃ yo jātaḥ sa paunarbhavasaṃjñakaḥ | punarbhūḥ prathame 'dhyāye kathitā | ete ca svasaṃbandhikṣetrotpannatvāt pratyāsannatayā pūrvam uktāḥ | kṣetrato 'pi nāsti yeṣāṃ saṃbandhas te jaghanyā iti paścād ucyante | tatra yo mātāpitṛbhyāṃ pitreva vā mātrā vā bhartranumatayā yasmai dattaḥ sa tasya dattako nāma putro bhavati | manuḥ |

mātā pitā vā dadyātām yad adbhiḥ putram āpadi |

sadṛśāṃ prītisaṃyuktau sa jñeyo dattrimaḥ sutaḥ ||

adbhir iti sakaladānadharmopalakṣaṇārtham | āpadi durbhikṣādau | atha vā grahītur āpadi | sutābhāve sadṛśaṃ dātur grahītuś ca savarṇam | prītisaṃyuktau na bhayādisaṃyuktāv ity arthaḥ | **[737]** tathā |

gotrarikthe janayitur na hared dattrimaḥ sutaḥ |

gorarikthānugaḥ piṇḍo vyapaiti dadataḥ svadhā ||

tataś dattakaḥ pūrvasya pitur gotraṃ rikthaṃ ca na gṛhṇīyāt | piṇḍaṃ ca tasmai na dadyāt | kiṃ tu dvitīyasyaiva pitur gotrādigrāhakaḥ piṇḍadaś ca bhavet | piṇḍaśabdo 'tra sakalaurdhvadaihikopalakṣaṇārthaḥ | evaṃ kṛtrimadattātmāpaviddhanyāyasāmyāt trayodaśavidhaṃ putraṃ nirūpya tadvyavasthāṃ varṇakrameṇāha brahmapurāṇe |

dattakaś ca svayaṃdattaḥ kṛtrimaḥ krīta eva ca |

apaviddhaś ca ye putrā bharaṇīyāḥ sadaiva hi ||

bhinnagotrāḥ pṛthakpiṇḍāḥ pṛthagvaṃśakarās tathā |

sūtake mṛtake cāpi tryahāśaucasya bhāginaḥ ||

atha vastrānnadātṝṇāṃ bījakṣetravatāṃ tathā |

śūdro dāsaḥ pāraśavo viprāṇāṃ vidyate kvacit ||

rājñāṃ tu śāpadagdhānāṃ nityaṃ kṣayavatāṃ tathā |

atha saṅgrāmaśīlānāṃ na kadācid bhavanti te |

auraso yadi vā putras tv atha vā putrikāsutaḥ ||

vidyate na hi teṣāṃ tu vijñeyāḥ kṣetrajādayaḥ |

ekādaś pṛthaggotrā vaṃśamātrakarās tu te ||

śrāddhādi dāsavat sarve teṣāṃ kurvanti nityaśah |

gūḍhotpannaś ca kānīnaḥ sahoḍḥaḥ kṣetrajas tathā ||

paunarbhavaś ca vaiśyānāṃ rājadaṇḍabhayād api |

varjitāḥ pañca balinaḥ śeṣāḥ sarve bhavanti hi ||

śūdrāṇāṃ dāsavṛttīnāṃ parapiṇḍopajīvinām |

parāyattaśarīrāṇāṃ na kvacit putra iṣyate ||

tasmād dāsasya dāsyāś ca jāyate dāsa eva hi ||

vasiṣṭhaḥ: "śoṇitaśukrasaṃbhavaḥ puruṣo mātāpitṛnimittakas tasya pradānavikrayaparityāgeṣu mātāpitarau prabhavataḥ | na tv ekaṃ putraṃ dadyāt | sa hi saṃtānāya pūrveṣām, na tu strī putraṃ dadyāt pratigṛhṇīyād vānyatrānujñānād bhartuḥ, putraṃ pratigrahīṣyan bandhūn āhūya rājani cāvedya niveśanasya madhye vyāhṛtibhir hutvādurebāndhavam asaṃnikṛṣṭam eva **[738]** pratigṛhṇīyāt | saṃdehe cotpanne dūrebāndhavaṃ śūdram eva sthāpayed vijñāyate hy ekena bahūṃs trāyate" iti | na tv ekaṃ dadyād iti dadātiḥ pradarśanārthaḥ | tena vikrayādāv apy ayaṃ niṣedho bhavati | tathā putraṃ pratigrahīṣyann ity asyāpi pradarśanārthatvād bandhūn āhūyetyādi dharmajātaṃ krayādāv api kāryaṃ nyāyasāmyāt | adūrebāndhavā yasya so 'dūrebāndhavaḥ | bāndhavānām adūradeśatvena tasya kulīnatā śakyā jñātum | tenādūrebāndhavaṃ viditābhijanaṃ putraṃ pratigṛhṇīyād ity arthaḥ | na punar bandhusaṃnidhau gṛhṇīyād iti, bandhūn āhūyety anenaiva tatsiddeḥ | asaṃnikṛṣṭam asaṃbandhinam eva pratigṛhṇīyāt | jātisaṃdehe cotpanne dūrebāndhavaṃ vyavahitadeśavartibāndhavaṃ śūdram iva sthāpayed ā niścayāt | mahatā yatnena niśṣayaṃ kuryād iti tātparyārthaḥ | atra hetutvena śrutim upanyasyati — vijñāyate hy ekena bahūṃs trāyata iti, ekena putreṇa bahūn pūrvajāṃs trayata iti | tasmāj jātābhijanam eva gṛhṇīyān netaram iti tātparyārthaḥ | krītanāmā putro bhavati, yo mātāpitṛbhyāṃ vikrītaḥ prāpyate | kṛtrimasaṃjñakas tu putro bhavati, yaḥ svayam eva tvaṃ me putro bhaveti putraḥ kriyate | yas tv ahaṃ te putro bhavāmīty ātmānam aprārthita eva dadāti sa svayaṃdattasaṃjñakaḥ putro bhavati | yas tu pariṇīyamānāyā garbhe vinno labdhaḥ sa putraḥ sahoḍhaja ucyate | manuḥ |

krīṇīyād yad tva apatyārthe mātāpitror yam antikāt |

sa krītakaḥ sutas tasya sadṛśo 'sadṛśo 'pi vā ||

sadṛśo 'sadṛśa iti guṇāpekṣaṃ vacanaṃ na jātyapekṣam |

sadṛśaṃ tu prakuryād yaṃ guṇadoṣavicakṣaṇam |

putraṃ putraguṇair yuktaṃ sa vijñeyas tu kṛtrimaḥ ||

atra sadṛśagrahaṇaṃ jātyapekṣam |

mātāpitṛvihīno yas tyakto vā syād akāraṇāt |

ātmānaṃ sparśayed yasmai svayaṃdattas tu sa smṛtaḥ ||

tyāgakāraṇaṃ pātityam, sparśayed dadyāt |

yā garbhiṇī saṃskriyate jñātājñātāpi vā satī |

voḍhuḥ sa garbho bhavati sahoḍha iti cocyate ||

mātāpitṛbhyām utsṛṣṭaḥ pātityādikāraṇam antareṇa tyakto yena gṛhyate, sa tasyāpaviddhasaṃñjakaḥ putro bhavati | **[739]** manuḥ |

mātāpitṛbhyām utsṛṣṭaṃ tayor anyatareṇa vā |

yaṃ putraṃ pratigṛhṇīyād apaviddhaḥ sa ucyate || 2.128, 129, 130, 131 ||

**piṇḍado 'ṃśaharaś caiṣāṃ pūrvābhāve paraḥ paraḥ || 2.132 ||**

eṣām uktānām aurasādīnāṃ mukhyāmukhyaputrāṇāṃ madhye pūrvasya pūrvasyābhāva uttara uttaraḥ śrāddhadāne dhanādāne cādhikriyate | putrapratinidhīnāṃ madhye dattaka eva kaliyuge grāhyaḥ | ata eva kalau nivartanta ity anuvṛttau śaunakenoktam |

dattaurasetareṣāṃ tu putratvena parigrahaḥ || iti |

yadā tu putrikāyāṃ kṛtāyām auraso jāyate tadāha manuḥ |

putrikāyāṃ kṛtāyāṃ tu yadi putro 'nu jāyate |

samas tatra vibhāgaḥ syāj jyeṣṭhatā nāsti hi striyāḥ ||

kṣetrajaṃ prati viśeṣam āha manur eva |

yady ekarikthinau syātām aurasakṣetrajau sutau |

yad yasya paitṛkaṃ riktaṃ tat sa gṛhṇīyāt netaraḥ ||

etat kṣetrajasya dvyāmuṣyāyaṇasya bījidhane 'dhikāritvaṃ vidhatte | vasiṣṭhas tu dattake putre saty aurasotpattau viśeṣam āha: "tasmiṃś cet pratigṛhīta aurasaḥ putra utpadyate caturthabhāgabhāgī syāt" iti | sarve ca nyūnādhikabhāgavikalpāḥ saguṇanirguṇāpekṣayā vyavasthāpanīyāḥ | sarveṣāṃ ca putrapratinidhīnāṃ pūrvābhāve pareṣāṃ dāyaharatve saty api kecid dāyādāḥ kecic ca neti yad ucyate mandvādibhis tatrāyam abhiprāyaḥ — pitṛsapiṇḍasyāputradāyahāriṇas ta eva putrapratinidhayo bhavanti, ye dāyādatvena nirdiṣṭā netara iti || 2.132 ||

*sarveṣām eva pūrvoktānāṃ putrapratinidhilakṣaṇānāṃ viśeṣam āha* |

**sajātīyeṣv ayaṃ proktas tanayeṣu mayā vidhiḥ |**

gūḍhotpannādaya ātmanaḥ sajātīyā eva savarṇā eva putratvena grāhyā netara iti tātparyārthaḥ | śūdrāputraḥ sve kṣetre svayam utpāditaś ceti na pratinidhiḥ kiṃ tv aurasaḥ, tathāpi pratinidhiṣu manunā paṭhitaḥ | tatrāyam abhiprāyaḥ — **[740]** anyeṣv anulomajeṣv auraseṣu satsu na pratinidhir asti, śūdrāputras tv aurase saty api putrapratinidhiḥ kārya eveti | manuḥ |

yady api syāt tu satputro yady aputro 'pi vā bhavet |

nādhikaṃ daśamād dadyāc chūdrāputrāya dharmataḥ ||

aputrasya daśamād aṃśād adhikaṃ patnyādayo gṛhṇantīty arthasiddham

**jāto 'pi dāsyāṃ śūdreṇa kāmato 'ṃśaharo bhavet || 2.133 ||**

**mṛte pitari kuryus taṃ bhrātaras tv ardhabhāgikam |**

**abhrātṛko haret sarvaṃ duhitṝṇāṃ sutād ṛte || 2.134 ||**

śūdreṇa dāsyām utpannaḥ pitur icchāto 'ṃśaharo bhavet | pitā yāvantam aṃśaṃ dātum icchati tasmai tāvāṃs tasya bhavatīty arthaḥ | mṛte pitari pariṇītāḥ putrās tadīyā bhrātara ekasya yāvān bhāgo bhavati, tadardhaṃ tasmai dadyuḥ | abhrātṛkas tu pitṛpariṇītotpannabhrātṛrahito dauhitreṣv asatsu sarvaṃ pitryaṃ haret | satsu tu bhāgārdham eva | atra śūdragrahaṇād dvijotpannasya dāsīputrasya pitṛdhanāṃśaharatvaṃ nāstīti gamyate || 2.133, 134 ||

*putratatpratinidhirahitasya mṛtasya dhanabhājāṃ kramam āha |*

**patnī duhitaraś caiva pitarau bhrātaras tathā |**

**tatsutā gotrajo bandhuśiṣyasabrahmacāriṇaḥ || 2.135 ||**

**eṣām abhāve pūrvasya dhanabhāg uttarottaraḥ |**

**svaryātasya hy aputrasya sarvavarṇeṣv ayaṃ vidhiḥ || 2.136 ||**

aputrasyāvidyamānamukhyagauṇaputrasya svaryātasya mṛtasya dhanabhāg dhanahārī patnyādīnāṃ krameṇa nirdiṣṭānāṃ pūrvasya pūrvasābhāva uttara uttaro veditavyaḥ | eṣa vidhiḥ sarvavarṇasādhāraṇaḥ | bṛhaspatiḥ |

āmnāye smṛtitantre ca lokācāre ca sūribhiḥ |

śarīrārdhaṃ smṛtā bhāryā puṇyāpuṇyaphale samā ||

yasya noparatā bhāryā dehārdhaṃ tasya jīvati |

jīvaty ardhaśarīre 'rthaṃ katham anyaḥ samāpnuyāt ||

sakulyair vidyamānais tu pitṛbhrātṛsanābhibhiḥ |

asutasya pramītasya patnī tadbāgahāriṇī ||

**[741]** pūrvaṃ mṛtā tv agnihotraṃ mṛte bhartari taddhanam |

vindet pativratā nārī dharma eva sanātanaḥ ||

jaṅgamaṃ sthāvaraṃ hema rūpyadhānyarasāmbaram |

ādāya dāpayec chrāddhaṃ māsaṣāṇmāsikādikam ||

pitṛvyagurudauhitrān svasṛbhartrīyamātulān |

pūjayet kavyapūrtābhyāṃ vṛddhānāthātithīn striyaḥ ||

tatsapiṇḍā bāndhavāś ca ye tasyāḥ paripanthinaḥ |

hiṃsyur dhanāni tān rājā cauradaṇḍena śāsayet ||

viṣṇuḥ: "aputrasya dhanaṃ patnyabhigāmi, tadabhāve duhitṛgāmi, tadabhāve pitṛgāmi, tadabhāve mātṛgāmi, tadabhāve bhrātṛgāmi, tadabhāve bhrātṛputragāmi, tadabhāve bandhugāmi, tadabhāve sakulyagāmi, tadabhāve sahādhyāyagāmi, tadabhāve brāhmaṇadhanavarjaṃ rājagāmi" | bṛhaspatiḥ |

mṛto 'napatyo 'bhāryaś ced abhrātṛpitṛmātṛkaḥ |

sarve sapiṇḍās tad dāyaṃ vibhajeran yathāṃśataḥ ||

śaṅkhaḥ punar anyathā kramam āha: "athāputrasya svaryātasya bhrātṛgāmi dravyam, tadabhāve mātāpitarau lebhetām patnī vā jyeṣṭhā" iti | devalaḥ |

tato dāyam aputrasya vibhajeran sahodarāḥ |

tulyā duhitaro vāpi dhriyamāṇaḥ pitāpi vā ||

savarṇā bhrātaro mātā bhāryā ceti yathākramam || iti |

nārado 'pi |

bhrātṝṇām aprajāḥ preyāt kaścic cet pravrajeta vā |

vibhajeran dhanaṃ tasya śeṣās te strīdhanaṃ vinā ||

bharaṇaṃ cāsya kurvīran strīṇām ā jīvitakṣayāt |

rakṣanti śayyāṃ bhartus ced ācchindyur itatāsu tat ||

tathā |

anyatra brāhmaṇt kiṃ tu rājā dharmaparāyaṇaḥ |

tatstrīṇāṃ jīvanaṃ dadyād eṣa dāyavidhiḥ smṛtaḥ || iti |

evam eṣāṃ vākyānām āpātataḥ pratibhāsamānavirodhānāṃ virodhaparihāreṇa prāmāṇyasiddhaye bhinnaviṣayatā vācyā | atra kecid āhuḥ — yā devarād anyasmād vāpi sapiṇḍād guruśvaśurādivacanāt putram icchati, tadviṣayaṃ patnīduhitara **[742]** ityādivacanam iti | tad ayuktam, duṣparihāro hi bahutarasmṛtyantaravirodho 'tra pakṣe | tathā hi — "rikthalobhān nāsti niyogaḥ" iti vasiṣṭhaḥ | anena hi rikthagrāhiṇyā niyogānadhikāra ucyate | nanu mā bhūt tasmān niyogaḥ, pūrvam eva niyuktāyāḥ paścād dhanabhāktvam "patnī duhitaraḥ" ity anena vidhīyatām, tad asat | tathā hi sati tenaiva janiṣyamāṇena kṣetrajena putreṇa dhanasvāmino 'tītasya putravattvaṃ syāt | aputrasya dhanaṃ patnī bhajata iti patnī duhitara ity anena vidhīyate | ata eva manuḥ |

dhanaṃ yo bibhṛyād bhrātur mṛtasya striyam eva vā |

so 'patyaṃ bhrātur utpādya dadyāt tasyaiva tad dhanam || iti |

tasyaiva tan na tu jananyā ity arthaḥ |

saṃsthitasyānapatyasya gotrāt tantuṃ samāharet |

tatra yo rikthabhāgaḥ syāt taṃ tasmai pratipādayet ||

tasyai tantave 'patyāyety arthaḥ | tac ca niyogārthitvaṃ rikthagrāhitve viruddhatvāt katham iva hetuḥ | virodham eva gautamaḥ spaṣṭayati: "piṇḍagotrārthasaṃbaddhā rikthaṃ vibhajeran strī vānapatyasya bījaṃ vā lipseta" iti | anena hy anapatyabhartṛdhanagrāhitvasya bījalipsāsucitaniyogārthitvasya ca vikalpaḥ pratipādyate | ataḥ spaṣṭo virodhaḥ | vṛddhamanur api,

aputrā śayanaṃ bhartuḥ pālayantī vrate sthitā |

patny eva dadyāt tatpiṇḍaṃ kṛtsnam aṃśaṃ labheta ca ||

iti vadan niyogārthinyā nāsti rikthagrāhitvam iti spaṣṭayati | tathā hi sati bhartuḥ śayanaṃ pālayantīti na vācyaṃ syāt | tasmān neyaṃ vyavasthā yujyate | kathaṃ tarhi virodhaparihāraḥ | ucyate — "aputrā śayanaṃ bhartuḥ" ityādimanuvākyoktaguṇā patnī pitṛbhrātṛsadbhāve 'pi svayam eva patidhanaṃ samagraṃ gṛhṇāti, patyuś ca śrāddhādi karoti | anenaivābhiprāyeṇa bṛhaspatināpy uktam |

pituḥ putreṇa kartavyā piṇḍadānodakakriyā |

putrābhāve tu patnī syāt tadabhāve sahodaraḥ || iti |

tathā yā pitṛdhanānupaghātena svayam arjayitur bhartuḥ paricaryāṃ yathāvat kṛtavatī saṃyatendriyā ca sā bhartuḥ sakalam eva dhanaṃ devareṣu vidyamāneṣv api gṛhṇāti | yā tu tāruṇyādinā saṃbhāvitavyabhicārā tasyāṃ vidyamānāyām api mṛtakasya **[743]** bhartur bhrātṛgāmy eva vittam, na tu patnīgāmi | tatrāpi caiṣā vyavasthā — yadi tadbhrātṛbhiḥ svapitṛdhanānupaghātena saṃbhūya samutthānena dhanam arjitam, tadā pitroḥ sadbhāve 'pi bhrātara eva dhanagrāhiṇaḥ | yadā tu pitṛpitāmahādyupārjitaṃ dhanam, tadā na bhrātṝṇāṃ dhanabhāgitvaṃ kiṃ tu pitror iti | evaṃ viṣayavyavasthāyāṃ sarvavākyāvirodhaḥ | na ca vācyam ekākinī strī yajñe 'nadhikṛtā kathaṃ yajñārthatayotpannaṃ gṛhṇīyād iti | sarvasyā eva dhanotpatter yajñārthatve pramāṇābhāvāt | yaiva hi "dvādaśa rātrīr dīkṣito bhṛtiṃ badhnīta" ity evamādivacanavihitā saiva dhanotpattiḥ kratvarthā | anyathā tu puruṣārthaiva | yad api cārthavādavacanam "tasmāt striyo nirindriyā adāyādāḥ" iti, tad api yathāprāpti varṇanīyam anuvādakatvād iti putrasadbhāvaviṣayatvena vyākhyeyam | asti ca strīṇām ekādinīnām api pūrtadharmādhikāraḥ | tena tatra dhanaṃ tā upayokṣyante | yat tu nāradena "bhrātṝṇām apajāḥ preyāt" ity abhidhāyoktam, "tasmāt striyo nirindriyā adāyādāḥ" iti, tad api yathāprāpti varṇanīyam anuvādakatvād iti putrasadbhāvaviṣayatvena vyākhyeyam | asti ca strīṇām ekākinīnām api pūrtadharmādhikāraḥ | tena tatra dhanaṃ tā upayokṣyante | yat tu nāradena "bhrātṝṇām aprajāḥ preyāt" ity abhidhāyoktam,

bharaṇaṃ cāsya kurvīran strīṇām ā jīvitakṣayāt |

ityādi, tat punarbhūsvairiṇyadiviṣayaṃ veditavyam | strīśabdamātraprayogāṭ | patnīśabdas tu vivāhayajñasaṃyoginyām eva vartate "patyur no yajñasaṃyoge" iti śabdasmṛteḥ | evaṃ patnyām asatyāṃ pitṛsamānavarṇā duhitaro 'putradhanasvāminyaḥ | nāradaḥ |

putrābhāve tu duhitā tulyasaṃtānadarśanāt |

putraś ca duhitā caubhau pituḥ saṃtānakārakau ||

tathā |

yathaivātmā tathā putraḥ putreṇa duhitā samā |

tasyām ātmani tiṣṭhantyāṃ katham anyo dhanaṃ haret ||

bṛhaspatiḥ |

aṅgād aṅgāt saṃbhavati putravad duhitā nṛṇām |

tasyāṃ pitṛdhanaṃ tv anyaḥ kathaṃ gṛhṇīta mānavaḥ ||

sadṛśī sadṛśenoḍḥā śādhvī śuśrūṣaṇe ratā |

kṛtākṛtā vā putrasya pitur dhanaharī tu sā ||

sadṛśī savarṇā | ato 'savarṇāyā duhitur anadhikāro dāyaharatve | **[744]** kṛtākṛtā putriketyarthaḥ | atra ca kṛtākṛtā vety anena putrikā dṛṣṭāntatayopādīyate, na punas tasyā aputrapitṛdhanagrāhitvaṃ vidhīyate | na hi putrikāpitāputra iti śakyate vaktum, putrikāyā api putratvāt | tathā ca vasiṣṭhaḥ: "tṛtīyaḥ putrikā vijñāyate" iti | etena yad uktaṃ kenacit patnī duhitara ity atra duhitṛśabdena putrikocyate iti tan nirastaṃ veditavyam | mātā ca pitā ca patarau tau putrasya patnyā duhitṛbhiś ca rahitasya dhanagrāhiṇau | bṛhaspatiḥ |

bhāryāsutavihīnasya tanayasya mṛtasya tu |

mātā rikthaharī jñeyā bhrātā vā tadanujñayā ||

manuḥ |

anapatyasya putrasya mātā dāyam avāpnuyāt |

mātary api ca vṛttāyāṃ pitur mātā dhanaṃ haret ||

pitror abhāve bhrātaras te tu sodarā eva pratyāsannataratvāt | te hi mṛtabhrātrapekṣayaikasyaiva mātṛvargasya śrāddhakāriṇo na tu śapatnāḥ | yat tu śaṅkhalikhitapaiṭīnasivacaḥ: "aputrasya svaryātasya bhrātṛgāmi dhanaṃ tadabhāve mātāpitarau labhetāṃ patnī vā jyeṣṭhā" ityādi, tat pitṛdhanānughātenārjitavibhaktadhaneṣu bhrātṛṣu draṣṭavyam | atādṛśabhrātṛbhāve ca pitarau jyeṣṭhā vā patnī | uktalakṣaṇabhrātṛvilakṣaṇās tu bhrātaro yājñavalkyoktakramātikrameṇa rikthabhājo mantavyā iti sarvam aviruddham | yad api devalenoktam,

tato dāyam aputrasya vibhajeran sahodarāḥ |

tulyā duhitaro vāpi mriyamāṇaḥ pitāpi vā ||

savarṇā bhrātaro mātā bhāryā ceti yathākramam ||

iti, tatrāpi śaṅkhavacanavyavasthāprakāreṇa sodarāṇāṃ pūrvaṃ dāyagrāhitvaṃ jñātavyam | bhrātrabhāve tatsutās tadabhāve gotrajāḥ | tatra pratyāsannaḥ pūrvaṃ dhanabhāk | yad āha manuḥ |

anantaraḥ sapiṇḍādyas tasya tasya dhanaṃ bhavet | iti |

anantaratā ca tenaivoktā |

trayāṇām udakaṃ kāryaṃ triṣu piṇḍaḥ pravartate |

caturthaḥ saṃpradas teṣāṃ pañcamo nopapadyate || **[745]**

saṃpradānakārakībhūtānāṃ pitrādīnāṃ trayāṇāṃ codakādidātā, yaś ca tatsaṃtatijo 'nyo 'pi teṣām evodakādidātā sa tasya pratyāsannaḥ sapiṇḍaḥ | tad atra tu sodaro bhrātātiśayena pratyāsannaḥ, samānasaṃpradānodakādidātṛtvāt | tatputraḥ punar īṣadvyavahitaḥ pitṛpiṇḍe saṃpradānatvāt | tatpautras tu tato 'pi vyavahitaḥ pitṛpitāmahapiṇḍayor bhinnasaṃpradānakatvāt | tatpautras tv atyantavyavahitaḥ piṇḍatraye 'pi saṃpradānabhedāt | evaṃ bhrātā tatputras tatpautra iti pitṛsaṃtatau trayaḥ pratyāsannāḥ sapiṇḍāḥ | evaṃ pitāmahasaṃtatau prapitāmahasaṃtatau ca | eṣām abhāve pitrāditrayasya ye prapautrās teṣāṃ putrāditrayaṃ sāpiṇḍyād dhanagrāhakam | gotrajābhāve bandhuḥ pitṛṣvasā mātṛṣvasā matulasutādiḥ | tadabhāve śiṣya upanīya vedam adhyāpito dhanabhāg bhavati | tadabhāve sabrahmacārī, ekācāryakaḥ | yat tu kātyāyanenoktam,

vibhakte saṃsthite dravyaṃ putrābhāve pitā haret |

bhrātā vā jananī vātha mātā vā tatpituḥ kramāt ||

iti, tatra putrābhāva ity etatpradarśanāṛtham | tena patnyā duhitṝṇām abhāva iti draṣṭavyam | pitur abhāve mātā, mātrānumato vā mā(bhrā)taiva,

mātā rikthaharī jñeyā bhrātā vā tadanujñayā |

iti vacanāt | eṣām abhāve mṛtasya pitāmahī, duhitṛdauhitrānantaram | bṛhaspatiḥ |

tadabhāve bhrātaras tu bhrātṛputrāḥ sanābhayaḥ |

sakulyā bāndhavāḥ śiṣyāḥ śrotriyāś ca dhanārhakāḥ ||

nāradaḥ |

abhāve ca duhitṝṇāṃ sakulyā bāndhavās tathā |

tataḥ sajātyāḥ sarveṣām abhāve rājagāmi tat ||

anyatra brāhmaṇāt kiṃ tu rājā dharmaparāyaṇaḥ |

tatstrīṇāṃ jīvanaṃ dadyād eṣa dāyavidhiḥ smṛtaḥ ||

atrābhāve duhitṝṇām iti pitror apy abhāva upalakṣyate | tatstrīṇām apariṇitānāṃ svairiṇīnāṃ vā punarbhvā vā |

sarveṣām apy abhāve tu brāhmaṇā rikthabhāginaḥ |

traividyāḥ śucayo dāntās tathā dharmo na hīyate ||

aharyaṃ brāhmaṇadravyaṃ rājñā nityam iti sthitiḥ |

itareṣāṃ tu varṇānāṃ sarvābhāve haren nṛpaḥ || **[746]**

nṛpo janapadasya trātā | bṛhaspatiḥ |

ye putrāḥ kṣatraviṭśūdrāḥ patnībhrātṛvarjitāḥ |

teṣāṃ dhanaharo rājā sarvasyādhipatir hi saḥ ||

paiṭhīnasiḥ: "pariṣadgāmi (?) vā śrotriyadravyaṃ na rājagāmi, na hāṛyaṃ rājñā devatāgaṇasaṃsthitaṃ na nikṣepopanidhikriyākramāgataṃ na bālastrīdhanāny evaṃ hy āha —

na hāryaṃ strīdhanaṃ rājñā tathā bāladhanāni ca |

nāryāḥ ṣaḍāgamaṃ vittaṃ bālānāṃ paitṛkaṃ dhanam ||

smṛtiḥ: "yo yata ādadīta sa tasmai śrāddhaṃ kuryāt piṇḍaṃ tripuruṣaṃ dadyāt" iti | tripuṣam ity amāvāsyāśrāddhābhiprāyam | viṣṇuḥ: "ataḥ pitṛvittālābhe 'pi piṇḍaṃ dadyāt" |

patnī duhitara ity atra vākye kecit paryanuyuñjate, yathā — striyāḥ sabhartṛkāyā eveṣṭāpūrtayor adhikāro na tu kevalāyās tasyā bhartṛrahitatvād eva ca tayā na kāmaḥ sevanīyaḥ kīm tu tapas tīvram | na ca dharmakāmayor anupayujyamāno 'rtho bhavati puruṣārthaḥ | tasmāt pitrādiṣu dharmakāmopayogidhanabhājaneṣu satsu na patnyā dhanabhāktvam, tasmād aputrasya mṛtakasya dhanaṃ patnī nirvāhamātrasamartham ādadyān nādhikam, tadviṣayaṃ patnyā dhanabhāktvavacanam | yasya tu patnīrahitasya dhanaṃ duhitṛvivāhamātraparyāptaṃ tadviṣayaṃ duhitṝṇāṃ dhanagrāhitvam anenocyate | ato 'dhikasya mṛtakadhanasya patnīduhitṛsadbhāve 'pi sapiṇḍāḥ pitrādaya eva grāhakāḥ śaṅkhādivākyasārthyād bhavantīti mantavyam iti |

tad ayuktam, dhanasvāminaḥ pramaye sati taddhane 'nyasya svāmitvotpattau vidheyāyāṃ tathāha bhagavān — patnyā duhitṝṇāṃ svāmitotpannaiva na tūtpādyā | "pāṇigrahaṇād dhi sahatvam" ityādinā āpastambavākyena bhartṛdhane strīṇāṃ svāmitvaṃ pāṇigrahaṇam eva sādhayatīti vidhīyate | duhitṝṇāṃ putravaj janmanaiva pitṛdhane svāmibhāvasiddhir iti veditavyam | tataś ca patnyāṃ duhitari satyāṃ tayoḥ svāmitvaṃ bādhitvā pitrādisvāmitvavidhir anena vākyena na kāryaḥ | abhāve tu patnīduhitror bādhanirapekṣaṃ vidhāyakatvam asyeti vairūpyam āpadyate, tatas tatparihārārthaṃ patnyādyabhāva eva pitrādīnāṃ dhanabhāktvam iha prameyam | yat tu śaṅkhādibhiḥ **[747]** pitrādyabhāve patnyā dhanagrāhakatvam ucyate, tat kāraṇāntareṇa bhartṛdhane yasyā adhikārādipadāspadaṃ svāmitvam apetaṃ draṣṭavyam | uktaṃ ca kāraṇāntaram — "hṛtādhikārāṃ malinām" ity atra bhartṛdhane patnyāḥ svāmitvabhraṃśaṃ prati | tasmād uktaiva vyavasthā uktam | uktaṃ hi strīṇām abhartṛkāṇāṃ mantrāgnisādhyadharmād anyatra dharme dānādāv asty adhikāra iti | tena svatantropayujyamāne 'rthe tāsām upayogaḥ || 2.135, 136 ||

*atha gṛhasthavyatiriktānām āśramiṇāṃ paretānāṃ dhanagrāhakān sakramakān āha |*

**vānaprasthayatibrahmacāriṇāṃ rikthabhāginaḥ |**

**krameṇācāryasacchiṣyadharmabhrātrekatīrthinaḥ || 2.137 ||**

vānaprasthādīnām anyatamasya mṛtasya riktham ācāryādayaḥ krameṇa gṛhṇīyuḥ | pūrvasya pūrvasyābhāva uttara uttaro gṛhṇīyād ity arthaḥ | sadguṇavāñ śiṣyaḥ sacchiṣyaḥ | dharmabhrātā samānācāryaḥ | ekatīrthī ekasiddhāntaḥ | ekavārāṇasīprabhṛtitīrthanivāsī vā | vānaprasthasya dhanam astīti vacanāt,

tyajed āśvayuje māsi utpannaṃ pūrvasaṃcitam |

ity asmād gamyate | yatibrahmacāriṇor api kanthādi kiṃcid asty eva || 2.137 ||

*aputrasya bhrātuḥ patnīduhitṝṇāṃ pitroś cābhāve bhrātṝṇāṃ bhavatīty uktaṃ tatra viśeṣam āha |*

**saṃsṛṣṭinas tu saṃsṛṣṭī sodarasya tu sodaraḥ |**

**dadyād apaharec cāṃśaṃ jātasya ca mṛtasya ca || 2.138 ||**

**anyodaryas tu saṃsṛṣṭī nānyodaryadhanaṃ haret |**

**asaṃsṛṣṭy api cādadyāt sodaryo nānyamātṛkaḥ || 2.139 ||**

vibhaktasya dhanasa vibhaktenaiva dhanāntareṇa miśraṇaṃ saṃsṛṣṭaṃ tadvān saṃsṛṣṭī, tasya mṛtasya dhanaṃ saṃsṛṣṭy eva bhrātā haret | bhrātātra sodara eva na punar anyodaryaḥ saṃsṛṣṭy api | saṃsṛṣṭinas tu jātasya tanmaraṇottarakālam utpannasya putrasya tadbhāgaṃ tatputrāya jīvansaṃsṛṣṭī dadyāt | etac cātra prasaṅgād uktam | atra bṛhaspatiḥ |

**[748]** vibhakto yaḥ punaḥ pitrā bhrātrā caikatra saṃsthitaḥ |

pitṛvyeṇātha vā prītyā tatsaṃsṛṣṭaḥ sa ucyate ||

anena trividhā saṃsṛṣṭino bhavantīty anūdyate | teṣāṃ madhyād aputrasya saṃsṛṣṭino 'ṃśaḥ sodareṇa saṃsṛṣṭinā grāhya iti yad ucyate tat kiṃ mṛtasya patnyādisadbhāve tadviparyate ceti jijñāsāyām āha |

yadā kaścit pramīyeta pravrajed vā kathaṃcana |

na lupyate tasya bhāgaḥ sodarasya vidhīyate ||

yā tasya bhaginī sā tu tato 'ṃśaṃ labdhum arhati |

anapatyasya dharmo 'yam abhāryapitṛkasya ca || iti |

ataś ca saṃsṛṣṭino 'pi yadi patnyādayaḥ santi tadā patnī duhitara ity ayam eva kramaḥ | yatra bhrātṝṇāṃ rikthagrāhitve prāpte saṃsṛṣṭisodaratvasaṃbhave tadviśiṣṭasyaiva bhrātur dhanabhāktvaṃ niyamyate | bhaginyāḥ sodarabhrātrabhāve 'dhikāritā mantavyā | anyathā "tasmān nirindiryāḥ strio 'dāyādāḥ" iti śrutivirodhaḥ syād iti | uktam etat saṃsṛṣṭino mṛtakasyāṃśaṃ sodaryaḥ saṃsṛṣṭī hared iti | etad eva vyatirekataḥ spaṣṭayitum āha |

anyodaryas tu saṃsṛṣṭī nānyodaryād dhanaṃ (-daryadhanaṃ) haret |

nigadavyākhyātam etat | yadā punar anyodaryaḥ saṃsṛṣṭī na sodaraś cet tadā ko 'ṃśahara ity apekṣāyām āha |

asaṃsṛṣṭy api cādadyāt sodaryo nānyamātṛja: (kaḥ) |

sodaryo yady apy asaṃsṛṣṭī tathāpi sa evādadīta na punar anyodaryaḥ saṃsṛṣṭy api | anyodaryasya saṃsṛṣṭitaṃ viśeṣaṇam asaṃsṛṣṭy apīty apiśabdād gamyate, tenāyam arthaḥ siddhāh — yadi sodaratvaṃ saṃsargitvaṃ ca vidyate tadā sa eva tādṛśasyāṃśaṃ harati | yadā punaḥ saṃsṛṣṭitvam anyodaryasya tadā sodaratvam evāṃśaharatve nimittaṃ netard iti | manuḥ |

vibhaktāḥ saha jīvanto vibhajeran punar yadi |

samas tatra vibhāgaḥ syāj jyaiṣṭhyaṃ tatra na vidyate ||

anena jyaiṣṭhyanimittaṃ vibhāgavaiṣamyaṃ niṣidhyate nānyanimittam, tena saṃsargasamaye ma(ta)dīyaṃ yāvad dhanaṃ saṃsṛṣṭaṃ vibhāgasamaye tadanusāreṇaiva bhāgaṃ labhate | atraiva viśeṣāntaram āha bṛhaspatiḥ |

**[749]** saṃsṛṣṭānāṃ tu yaḥ kaścid vidyāśauryādinā dhanam |

prāpnoti tasya dātavyo dvyaṃśaḥ śeṣāḥ samāṃśinaḥ ||

yeṣāṃ jyeṣṭhaḥ kaniṣṭho vā hīyetāṃśapradānataḥ |

mriyetānyataro vāpi tasya bhāgo na lupyate ||

sodaryā vibhajeraṃs taṃ sametya sahitāḥ samam |

bhrātaro ye ca saṃsṛṣṭā bhaginyāś ca sanābhayaḥ ||

aṃśapradānaṃ vibhāgas tato hāniḥ pārivrājyapātityādinānadhikāraḥ | tasya bhāgo na lupyate kalpanīya ity arthaḥ | taṃ bhāgaṃ sodarā yadi saṃsṛṣṭinas tadā ta eva gṛhṇīyuḥ | nāsaṃsṛṣṭinaḥ sodaryā api | saṃsṛṣṭināṃ sodarāṇām abhāve sarve sodarāḥ sametya militvā sahitāḥ samaṃ pradhānābhāvena samaṃ nyūnādhikaṃ na vibhajeran | sodarāṇām abhāve bhaginyaḥ sanābhayaḥ sodaryā vibhajerann iti śeṣaḥ | tāsām apy abhāve 'nyodaryā bhaginyo bhrātaraś ca || 2.138, 139 ||

*sarvatra vibhāge 'nadhikṛtān āha* |

**klībo 'tha patitas tajjaḥ paṅgur unmattako jaḍaḥ |**

**andho 'cikitsyarogādyā bhartavyās tu niraṃśakāḥ || 2.140 ||**

klībādyā niraṃśakāḥ | aṃśo bhāgas tadrahitāḥ kāryāḥ | bhartavyās tu te bhavanti | klībaḥ ṣaṇḍaḥ | patito vakṣyate | tajjaḥ patitotpannaḥ | tasya yady api patitagrahaṇenaiva grahaṇaṃ siddham, uktaṃ vasiṣṭhena "patitotpannaḥ patito bhavatīty āhuḥ" iti, tathāpi tasya pṛthaggrahaṇaṃ kāryam | anyathā "aurasakṣetrajās teṣām" iti vākyabalād bhāgārhatā syāt | paṅguś caraṇarahitaḥ | unmattaka unmādī | unmādo rogaviśeṣaḥ jaḍo mūḍhaḥ | andho 'akaṣuḥ | acikitsyarogo 'pratisamādheyavyādhiḥ | ādyaśabdaḥ śāstrāntaroktānāṃ bhāgānarhāṇāṃ saṃgrahārthaḥ | tatra nāradaḥ |

pitṛdviṭ patitaḥ ṣaṇḍho yaś ca syād aupapātikaḥ |

aurasā api naite 'ṃśaṃ labheran kṣetrajāḥ kutaḥ ||

pitṛdviṭ pitṛdveṣī | upapātakam upapātaḥ | tad yukta aupapātikaḥ | manuḥ |

sarva eva vikarmasthā nārhanti bhrātaro dhanam |

dīrghatīvrāmayagrastā jaḍonmattāndhapaṅgavaḥ ||

**[750]** anaṃśau klībapatitau jātyandhabadhirāv api |

unmattā jaḍamūkāś ca ye ca kecin nirindriyāḥ ||

vasiṣṭhaḥ: "anaṃśās tv āśramāntaragatāḥ" | gṛhasthāśramāpakṣam āśramāntaratvam | kātyāyanaḥ |

akramoḍhāsutaś caiva sagotrādyaś ca jāyate |

pravrajyāvasitaś caiva na rikthaṃ teṣu cārhati ||

akrameṇa varṇakramajanmakramātikrameṇa yoḍhā tasyāḥ suto 'kramoḍhāsutaḥ | sagotrāt stryapekṣayā samānagotrāt pariṇetur yo jāyate | eteṣāṃ ca vācanikam aṃśānarhatvam, na punar dharmānadhikāritvahetukam, dharmānadhikāritāyā hetvabhāvāt | yady api patitasya dharmānadhikāras tathāpi nāndhapaṅgvādīnām, teṣāṃ hy ājyāvekṣaṇādyaṅgavaty eva dharmaviśeṣe 'nadhikāro na sāmānyato dharmamātre | asti hi teṣām iṣṭe dharme gṛhyādyukto 'dhikāraḥ | kṛtadārā hi te | tathā hi manuḥ |

yady arthitā tu dāraiḥ syāt klībādīnāṃ kathaṃcana |

teṣām utpannatantūnām apatyaṃ dāyam arhati ||

ataḥ klībādīnāṃ dāravattvavacanāt teṣām upanayanam astīti gamyate | na ca vācyaṃ dāraparigrahe sati paścād andhatvādidoṣodaye viṣaye yady arthiteti vacanam iti | tathā sati pūrvavākye jātyandhagrahaṇaṃ na kriyeta | bhavatu vā jātyandhādīnām upanayanadāraparigrahābhāvādiṣṭe dharme teṣām anadhikāraḥ, pūrte tu śūdrādivad asty eva | tasmān na dharmānadhikāritvahetukaṃ teṣām anaṃśatvam, kiṃ tu vācanikam eva | yat tu baudhāyana āha: "atītavyavahārān grāsācchādanair bibhṛyur andhajaḍaklībavyasanivyādhitādīṃś cākarmiṇaḥ patitatajjātavarjam" iti, akarma kṛṣyādikaṃ jīvikātmakaṃ yeṣāṃ na vidyate ta iti, patitatajjātavarjam iti patitaṃ tajjātaṃ ca varjayitvānyān bibhṛyād ity arthaḥ || 2.140 ||

*klībādīnām anaṃśatvena tatputrāṇām anaṃśatvaṃ prāptaṃ tad apavādam āha |*

**aurasāḥ kṣetrajās tv eṣāṃ nirdoṣā bhāgahāriṇaḥ |**

**sutāś caiṣāṃ prabhartavyā yāvad vai bhartṛsātkṛtāḥ || 2.141 ||**

**aputrā yoṣitaś caiṣāṃ bhartavyāḥ sādhuvṛttayaḥ |**

**nirvāsyā vyabhicāriṇyaḥ pratikūlās tathaiva ca || 2.142**

**[751]**

eṣāṃ klībādīnām aurasāḥ kṣetrajāś ca pātityādidoṣarahitā aṃśaṃ labhante | klībasyāpatyaṃ cikitsādivaśād bhavati, teṣāṃ (eṣāṃ) ca kanyakā ā vivāhād bhartavyāḥ | eṣām eva ca yoṣito 'putrāḥ pariṇītā bhartavyā yadi sādhvyaḥ | vyabhicāriṇyo devarādipratikūlāś ca nirvāsyā gṛhād bahiṣkāryāḥ | kanyakās tu patitotpannā api poṣyā vivāhayitavyāś ca | tad āha vasiṣṭhaḥ: "patitotpannaḥ patito bhavatīty āhur anyatra striyāḥ sā hi paragāminī" iti || 2.141, 142 ||

*striyām aṃśaharatvābhāve strīdhanahartṝn agre vivakṣuḥ strīdhanasvarūpaṃ tāvad āha |*

**pitṛmātṛsutabhrātṛdattam adhyagnyupāgatam |**

**ādhivedanikaṃ caiva strīdhanaṃ parikīrtitam || 2.143 ||**

pitrādibhir yad dattam adhyagni vivāhakāle 'gnim adhikṛtya yal labhyate, tad adhyagni | adhivedananimittam ādhivedanikam | vidyamānāyāṃ bhāryāyāṃ bhāryāntarapariṇayanam adhivedanam | caśabda ādyarthaḥ | tena ca strīdhanāntaraparigrahaḥ | tad yathā — kāryāḥ patnyaḥ samāṃśikāḥ | mātāpy aṃśaṃ samaṃ haret | svasmād aṃśāc caturbhāgaṃ mātuḥ parināhyaṃ striyo vibhajetan | anyad api yat strīsvāmikaṃ tat strīdhanam iti manvadibhiḥ parikīrtitam | kātyāyanaḥ |

vivāhakāle yat strībhyo dīyate hy agnisaṃnidhau |

tad adhyagnikṛtaṃ sadbhiḥ strīdhanaṃ parikīrtitam ||

yat punar labhate nārī nīyamānā pitur gṛhāt |

adhyāvahanikaṃ nāma strīdhanaṃ parikīrtitam ||

prītyā dattaṃ tu yat kiṃcic chvaśrvā vā śvaśureṇa vā |

pādavandanikaṃ tat tu lāvaṇyārjitam ucyate ||

ūdhāyāḥ kanyakāyā vā patiyuḥ pitṛgṛhe 'pi vā |

bhrātuḥ sakāśāt pitror vā labdhaṃ saudāyikaṃ smṛtam ||

vṛddhavyāsaḥ |

yat kanyayā vivāhe ca vivāhāt parataś ca yat |

pitṛbhrātṛgṛhāt prāptaṃ tat tu saudāyikaṃ smṛtam ||

tathā |

vivāhakāle yat kiṃcid varāyoddiśya dīyate |

kanyāyās tad dhanaṃ sarvam avibhājyaṃ ca bandhubhiḥ || **[752]**

kātyāyanaḥ |

saudāyikaṃ dhanaṃ prāpya strīṇāṃ svātantryam iṣyate |

yasmāt tad ānṛśaṃsyārthaṃ tair dattam upajīvanam ||

saudāyike sadā strīṇāṃ svātantryaṃ parikīrtitam |

vikraye caiva dāne ca yatheṣṭaṃ sthāvareṣv api ||

yat punar āha nāradaḥ:

bhartrā prītena yad dattaṃ striyai tasmin mṛte 'pi tat |

sā yathākāmam aśnīyād dadyād vā sthāvarād ṛte ||

iti, tat prītidattasthāvaraviṣayam | kātyāyanaḥ |

vivāhāt parato yat tu labdhaṃ bhartṛkulāt striyā |

bhartuḥ pitroḥ sakāśād vā anvādheyaṃ tu tad bhṛguḥ ||

gṛhopaskaravāhyānāṃ dohyābharaṇakarmiṇām |

mūlyalabdhaṃ tu yat kiṃcic chulkaṃ tat parikīrtitam ||

vyāsaḥ |

dvisāhasraḥ paro dāyaḥ striyai deyo dhanasya ca |

yac ca bhartrā dhanaṃ dattaṃ sā yathākāmam āpnuyāt ||

pratyabdaṃ kārṣāpaṇasahasradvayaparimito dhanasyaikadeśaḥ paro dāyaḥ striyai deyaḥ | paraḥ paramaḥ | dīyata iti dāyaḥ | tam imaṃ dāyaṃ bhartṛdattaṃ vāniṣiddhena mārgeṇa yathākāmaṃ devarāder anumitam antareṇāpy āpnuyāt | ato 'dhike tu devarādyanumatir apekṣaṇīyety arthād gamyate | manuḥ |

patyau jīvati yaḥ strībhir alaṃkāro dhṛto bhavet |

na taṃ bhajeran dāyādā bhajamānaḥ patanti te ||

satatadhṛtālaṃkāraviṣayam etat |

na bhartā naiva ca pitā na suto bhrātaro na ca |

ādāne vā visarge vā strīdhane prabhaviṣṇavaḥ ||

yadi hy ekataro 'py eṣāṃ strīdhanaṃ bhakṣayed balāt |

savṛddhiṃ(ddhi) pratidāpyaḥ syād daṇḍaṃ caiva samāpnuyāt ||

kātyāyanaḥ |

jīvantyāḥ patiputrās tu devarāḥ pitṛbāndhavāḥ |

anīśāḥ strīdhanasyoktā daṇḍyās tv apaharanti ye ||

manuḥ |

jīvantīnāṃ tu tāsāṃ ye tad dhareyuḥ svabāndhavāḥ |

tāñ śiṣyāc cauradaṇḍena dhārmikaḥ pṛthivīpatiḥ || **[753]**

mṛtānāṃ strīṇāṃ dhane bāndhavānām apy adhikāro vivāhaviśeṣopādhau vidyata ity abhiprāyeṇoktam — jīvantīnām iti || 2.143 ||

*yad arthaṃ strīdhanalakṣaṇam uktaṃ tad idānīm āha* |

**bandhudattaṃ tathā śulkam anvādheyakam eva ca |**

**aprajāyām atītāyāṃ bāndhavās tad avāpnuyuḥ || 2.144 ||**

bandhubhiḥ pitṛvyamātulādibhir yad dattaṃ yac ca śulkaṃ yac cānvādheyakam ity anena sarvam eva strīdhanam upalakṣitaṃ tat striyām anapatyāyām atītāyāṃ bāndhavā avāpnuyuḥ | bāndhavasaṃbandhi tad bhavatīti arthaḥ || 2.144 ||

*uktaṃ sāmānyena bāndhavā avāpnuyur iti, idānīṃ yasmin viṣaye bāndhavā* *ye 'dhikriyante tad āha* |

**aprajas strīdhanaṃ bhartur brāhmādiṣu caturṣv api |**

**duhitṝṇāṃ prasūtā cec cheṣeṣu pitṛgāmi tat || 2.145 ||**

anapatyāyāḥ striyā brāhmadaivārṣaprājāpatyavivāhaprāptāyā dhanaṃ tad bhartur bhavati | āsuragāndharmarākṣasapaiśācavivāhalabdhāyās tu tadīyaṃ dhanaṃ pitṛgāmi bhavati | prasūtāpatyavatī ced duhitṝṇām eva | etac ca sarvavivāhaviṣayam | putrasadbhāve 'pi duhitṛgāmi mātṛdhanam ity etadartham idam iti | ato mātur duhitara ity anena gatārtham | na hi tatrādhikārakrama uktaḥ | ata eva kātyāyanaḥ |

duhitṝṇām abhāve tu rikthaṃ putreṣu tad bhavet |

bandhudattaṃ tu bandhūnām abhāve bhartṛgāmi tat ||

uttarārdham āsurādivivāhacatuṣṭayoḍhāviṣayam | manuḥ |

striyās tu yad bhaved dattaṃ pitrā dattaṃ kathaṃcana |

brāhmaṇī tad dharet kanyā tadapatyasya vā bhavet ||

yac ca tenaivoktam,

brāhmadaivārṣagāndharvaprājāpatyeṣu yad bhavet |

atītāyām aprajasi bhartur eva tad iṣyate ||

iti, tatra gāndharvavivāhoḍhāyā dhanasya bhartṛgāmitayā vikalpa iti mantavyam | tathā sa evāha |

yat tasyai syād dhanaṃ dattaṃ vivāheṣv āsurādiṣu |

atītāyām aprajasi mātāpitros tad iṣyate || **[754]**

āsuravivāhakanyāśulkabhāktvaṃ sodarabhrātṝṇāṃ tadabhāve mātuḥ | yad āha gautamaḥ: "bhaginīśulkaḥ sodaryāṇām mūrvaṃ mātuḥ" | baudhāyanaḥ |

rikthaṃ mṛtāyāḥ kanyāyā gṛhṇīyuḥ sodarāḥ svayam |

tadabhāve bhaven mātus tadabhāve pitur bhavet ||

manuḥ |

aprajāyāṃ mṛtāyāṃ tu putrikāyāṃ kathaṃcana |

dhanaṃ tat putrikābhartā hared evāvicārayan ||

asyāṃ yo jāyate putraḥ sa me putra ity evaṃ kṛtāyāṃ putrikāyām etat | yā punar iyaṃ me putra iti kriyate tadviṣayam āhatuḥ śaṅkhalikhitau: "pretāyāḥ putrikāyā na bhartā dhanam haraty aputrāyāḥ" | paiṭhīnasiḥ: "pretāyāṃ putrikāyāṃ na bhartā dhanam harati | aputrāyā mātrā śvaśrvā vā tad grāhyam" | bṛhaspatiḥ |

mātuḥ svasā mātulānī pitṛvyastrī pitṛśvasā |

śvaśrūḥ pūrvajapatnī ca mātṛtulyāḥ prakīrtitāḥ ||

yadāsām auraso na syāt putro dauhitra eva vā |

tatsuto vā dhanaṃ tāsāṃ svastrīyād yāḥ samāpnuyuḥ ||

pūrvajasya jyeṣṭhasya patnī pūrvajapatnī || 2.145 ||

*strīdhanavibhāgaprasaṅgād vāgdattāviṣayaṃ kiṃcid āha* |

**datvā kanyāṃ haran daṇḍyo vyayaṃ dadyāt sahodayam |**

**mṛtāyāṃ sarvam ādadyāt pariśodhyobhayavyayam || 2.146 ||**

vācā varāya klaibyādidoṣarahitāya kanyāṃ datvānyasya śreyaso varasya lābhe yas tasmād dharati na dadāti, sa rājñā daṇḍyaḥ | yāvato dhanasya vareṇa vyayaḥ kṛtas tāvat savṛddhikaṃ dhanaṃ varāya ca dadyāt | rājñā dāpya ity arthaḥ | tathā prāg vivāhāt kanyāyāṃ mṛtāyāṃ ca dhanaṃ vivāhanimittaṃ kanyāpitre vareṇa dattaṃ tena kanyāpitur varasya ca vivāhanimittaṃ dhanavyayaṃ pariśodhya śeṣaṃ vara ādadīta || 2.146 ||

*uktaṃ mṛtāyā dhanaviṣayaviśeṣe bhartā gṛhṇīyād iti, idānīṃ durbhikṣādau gṛhītaṃ strīdhanaṃ na bhartā striyai dadyād ity āha* |

**[755]** **durbhikṣe dharmakārye ca vyādhau saṃpratirodhake |**

**gṛhītaṃ strīdhanaṃ bhartā na striyai dātum arhati || 2.147 ||**

durbhikṣam annābhāvaḥ | dharmakārye yad āvaśyakaṃ na tu kāmyam | vyādhis tīvro dīrghaś ca tatpratikriyārtham | saṃpratirodho nigaḍādibandhaḥ | eteṣu nimitteṣu svakīyadhanābhāve strīdhanaṃ gṛhītvaitā āpadas taret | pratidānasamarthadhanābhāve ca tat tasyai na dadyāt | ṛṇādyalābharūpāpadviṣayam etat | ata eva devalaḥ |

vṛttir ābharaṇaṃ śulkaṃ lābhaś ca strīdhanaṃ bhavet |

bhoktrī tat svayam evedaṃ patir nārhaty anāpadi ||

vṛthāmokṣe ca bhoge ca striyai dadyāt savṛddhikam |

putrārtiharaṇe vāpi strīdhanaṃ bhoktum arhati ||

dyūtagītādiprayojano dhanavyayo vṛthāmokṣaḥ | bhogas tu stryannapānādyupayogaḥ | putrārtiharaṇe strīdhanam upabhojyaṃ grāhyam ity arthaḥ | kātyāyanaḥ |

na bhartā naiva ca suto na pitā bhrātaro na ca |

ādāne vā visarge vā strīdhane prabhaviṣṇavaḥ ||

yadi hy ekataro 'py eṣāṃ strīdhanaṃ bhakṣayed balāt |

savṛddhiṃ(ddhi) pratidāpyaḥ syād daḍṇāaṃ caiva samāpnuyāt ||

tad eva yady anujñāpya bhakṣayet prītipūrvakam |

mūlam eva pradāpyaḥ syād yadāsau dhanavān bhavet ||

vyādhitaṃ vyasanasthaṃ ca dhanikair vāpi pīḍitam |

jñātvā nisṛṣṭaṃ yat prītyā dadyād ātmecchayā tu saḥ ||

yat striyā bhartāraṃ vyādhyādivyasanebhyo mocayituṃ dhanaṃ visṛṣṭaṃ dattaṃ tad ātmecchayā tasyai dadyāt |

atha cet sa dvibhāryaḥ syān naiva tāṃ bhajate punaḥ |

prītyā nisṛṣṭam api cet pratidāpyaḥ sa tad balāt ||

grāsācchādanavāsanām ācchedo yatra yoṣitaḥ |

tatra svam ādhadhīta strī vibhāgaṃ rikthināṃ tathā ||

likhitasyeti dharmo 'yaṃ prāpte bhartṛkule vaset ||

likhitasya maharṣer mato 'yaṃ dharmaḥ | yad vā bhartṛdeyasya strīdhanasya putraniviṣṭasyāyaṃ dharmaḥ | prāpte ca dhane strī bhartṛkule vasen nānyatra |

**[756]** vyādhitā pretakārye ca gacched bandhukulaṃ tataḥ |

apakārakriyāyuktā nirlajjā cārthanāśikā ||

vyabhicāraratā yā ca strīdhanaṃ sā ca nārhati |

yajñārthaṃ dravyam utpannaṃ tasmād dravyaṃ niyojayet ||

sthāneṣu dharmaniṣṭheṣu na strīmūrkhavidharmasu |

bhartrā pratiśrutaṃ deyam ṛṇavat strīdhanaṃ sutaiḥ ||

tiṣṭhed bhartṛkule yā tu tathā pitṛkule vaset || 2.147 ||

*adhivedanaviṣayam āha* |

**adhivinnastriyai deyam ādhivedanikaṃ samam |**

**na dattaṃ strīdhanaṃ yasyai datte tv ardhaṃ prakīrtitam || 2.148 ||**

yasyāṃ bhāryāyāṃ satyām anyā pariṇīyate sādhivinnā, sā cāsau strī — adhivinnastrī tasyai, ādhivedanikam adhivedananimittam adhivinneti kṛtvā yad dīyate tad ity arthaḥ | tac ca samam, kenety apekṣite prakṛtatvād adhunā pariṇītāyai yad dattaṃ teneti gamyate | etac ca yasyai strīdhanaṃ na dattaṃ tasyai deyam | datte tu tasminn ardham eva deyaṃ na samam | ardhaśabdo 'yaṃ na samatvapravibhāgavṛttiḥ | etac ca datte strīdhane tāvad dadyād yāvatādhivedanikasamaṃ bhavatīty arthaḥ || 2.148 ||

*vibhāgasadasadbhāvavivāde tatsadbhāvanirṇayakāraṇāny āha |*

**vibhāganihnave jñātibandhusākṣyabhilekhitaiḥ |**

**vibhāgabhāvanā jñeyā gṛhakṣetraiś ca yautakaiḥ || 2.149 ||**

iti dāyavibhāgaprakaraṇam || 8 ||

nāsty āvayor dhane vibhāga iti vibhāgasya nihnave 'palāpe [jñātyādibhir vibhāgabhāvanā] jñeyā | tathā yautakaiḥ pṛthagbhūtair gṛhakṣetrādibhir vibhāgabhāvanā jñeyā | jñātyādayaḥ sākṣyādayo vibhāge jñātīnām sākṣitvāt | gṛhakṣetragrahaṇaṃ ca śāstrāntaroktavibhāgapramāṇapradarśanārtham | nāradaḥ |

dāragrahaṇapaśvannagṛhakṣetraparigrahāḥ |

vibhaktānāṃ pṛthagjñeyāḥ pākadharmāgamavyayāḥ ||

sākṣitvaṃ prātibhāvyaṃ ca dānaṃ grahaṇam eva ca |

vibhaktā bhrātaraḥ kuryur nāvibhaktāḥ parasparam ||

**[757]** eṣām etāḥ kriyā loke pravartante svarikthiṣu |

vibhaktān avagaccheyur lekhyam apy antareṇa tān || iti |

bṛhaspatiḥ |

pṛthagāyavyayadhanāḥ kusīdaṃ ca parasparam |

vaṇikpathaṃ ca ye kuryur vibhaktās te na saṃśayaḥ ||

vaṇikpatho vaṇijyā | nāradaḥ |

yady ekajātā bahavaḥ pṛthagdharmāḥ pṛthakkriyāḥ |

pṛthakkarmaguṇopetā na cet kāryeṣu saṃmatāḥ ||

svabhāgān yadi vā dadyus te vikrīyur athāpi vā |

kuryur yatheṣṭaṃ tat sarvam īśās te svadhanasya vai ||

asyārthaḥ — yadi bhrātaraḥ pṛthak parasparānumatim ṛte dhanāsādhyadharmakarmiṇo yadi ca tathaiva pṛthag vittavyayātmakakṛṣyādikriyākāriṇas tathā karma guṇo lābhaḥ kṣayo vā tenopetāḥ syuḥ, tathā kāryāntareṣv api parṣadgrāmādiviṣayeṣu viruddhās te vibhaktā iti jñeyam | ata te svabhāgavikrayādikaṃ yatheṣṭaṃ kuryuḥ | bṛhaspatiḥ |

yenāṃśo yādṛśo bhuktas tasya taṃ na vicālayet |

tathā |

svecchākṛtavibhāgo yaḥ punar eva visaṃvadet |

sa rājñāṃśe svake sthāpyaḥ śāsanīyo 'nubandhakṛt ||

anubandhaḥ āgrahaḥ | kātyāyanaḥ |

vaseyur ye daśābdāni pṛthagdharmāḥ prthakkriyāḥ

vibhaktā bhrātaras te ca vijñeyāḥ paitṛke dhane ||

vibhaktā vāvibhaktā vā dāyādāḥ sthāvare samāḥ |

eko hy anīśaḥ sarvatra dānādāpanavikraye ||

vibhaktadhanā avibhaktadhanā vā dāyādāḥ sthāvare samā bhavanti | teṣāṃ madhya ekaiko dānādau samartho na bhavatīty arthaḥ || 2.149 ||

**iti śrīvidyādharavaṃśaprabhavaśrīśilāhāranarendrajīmūtavāhanānvayaprasūta-**

**śrīmadaparādityadevaviracite yājñavalkyadharmāstranibandhe 'parārka**

**dāyavibhāgaprakaraṇam || 8 ||**

**atha saṭīkayājñavalkyasmṛtau**

**sīmāvivādaprakaraṇam | (9)**

atha sīmāvivāde nirṇayahetūn āha |

**sīmno vivāde kṣetrasya sāmantāḥ sthavirādayaḥ |**

**gopāḥ sīmākṛṣāṇāś ca ye cānye vanagocarāḥ || 2.150 ||**

**nayeyur ete sīmānaṃ sthalāṅgāratuṣadrumaiḥ |**

**setuvalmīkanimnāsthicaityādyair upalakṣitām || 2.151 ||**

kṣetrasya sthāvarasya grāmārāmādeḥ sīmno maryādāyā vivāde sāmantāḥ samantāt parito 'nantaragrāmādibhoktāraḥ, sthavirā vṛddhāḥ | ādiśabdena śāstrāntaroktā anye 'pi sīmānirṇāyakāḥ kathyante | gopāḥ paśupālāḥ | sīmākṛṣāṇāḥ sīmāyāḥ karṣakāḥ | ākārānto 'pi sīmāśabdo 'sti | vanagocarā vanopajīvinaḥ | ete sarve sthalādibhir liṅgair upalakṣitām avadhṛtāṃ sīmānaṃ tadvivāde nayeyur nirṇayeyuḥ | sthalam unnatā bhūḥ | nimnaḥ parikhā | caityaḥ saṃpratipannakṣetradvayasvāmikalpitau liṅgaviśeṣaḥ | prasiddham anyat | sīmno bhedān āha nāradaḥ |

dhvajinī matsyinī caiva naidhānī bhayavarjitā |

rājaśāsananītā ca sīmā pañcavidhā smṛtā ||

dvajinī vṛkṣādilakṣitā | matsyinī matsyādhārajalalakṣitā | naidhānī bhūmadhyanihitatuṣāṅgārādikumbhopalakṣitā | bhayavarjitārthiprathyarthikṛtaliṅgagamyā | nṛpeṇa sarvābhāve svayaṃkṛteti vā | rājaśāsananītā rājājñākṛtā | manuḥ |

sīmāṃ prati samutpanne vivāhe grāmayor dvayoḥ |

jyeṣṭhe māsi nayed etāṃ suprakāśeṣu setuṣu ||

grāmaśabdaḥ pradarśanārthaḥ | tena janapadayoḥ kṣetrayor gṛhayoś ca maryādāvivādasaṃgrahaḥ | evaṃ caturvidha eva sīmāvivādo bhavati | jyeṣṭhamāsagrahaṇaṃ na niyamārthaṃ kiṃ tu saukaryaprāptam, sukaraṃ hi tadā sīmāliṅgapradarśanam | setavaḥ setvādayaḥ sīmāhetavaḥ |

**[759]** niveśakāle kartavyaḥ sīmābandhaviniścayaḥ |

prakāśopāṃśucihnaiś ca lakṣitaḥ saṃśayāpahaḥ ||

niveśo grāmādipraveśārambhaḥ | sīmābandhaḥ sīmāyāh nibandhanaṃ niyāmakam | upāṃśu(śva) prakāśam | bṛhaspatiḥ |

kūpavāpitaḍākāni caityārāmasurālayāḥ |

prakāśacihnāny etāni sīmāyāṃ kārayet sadā ||

nihitāni tathānyāni yāni bhūbhir na bhakṣayet ||

nāradaḥ |

grāmo grāmasya sāmantaḥ kṣetraṃ kṣetrasya kīrtitam |

gṛhaṃ gṛhasya nirdiṣṭaṃ samantāt paribhāvayet ||

grāmādiśabdair grāmādibhoktāra upalakṣitāḥ | samantato ya upalakṣyante tāṃś ca sāmantān vivādaviṣayasya grāmasya samantāt sarvataḥ sthitān paribhāvayet | nanve(natve)kasyām eva diśi | sthavirā vṛddhās tān apy āha sa eva |

niṣpādyamānaṃ yair dṛṣṭaṃ tat kāryaṃ nṛguṇānvitaiḥ |

vṛddhā vā yadi vāvṛddhā vṛddhās te parikīrtitāḥ ||

sthavirādaya ityādiśabdenānye 'pi śāstrāntaroktā ucyante |

ādhikyaṃ nyūnatā cāṃśe astinātitvam eva ca |

abhogabhuktiḥ sīmā ca ṣaṭ tu vādasya hetavaḥ ||

iti sthāvarasya ṣaṭprakāratā | kātyāyanaḥ |

teṣām abhāve sāmantā mūlavṛddhoddhṛtādayaḥ |

sthāvare ṣaṭparkāre 'pi nātra kāryā vicāraṇā ||

teṣām iti sākṣinirdeśaḥ | ata eva manuḥ |

yadi saṃśaya evāsmāl liṅgānām api darśane |

sākṣipratyaya eva syād vivāde sīmanirṇayaḥ ||

kātyāyanaḥ |

tasmin bhogaḥ prayoktavyaḥ sarvasākṣiṣu tiṣṭhati |

lekhyārūdhaś cetaraś ca sākṣī mārgadvayānvitaḥ ||

manuḥ |

grāmīya(ṇa)kakulānāṃ tu samakṣaṃ sīmasākṣiṇaḥ |

praṣṭavyāḥ sīmaliṅgāni tayoś caiva vivādinoḥ ||

**[760]** te pṛṣṭās tu yathā brūyuḥ sāmantāh sīmanirṇayam |

tathā tāṃ ca nibadhnīyāt samastāṃ tāṃś ca sākṣiṇaḥ ||

sākṣyabhāve tu catvāro grāmāḥ sīmāntavāsinaḥ |

sīmāvinirṇayaṃ kuryuḥ prayatā rājasaṃnidhau ||

maulān āha kātyāyanaḥ |

ye tatra pūrvaṃ sāmantāḥ paścād deśāntaraṃ gatāḥ |

tanmūlatvāt tu te maulā ṛṣibhiḥ parikīrtitāḥ ||

uddhṛtān api sa evāha |

upaśravaṇasaṃbhogakāryākhyānopacihnitāḥ |

uddharanti tato yasmād uddhṛtās te tataḥ smṛtāḥ ||

upaśravaṇaṃ parasparaprasiddhiḥ | kāryaṃ tatkaragrahaṇam | ākhyānaṃ vārtā | uddhṛtādaya ityādiśabdena yeṣāṃ parigrahas teṣāṃ nirdeśaṃ svayam eva karoti |

saṃsaktās tv atha śāmantās tatsaṃsaktās tv athottarāḥ |

saṃsaktasaktasaktāntāḥ padmākārāḥ prakīrtitāḥ ||

kṣetrādir vipratipannasīmakasya sarvāsu dikṣu ye 'nantaraṃ kṣetrādibhoktāras te saṃsaktāḥ | ye tu tadanantarās te sāmantāḥ | ye 'pi tadanantarās te saṃsaktasaṃsaktāḥ | teṣām api ye 'nantarās te saṃsaktasaktasaktāḥ | evaṃ padmākārāḥ ṣoḍaśasaṃkhyakā bhavanti | tathā |

sāmantābhāve 'sāmantaiḥ kuryāt kṣetrādinirṇayam |

grāmasīmāsu ca tathā tadvan nagaradeśayoḥ ||

svārthasiddhau praduṣṭeṣu sāmanteṣv arthagauravāt |

tatsaṃsakteṣu kartavya uddhāro nātra saṃśayaḥ ||

saṃsaktasaktaduṣṭeṣu tatsaṃsaktāḥ prakīrtitāḥ |

kartavyā na praduṣṭās tu rājñāṃ dharmaṃ vijānatā ||

tyaktvā duṣṭāṃs tu sāmantān anyān maulādibhiḥ saha |

saṃmiśrāṃ kārayet sīmām evaṃ dharmavido viduḥ ||

maulādimiśrān anyān sīmāṃ prati nirṇāyakān kārayed ity arthaḥ | tathā |

sāmantāḥ sādhanaṃ pūrvam aniṣṭoktau guṇānvitāḥ |

dviguṇās tūttarā jñeyās tato 'nye triguṇā matāḥ ||

prativādinā sāmantān praty aniṣṭoktau doṣodbhāvana ity arthaḥ | uttarāḥ **[761]** saṃsaktādayaḥ | sāmantādīnām asākṣitve 'pi sīmāliṅgāni vṛkṣatuṣādīni pradarśayatāṃ sīmānirṇāyakatvam upapadyata eva | ta eva hi tadabhijñāḥ | yady api vṛkṣādisvarūpam anye 'pi jānīyus tathāpy ayaṃ vṛkṣaḥ sīmaliṅgam ayaṃ neti viveko 'nyeṣāṃ nāsti | tathātra pradeśe tuṣāṅgārakādi nikhātaṃ vidyata iti sāmantādīnām eva śakyaṃ jñātum | ata eva bṛhaspatiḥ |

karīṣāsthituṣāṅgāraśarkarāśmakapālikāḥ |

sikateṣṭakagovālakarpāsāsthīni bhasma ca ||

prakṣipya kumbheṣv etāni sīmānteṣu nidhāpayet |

tataḥ paugaṇḍabālānāṃ prayatnena pradarśayet ||

vārdhake ca śiśūnāṃ te darśayeyus tathaiva ca |

evaṃ paramparājñāne sīmābhrāntir na jāyate ||

yat evaiṣāṃ liṅgapradarśakatvena niścāyakatvam ata eva pāpaniratatayā vyādhaśakunikavyālagrāhiprabhṛtīnāṃ sākṣibhāvānarhāṇām apīha parigrahaḥ | kecit paṭhanti sāmantāḥ sthavirādyā gaṇā iti | tasmin pakṣe gaṇaśabdena brāhmaṇādisamūhavācino gaṇino lakṣyante | asti ca teṣāṃ sīmni prāmāṇyam | yad āha nāradaḥ |

kṣetrasīmāvivādeṣu sāmantebhyo viniścayaḥ |

nagaragrāmagaṇino ye ca vṛddhatamā narāḥ ||

grāmasīmāsu ca bahir ye syus tatkṛṣijīvinaḥ ||

nayeyuḥ sīmānam ity anuvṛttau nārada eva |

nimnagāpahṛtonmṛṣṭanṣṭacihnāsu bhūmiṣu |

tatpradeśānumānaiś ca pramāṇair bhogadarśanaiḥ ||

bṛhaspatiḥ |

anyagrāmāt samāhṛtya dattānyasya yadā mahī |

anyathā tu bhavel lābho narāṇāṃ rājadaivikaḥ ||

kṣayodayau jīvanaṃ ca daivarājavaśān nṛṇām |

tasmāt sarveṣu kāleṣu tatkṛtaṃ na vicālayet ||

grāmayor ubhayor yatra maryādā kalpitā nadī |

kṣayodayena cālpā sā cālayan daṇḍam arhati ||

kurute dānaharaṇaṃ bhāgyābhāgyavaśān nṛṇām |

ekatra kūlapātaṃ tu bhūmer anyatra saṃsthitiḥ ||

**[762]** nadītīraṃ prakurute tasyaitāṃ na vicālayet |

kṣetraṃ sasasyam ullaṅghya bhūmiś chinnā yadā bhavet ||

nadīsrotaḥpravāheṇa kṣetrasvāmī labheta tām ||

pūrvasvāmī sasyavāpako labheta | yāvat sasyam iti śeṣaḥ |

yā rājñā krodhalobhena balān nyāyena vā hṛtā |

pradattānyasya tuṣṭena na sā siddhim avāpnuyāt ||

pramāṇarahitāṃ bhūmiṃ bhuñjato yasya yā hṛtā |

guṇādhikasya dattā vā tasya tāṃ naiva cālayet ||

bṛhaspatiḥ |

śapathaiḥ śāpitāḥ svaiḥ svair brūyuḥ sīmni viniścayam |

darśayeyur nidhānāni tatpramāṇam iti sthitiḥ ||

nidhānāni nihitāni tuṣāṅgārādīni sīmaliṅgānīty arthaḥ || 2.150, 151 ||

*yatra na santi sīmanirṇayasamarthāḥ sākṣiṇaḥ, sāmantāś ca naiva śaknuvanti liṅgāni pradarśayitum, tatra kiṃ kāryam ity apekṣita āha* |

**sāmantā vā samā grāmāś catvāro 'ṣṭau daśāpi vā |**

**raktasragvasanāḥ sīmāṃ nayeyuḥ kṣitidhāriṇaḥ || 2.152 ||**

vivādaviṣayībhūtasya grāmādeḥ samantāt sarvato vartamānā grāmādayo grāmādisthāḥ puruṣāḥ sāmantās te ca samāḥ samasaṃkhyākāḥ | tām eva samasaṃkhyāṃ darśayati "catvāro 'ṣṭau daśāpi vā" | anena dvayoḥ ṣaṇṇāṃ ca vyāvṛttiḥ | te ca lohitakusumasragviṇo lohitavasanāḥ kṣitiṃ loṣṭaṃ ca śirasā dhārayantaś caṅkramyamāṇāḥ sīmāṃ nayeyur nirṇayeyuḥ | manuḥ |

śirobhis te gṛhītvorvīṃ sragviṇo raktavāsasaḥ |

svakṛtaiḥ śāpitāḥ svaiḥ svair nayeyus te samañjasam ||

nāradaḥ |

naikaḥ samunnayet sīmāṃ naraḥ pratyayavān api |

gurutvād asya kāryasya kriyaiṣā bahuṣu sthitā ||

ekaś ced unnayet sīmāṃ sopavāsaḥ samunnayet \\

kātyāyanaḥ |

eko yadvan nayet sīmām ubhayor īpsitaḥ kvacit |

mastake kṣitim āropya raktavāsaḥ samāhitaḥ ||

bṛhaspatiḥ |

jñātṛcihnair vinā sādhur eko 'py ubhayasaṃmataḥ |

raktamālyāmbaradharo mṛdam ādāya mūrdhani ||

satyavrataḥ sopavāsaḥ sīmāntaṃ darśayen naraḥ || **[763]**

jñātṛcihnair vinā jñātuś cihnasya cābhāva ity arthaḥ || 2.152 ||

*mithyākāriṇāṃ daṇḍam āha* |

**anṛte tu pṛthag daṇḍyā rājñā madhyamasāhasam |**

sāmantādayo yady anṛtaṃ mithyābhūtaṃ sīmānirṇayaṃ kuryus tadā madhyamasāhasaṃ kārṣāpaṇānāṃ catvāriṃśadadhikāni pañca śatāni daṇḍanīyāḥ | yat tu kātyāyanenoktam,

bahūnāṃ tu gṛhītānāṃ na sarve nirṇayaṃ yadi |

kuryur bhayād vā lobhād vā dāpyāś tūttamasāhasam ||

ityādi, tad āśayadoṣagaurave sati draṣṭavyam | yad apy aparaṃ tenaivoktam,

na jñānena hi mucyante sāmantā nirṇayaṃ prati |

ajñānoktau daṇḍayitvā punaḥ sīmāṃ vicārayet ||

kīrtite yadi bhedaḥ syād daṇḍas tūttamasāhasam ||

iti, tad api kathitaviṣayam | nāradaḥ |

śeṣāś ced anṛtaṃ brūyur niyuktā bhūmikarmaṇi |

jaghanyās te 'pi pratyekaṃ vineyāḥ pūrvasāhasam ||

śeṣāḥ sāmantebhyo 'nye | jaghanyā maulasaṃsaktādayaḥ | pūrvasāhasaṃ prathamasāhasam | tathā |

gaṇavṛddhādayas tv anye daṇḍanīyāḥ pṛthak pṛthak |

vineyāḥ prathamenaiva sāhasenānṛte tathā ||

gaṇāś ca vṛddhādayaś ca te gaṇavṛddhādayaḥ | ādiśabdena mauloddhṛtanagaragrāmā gṛhyante | ete ca sākṣidharmam atikrāmantaḥ prathamasāhasaṃ daṇḍanīyāḥ | anṛtatvaṃ mithyātvaṃ ca teṣāṃ sīmaliṅgānāṃ nikhātānām apradarśane sthalavṛkṣādīnāṃ cānyathādarśane veditavyam | sīmācaṅkramaṇaṃ tu mithyātvaṃ vyasanodayād veditavyam | kātyāyanaḥ |

sīmācaṅkramaṇe kośe pādasparśe tathaiva ca |

tripakṣapakṣasaptāhaṃ daivarājikam iṣyate ||

*liṅgānāṃ jñātṝṇāṃ cābhāve yat kāryaṃ tad āha* |

**abhāve jñātṛcihnānāṃ rājā sīmnaḥ pravartakaḥ || 2.153 ||**

jñātṝṇāṃ sākṣisāmantādīnāṃ cihnānāṃ ca sthalavṛkṣādīnāṃ cāsaṃbhave rājaiva svātantryeṇa sīmānaṃ pravartayet | **[764]**

nāradaḥ |

yadā ca na syur jñātaraḥ sīmāyāṃ na ca lakṣaṇam |

tadā rājā dvayoḥ sīmām unnayed iṣṭataḥ svayam ||

iṣṭam icchayā | yadā punar vivādaviṣayībhūtā sīmā bhūmir ekasya gramasya kṣetrāder atyantopakārikā, tayā vinā tadgrāmādi na bhavaty eva | itarasya tu na tathā | tatrāha manuḥ |

sīmāyām aviṣahyāyāṃ svayaṃ rājaiva dharmavit |

praviśed bhūmim ekeṣām upakārād iti sthitiḥ ||

aviṣahyā jñātṛjñāpakaśūnyā | praviśet praveśayed ity arthaḥ | upakārād upakārahetuoḥ || 2.153||

*uktaṃ kṣetrasīmno nirṇayakāraṇaṃ tad evānyeṣām apy ārāmādīnāṃ sīmanirṇayakāraṇam āha |*

**ārāmāyatanagrāmanipānodyānaveśmasu |**

**eṣa eva vidhir jñeyo varṣāmbupravahādiṣu || 2.154 ||**

ārāmādiṣu sīmāvivādaviṣayeṣv ayam eva sākṣisāmantādiko vidhir nirṇayavidhāyako jñeyaḥ | varṣāprabhavajalapravāhamaryādāvivāde caiṣa eva vidhiḥ | ārāma āmrādivanam | āyatanaṃ devālayaḥ | nipānaṃ jalāśayaḥ | udyānaṃ krīḍāvanam | prasiddham anyat | ādiśabdaḥ sarveṣām eva bhūmaryādāvivādānām upasaṃgrahārthaḥ | ata eva bṛhaspatiḥ |

sarvasmin sthāvare vāde vidhir eṣa prakīrtitaḥ ||

tathā |

niveśakālād ārabhya gṛhavāryāpaṇādikam |

yena yāvad yathābhuktaṃ tasya tan na vicālayet ||

vātāyanapraṇālīs tu tathā niryūhavedikāḥ |

catuḥśālasyandanikāḥ prāṅniviṣṭā na cālayet ||

vātāyanaṃ gavākṣaḥ | kāṣṭhādimayo jalanirgamopāyaḥ praṇālī | niryūho dvāranirgamaḥ kāṣṭhaviśeṣaḥ | gṛhaghoṇīti yāvat | vedikā prāṅganā(ṇā)dibhūḥ | catuḥśālaṃ caturdvāraṃ gṛham | syandanikā paṭalaprāntaḥ | kātyāyanaḥ |

mekhalābhramaniṣkāsagavākṣān nopadhārayet |

praṇālīṃ gṛhavāstuṃ ca pīḍayan daṇḍabhāg bhavet ||

**[765]** niveśasamayād ūrdhvaṃ naite yojyāḥ kadācana |

dṛṣṭipāte praṇālaṃ ca na kuryāt paraveśmasu ||

mekhalā kuḍyamūlabandhaḥ | bhramo jalanirgamaḥ | niṣkāmo harmyādibhittinirgataṃ kāṣṭhādinirmitam aspṛṣṭabhūmikam upaveśanasthānam | nopadhārayen na nirundhyāt | gṛhavāstur vāsabhūmiḥ | dṛṣṭipāto gavākṣaḥ | bṛhaspatiḥ |

varcasthānaṃ vahnimayaṃ gartocciṣṭābusecanam |

atyārāt parakuḍyasya na kartavyaṃ kadācana ||

varcaḥ purīṣam | gartaḥ śvabhram | atyārād atisamīpe | kātyāyanaḥ |

viṇmūtrodakacakraṃ ca vahniśvabhraniveśanam |

aratnidvayam utsṛjya parakuḍyān niveśayet ||

bṛhaspatiḥ |

yānty āyānti janā yena paśavaś cānivāritāḥ |

tad ucyate saṃsaraṇaṃ na roddhavyaṃ tu kenacit ||

yas tatra saṃkaraṃ śvabhraṃ vṛkṣāropaṇam eva ca |

kāmāt purīṣaṃ kuryāc ca tasya daṇḍas tu māṣakaḥ ||

saṃkaro dravyāntareṇa saṃkīrṇatā | kārṣāpaṇasya viṃśo bhāgo māṣakaḥ | manuḥ |

samutsṛjed rājamārge yas tv amedhyam anāpadi |

sa dvau kārṣāpaṇau dadyād amedhyaṃ cāśu śodhayet ||

āpadgatas tathā vṛddho garbhiṇī bāla eva vā |

paribhāṣaṇam arhanti na tu śodhyam iti sthitiḥ ||

paribhāṣaṇaṃ dhigdaṇḍaḥ | kātyāyanaḥ |

taḍākodyānatīrthāni yo 'medhyena vināśayet |

amedhyaṃ śodhayitvā tu daṇḍayet pūrvasāhasam ||

dūṣayet sarvatīrthāni sthāpitāni mahātmabhiḥ |

puṇyāni pāvanīyāni daṇḍayet pūrvasāhasam || 2.154 ||

**maryādāyāḥ prabhede tu sīmātikramaṇe tathā |**

**kṣetrasya haraṇe daṇḍā adhamottamamadhyamāḥ || 2.155 ||**

kṣetrādisīmno jñāpakaṃ setvādikaṃ maryādā, tasyāḥ prabhede vināśe sīmnaś cātikramaṇe kṣetrasya cāpahāre yathākramaṃ prathamottamamadhyamā daṇḍā bhavanti | etac ca pradarśanārtham | tenāparādhabhūyastvāpekṣayā,

vadhaḥ sarvasvaharaṇaṃ purān nirvāsanāṅkane |

ityādi śāstrāntaraṃ paryālocya daṇḍāntaram api kāryaṃ bhavati | **[766]** manuḥ |

gṛhaṃ taḍākam ārāmaṃ kṣetraṃ vā bhīṣayā haran |

śatāni pañca daṇḍyaḥ syād ajñānād dviśato damaḥ ||

vṛddhamanuḥ |

sthāpitāṃ caiva maryādām ubhayor grāmayos tathā |

atikrāmanti ye pāpās te daṇḍyā dviśataṃ damam ||

kātyāyanaḥ |

sīmāmadhye tu jātānāṃ vṛkṣāṇāṃ kṣetrayor dvayoḥ |

phalaṃ puṣpaṃ ca sāmānyaṃ kṣetrasvāmiṣu nirdiśet ||

anyakṣetreṣu jātānāṃ śākhā yatrānysaṃsthitāḥ |

svāminaṃ taṃ vijānīyād yasya kṣetreṣu saṃsthitāḥ ||

saṃsthitā utpannāḥ || 2.155 ||

*kiṃ ca* |

**na niṣedhyo 'lpabādhas tu setuḥ kalyāṇakārakaḥ |**

**parabhūmiṃ haran kūpaḥ svalpakṣetro bahūdakaḥ || 2.156 ||**

svakṣetre pareṇa kriyamāṇaḥ setur alpasyāpakārasya mahataś copakārasya hetur na nivāryaḥ | tathā yasya bhūmiṃ svalpakṣetraḥ svalpāyano bahūdakaś ca kūpo 'pāharet so 'pi tena na niṣedhyaḥ | viparītau tu setukūpau niṣedhyāv eva || 2.156 ||

*kiṃ ca* |

**svāmine 'vinivedhyaiva kṣetre setuṃ pravartayet |**

**utpanne svāmino bhogas tadabhāve mahīpateḥ || 2.157 ||**

yas tu kṣetrasvāminam a[na]nujñāpya tatkṣetre setvādi karoti, sa tasya phalopabhogaṃ dṛṣṭam adṛṣṭaṃ vā na labhate | kiṃ tu kṣetrasvāmy eva labhate | tadabhāve tu rājā | nāradaḥ |

setus tu dvividho jñeyaḥ kheyo badhyas tathaiva ca |

toyapravartanāt kheyo badhyaḥ syād vinivartanāt ||

kṣetrāt toyaṃ parvartayituṃ nirgamayituṃ yaḥ setuḥ sa kheyaḥ | yas tu kṣetra eva toyaṃ dhārayituṃ kriyate sa badhyaḥ |

nāntareṇodakaṃ sasyaṃ nāśaś cātyudake sati |

ya evānudake doṣaḥ sa evātyudake bhavet ||

pūrvapravṛttam uttpannam apṛṣṭvā svāminaṃ tu yaḥ |

setuṃ pravartayet kaścin na sa tatphalabhāg bhavet ||

**[767]** mṛte tu svāmini punas tadvaṃśye cāpi mānave |

rājānam āmantrya tataḥ kuryāt setupravartanam ||

ato 'nyathā kleśabhāk syān mṛgavyādhānudarśanāt |

iṣavas tasya naśyanti yo viddham anuvidhyati ||

anudarśanaṃ nidarśanam | tasya mṛgavyādhasyety arthaḥ | kātyāyanaḥ |

asvāmyanumatenaiva saṃskāraṃ kurute tu yaḥ |

gṛhodyānataḍākānāṃ saṃskartā labhate na tu ||

deyaṃ svāmini cāyāte na nivedya nṛpaṃ yadi |

athāvedya prayuktas tu tadgataṃ labhate phalam || 2.157 ||

*prasaṅgāt kṣetraviṣayaṃ kiṃcid āha* |

**phālāhatam api kṣetraṃ yo na kuryān na kārayet |**

**taṃ pradāpyākṛṣṭaśadaṃ kṣetram anyena kārayet || 2.157 ||**

[iti sīmāvivādaprakaraṇam || 9 ||]

yaḥ kṣetraṃ phālāhataṃ kṛṣṭam api na kuryāt tatra kṣetre bījavāpādi na kuryāt | nāpi kārayet | taṃ kṛṣīvalam akṛṣṭaśadaṃ pradāpyānyena kṛṣīvalena kṣetraṃ kārayet | śadaḥ kṣetrasya phalam | akṛṣṭasya kṣetrasya śado 'kṛṣṭaśadaḥ | akṛṣṭe 'pi kṣetre taṃ pradāpya kṣetram anyasyārpayed ity arthaḥ | vyāsaḥ |

kṣetraṃ gṛhītvā yaḥ kaścin na kuryān na ca kārayet |

svāmine sa śadaṃ dāpyo rājñā daṇḍaṃ ca tatsamam ||

tatsamaṃ tasya kṣetraśadasyānurūpam ity arthaḥ | tad eva sārūpyaṃ darśayati |

cirāvasanne daśamaṃ kṛṣyamāṇe tathāṣṭamam |

susaṃskṛte 'pi ṣaṣṭhaṃ syāt parikalpyaṃ yathāsthiti ||

cirāvasanne cirakālam akṛṣṭe kṣetre pūrvokte nimitte sati kṣetraphalasya daśamaṃ bhāgaṃ daṇḍanīyaḥ | kṛṣyamāṇe vartamānavilekhane tu kṣetre 'ṣṭamam, susaṃskṛte tu ṣaṣṭham iti | nāradaḥ |

aśaktapretanaṣṭeṣu kṣetrikeṣu nivāritaḥ |

kṣetraṃ ced vikṛṣet kaścid aśnuvīta sa tatphalam ||

vikṛṣyamāṇe kṣetre tu kṣetrikaḥ punar āvrajet |

khilopacāraṃ tat sarvaṃ datvā kṣetram avāpnuyāt || **[768]**

khilaṃ duṣkarṣaṃ kṣetram |

tadaṣṭabhāgāpacayād yāvad aṣṭa gatāḥ samāḥ |

samāpte tv aṣṭame varṣe bhuktaṃ kṣetraṃ labheta saḥ ||

asyārthaṃ kātyāyana āha |

aśaktito na dadyāc cet khilārthe ca kṛtaṃ vyayam |

tadaṣṭabhāgahīnaṃ tu kā(ka)rṣakāt phalam āpnuyāt ||

varṣāṇy aṣṭau sa bhoktā syāt parataḥ svāmine tu tat ||

kṣetrasvāmī kā(ka)rṣakāya khilavyayaṃ nirdhana iti kṛtvā na dadāti, tadā kā(ka)rṣakaḥ kṣetraphalasyāṣṭamaṃ bhāgam aṣṭau varṣāṇi yāvat svāmine dadyāt | tata ūrdhvaṃ svāmy eva kṣetraṃ labhata ity arthaḥ | nāradaḥ |

saṃvatsareṇārdhkhilaṃ khilaṃ syād vatsarais tribhiḥ |

pañcavarṣāvasannaṃ tu kṣetraṃ syād aṭavīsamam ||

kṛṣiṃ vinā saṃvatsareṇārdhakhilaṃ bhavati, yatnasādhyaṃ bhavatīty arthaḥ | evaṃ tribhir varṣaiḥ khilaṃ mahāyatnasādhyaṃ bhavatīty arthaḥ | pañcavarṣopekṣitaṃ kṣetram aṭavītulyaṃ syāt | tataś caivaṃ kurvataḥ kā(ka)rṣakasyāparādhānurūpaṃ rājñe svāmine ca tena deyam |

kṣetraṃ tripuruṣaṃ yasya gṛhaṃ vā syāt kramāgatam |

rājaprasādād anyatra na tadbhogaḥ paraṃ nayet ||

tripuruṣāyāto bhogo rājaprasādakṛtād anyo gṛhādeḥ parabhogyatāṃ nivārayati | iti sīmāvivādaprakaraṇam || 2.158 ||

**iti śrīvidyādharavaṃśaprabhavaśrīśilāhāranarendrajīmūtavāhanānvayaprasūta-**

**śrīmadaparādityadevaviracite yājñavalkyadharmāstranibandhe 'parārke**

**sīmāvivādaprakaraṇam || 8 ||**

**atha saṭīkayājñavalkyasmṛtau**

**svāmipālavivādaprakaraṇam | (10)**

*kṣetrāparādhidaṇḍaprasaṅgāt sasyāparādhidaṇḍam āha |*

**māṣān aṣṭau tu mahiṣī sasyaghātasya kāriṇī |**

**daṇḍanīyā tadardhaṃ tu gaus tadardham ajāvikam || 2.159 ||**

**[2.769]**

bhakṣaṇamardanābhyāṃ parasasyopaghātinī mahiṣī mahiṣo vā māṣān aṣṭau daṇḍyaḥ syāt | gauś caturo māṣān | ajāvikaṃ dvau dvau māṣau | paśūnāṃ nirdhanatvena dhanadaṇḍāyogyatvāt tatsvāminām ayaṃ lakṣaṇayā daṇḍavidhiḥ | kārṣāpaṇasya viṃśo bhāgo māṣaḥ || 2.159 ||

**bhakṣayitvopaviṣṭānāṃ yathoktād dviguṇo damaḥ |**

**samam eṣāṃ vivīte 'pi kharoṣṭraṃ mahiṣīsamam || 2.160 ||**

ye paśavaḥ sasyaṃ bhakṣayitvā tatropaviśanti, teṣāṃ prātisvikād daṇḍād dviguṇo daṇḍo bhavati | yaḥ sasyopaghāte mahiṣādīnāṃ daṇḍa uktaḥ sa eva vivītopaghāte 'pi veditavyaḥ | tṛṇādyartham āvṛto bhūbhāgo vivītam | khara uṣṭraś ca mahiṣyā tuladaṇḍaḥ | manuḥ |

kṣetreṣv anyeṣu tu paśuḥ sapādaṃ daṇḍam arhati |

sarvatra tu śado deyaḥ kṣetrikāyeti dhāraṇā ||

asyārthaḥ — yeṣu kṣetreṣu kṛtāparādhā ap paśavo na daṇḍanīyā iti manunoktās tato 'nyeṣu kṣetreṣu kṛtāparādhaḥ paśuḥ sapādaṃ kārṣāpaṇaṃ daṇḍam arhatīti | etad atipūrvake mahati cāparādhe draṣṭavyam | sarveṣu paśvaparādheṣu śadaḥ kṣetraphalaṃ yāvad vihitaṃ tāvat kṣetrikāya deyam | daṇḍaṃ pāpnuyād ity anuvṛttau śāṅkhalikhitau: "rātrau caratāṃ gauḥ pañca māṣān divā trīn muhūrte māṣaṃ grāse tv adaṇḍaḥ sarveṣām eva vatso māṣaṃ mahiṣī daśa kharoṣṭrau ṣoḍaśājāvikaṃ caturaḥ" | nāradaḥ |

gāvaḥ pādaṃ pradāpyās tu mahiṣyo dviguṇaṃ tataḥ |

ajāvike savatse tu māṣo daṇḍaḥ paraḥ smṛtaḥ ||

sannānāṃ dviguṇo daṇḍo vasatāṃ ca caturguṇaḥ |

pratyakṣacārakāṇāṃ tu cauradaṇḍaḥ smṛto budhaiḥ ||

viṣṇuḥ: "mahiṣī cet sasyanāśaṃ kuryāt tatpālakas tv aṣṭau māṣān daṇḍyaḥ | apālakāyāḥ svāmī | aśvas tūṣṭro gardabho vā gauś cet tadardhaṃ tadardham ajāvika ukto daṇḍaḥ" || 2.160 ||

*kṣetrasvāmine tad deyaṃ paśupālakasya ca yat kāryaṃ tad idānīm āha* |

**[770]**

**yāvat sasyaṃ vinaśyeta tāvat kṣetrī phalaṃ labhet |**

**pālas tāḍyo 'tha gomī tu pūrvoktaṃ daṇḍam arhati || 2.161 ||**

apakṣapātinaḥ prājñāḥ sāmantā yāvat sasyaṃ vinaṣṭaṃ paribhāvya brūyus tāvat kṣetriṇe gomī dadyāt | rājñe ca pūrvoktaṃ daṇḍam | gomī gosvāmī | gośabdaḥ paśumātropalakṣaṇārthaḥ | paśupālaś ca rājñā kaṣā(śā)dinā tāḍanīyaḥ | nāradaḥ |

gobhis tu bhakṣitaṃ sasyaṃ yo naraḥ pratiyācate |

sāmantānumataṃ deyaṃ dhānyaṃ yatra tu vāpitam ||

gojagdhaṃ gominā deyaṃ dānyaṃ vai kārṣi(karṣa)kasya tu |

evaṃ hi vinayaḥ prokto gavām sasyāvamardane ||

yat tu uśanasoktam,

gobhir vināśitaṃ dhānyaṃ yo naraḥ pratiyācate |

pitaras tasya nāśnanti nāśnati tridivaukasaḥ ||

iti, tat strīgavīvihitaviṣayam || 2.161 ||

*uktasya daṇḍasya piṣayaviśeṣe 'pavādam āha* |

**pathigrāmavivītānte kṣetre doṣo na vidyate |**

**akāmataḥ kāmacāre cauravad daṇḍam arhati || 2.162 ||**

patho grāmasya vivītasyānte samīpe yat kṣetraṃ tatra paśubhir akāmataḥ sasye vihanyamāne paśusvāmipālayor doṣo na vidyate | tataś ca śadadaṇḍayor dānaṃ gopasya ca tāḍanaṃ nāsti | kāmatas tu paśucāreṇa cauravad daṇḍaḥ | doṣābhāvaś cāvṛtāvasatyām | nāradaḥ |

grāmopānte tu yat kṣetraṃ vivītānte mahāpathi |

anāvṛtaṃ cet nāśe na pālasya vyatikramaḥ ||

vṛtiṃ tatra prakurvīta yām uṣṭro nāvalokayet |

chidraṃ ca vārayet tatra śvasūkaramukhānugam ||

nāradaḥ |

pathi kṣetre vṛtiḥ kāryā yām uṣṭro nāvalokayet |

na laṅghayet paśur nāśvo na bhindyād yāṃ na sūkaraiḥ (raḥ) ||

kātyāyanaḥ |

ajāteṣv eva sasyeṣu kuryād āvaraṇaṃ mahat |

duḥkhitena hi nivāryante labdhasvādurasā mṛgāḥ || **[772]**

manuḥ |

pathikṣetre parivṛte grāmānte yo 'tha vā punaḥ |

sapālaḥ śatadaṇḍārho vipālaṃ vārayet paśum ||

pathyādikṣetraṃ yadi parivṛtaṃ gopālasahitaḥ paśur upahanyāt tadā śatadaṇḍārhaḥ paśuḥ | apālaś ced vārayitavya ity arthaḥ | nāradaḥ |

utkramya tu vṛtiṃyaḥ syāt sasyaghāto gavādibhiḥ |

pālaḥ śāsyo bhavet tatra na cec chaktyā vinārayet || 2.162 ||

*paśuviśeṣe 'pavādam āha |*

**mahokṣotsṛṣṭapaśavaḥ sūtikāgantukādayaḥ |**

**pālo yeṣāṃ ca te mocyā rājadevapariplutāḥ || 2.163 ||**

mahokṣādayaḥ sasyāparādhe 'pi na daṇḍyāḥ | mahāṃś cāsāv ukṣā ca mahokṣaḥ | yaḥ sarvāsāṃ gavāṃ garbhādhānāya ghṛtaḥ | utsṛṣṭā devatādyarthaṃ yathāvidhi svāminā parityaktāḥ paśavo gavādayaḥ | sūtikā navaprasūtā daśarātraṃ yāvat | āgantukaḥ pārarahito grāmāntarād āgataḥ | ye paśavo rājñā pararāṣṭragrāhiṇā daivena vyādhyādinā vā pariplutā upadrutās te sagopā api mocyāḥ | ādiśabdaḥ śākhāntaroktasaṃgrahārthaḥ | uśanā |

adaṇḍyā hastino 'śvāś ca prajāpālā hi te smṛtāḥ |

adaṇḍyāḥ kāṇakuṇṭhāś ca pṛthak ca kṛtalakṣaṇaḥ ||

adaṇḍyāgantukī gauś ca sūtikā cābhisāriṇī |

adaṇḍyāś cotsave gāvaḥ śrāddhakāle tathaiva ca ||

prajāpālā hītivacanād rājakīnām eva hastyādīnām adaṇḍatā | gomaṇḍalāt pracyutā tadabhigāminy abhisāriṇī | manuḥ |

anirdaśāhām gāṃ sūtāṃ vṛṣān devapaśūṃs tathā |

apānān vā vipālān sā adaṇḍyān manur abravīt ||

nāradaḥ |

gauḥ prasūtā daśāhe tu mahokṣo vājikañjarāḥ |

nivāryāḥ syuḥ prayatnena teṣāṃ svāmī na daṇḍabhāk ||

tathā |

rājagrāhagṛhīto vā vajrāśanihato 'pi vā |

atha sarpeṇa vā daṣṭo vṛkṣād vā patito bhavet ||

vyāghrādibhir hato vāpi vyādhibhir vāpy upadrutaḥ |

na tatra doṣaḥ pālasya na ca daṇḍo 'sti gominām || **[772]**

kātyāyanaḥ |

adhamottamamadhyānāṃ paśūnāṃ caiva tāḍane |

svāmī tu vivaded yatra daṇḍaṃ tatra vikalpayet || 2.163 ||

*paśūnāṃ svāmipālayor vivādaṃ pratyāha* |

**yathārpitān paśūn gopaḥ sāyaṃ pratyarpayet tathā |**

**pramādamṛtanaṣṭāṃś ca pradāpyaḥ kṛtavetanaḥ || 2.164 ||**

yathā prātaḥkāle svāminā parigaṇitāḥ paśavaḥ paśupālāyārpyante tathaiva tena te sāyaṃ pratyarpaṇīyāḥ | tatra yadi gopasyopekṣayā yāvanto mriyante naśyanti vā tadā tāvato gavādīn paśūn kṛtavetanaḥ kṛtabhṛtir gopālakaḥ svāmine rājñā pradāpyaḥ | tadvetanam manur āha |

gopaḥ kṣīrabhṛto yas tu sa duhyād daśato varām |

gosvāmyanumato bhṛtyaḥ sā syāt pāle 'bhṛte bhṛtiḥ ||

yaḥ paśūnāṃ gopo goptā kṣīrabhṛtaḥ kṣīramūlyaḥ sa daśato daśānāṃ gavādīnāṃ dogdhrīṇāṃ madhyād varām utkṛṣṭām ekāṃ gosvāmyanumato bhṛtya iti kṛtvātmārthaṃ duhyāt | saiva paśupāle prakārāntareṇābhṛte bhṛtir mūlyaṃ syāt | nāradaḥ |

gavāṃ śatād vatsatarī dhenuḥ syād dviśatād bhṛtiḥ |

pratisaṃvatsaraṃ gope saṃdohaś cāṣṭame 'hani ||

saṃdohaḥ sarvadohaḥ | bṛhaspatiḥ |

tathā dhenubhṛtaḥ kṣīraṃ labhate daśame 'khilam |

manuḥ |

vighuṣya tu hṛtaṃ caurair na pālas tatra kilbiṣī |

yadi deśe ca kāle ca svāminaḥ svasya śaṃsati ||

tathā |

divā vaktavyatā pāle rātrau svāmini tadgṛhe |

yogakṣemo 'nyathā cet tu pālo vaktavyatām iyāt ||

kilbiṣam aparādhaḥ | vaktavyatāpy aparādha eva | vyāsaḥ |

pālagrāhe grāmaghāte tathā rāṣṭrasya vibhame |

yat pranaṣṭaṃ hṛtaṃ vā syāt pālas tatra na kilbiṣī || 2.164 ||

**pāladoṣavināśe tu pāle daṇḍo vidhīyate |**

**ardhatrayodaśapaṇaḥ svāmine dravyam eva ca || 2.165 ||**

**[773]**

pālasya śakyarakṣaṇe 'py upekṣaṇaṃ cet tena doṣeṇa paśuvināśe ca saty ardhatrayodaśapaṇaḥ pālaviṣaye daṇḍo vidheyaḥ | vinaṣṭapaśumūlyaṃ dravyasvāmine dāpanīyaḥ | trayodaśānāṃ pūraṇas trayodaśaḥ sārdho yeṣāṃ te 'rdhatrayodaśāḥ paṇā yasmin daṇḍe so 'rdhatrayodaśapaṇo daṇḍaḥ | sārdhatrayodaśapaṇa iti yāvat | nāradaḥ |

syāc ced govyasanaṃ gopo vyāyacchet tatra śaktitaḥ |

aśaktas tūrṇam āgatya svāmine tan nivedayet ||

avyāyacchann avikrośan svāmine cānivedayan |

voḍhum arhati gopas tāṃ vinayaṃ caiva rājani ||

vyāyacched vyasananirāsāya prayateta | vyasananirāsāsamarthas tu svāmine nivedayet | ākrośed vā | manuḥ |

naṣṭaṃ vinaṣṭaṃ kṛmibhiḥ śvahataṃ viṣame mṛtam |

hīnaṃ puruṣakāreṇa pradadyāt pāla eva tat ||

mūlyadvāreṇeti śeṣaḥ | nāśo 'darśanam | tathā |

ajāvike tu saṃruddhe vṛkaiḥ pāle tv anāyati |

yat prasahya vṛko hanyāt pāle tat kilbiṣaṃ bhavet ||

tāsāṃ ced avaruddhānāṃ carantīnāṃ mitho vane |

yām upetya vṛko hanyān na pālas tatra kilbiṣī ||

nāradaḥ |

anena sarvapālānāṃ vivādaḥ samudāhṛtaḥ |

mṛteṣu ca viśuddhiḥ syād vālaśṛṅgādidarśanāt || 2.165 ||

**grāmecchayā gopracāro bhūmirājavaśena vā |**

**dvijas tṛṇaidhaḥpuṣpāṇi sarvataḥ samupāharet || 2.166 ||**

grāmavartijanecchayā bhūmeś cālpatvamahattvavaśād rājavaśād vā gavādīnāṃ paśūnāṃ pracārārthā bhūḥ syāt | tṛṇādyabhyavahāro vā pracāraḥ | tathā dvijātis tṛṇādīn dhanāni puṣpāṇi ca sarvataḥ parigṛhītād api bhūbhāgād upāharet | gautamaḥ: "go'gnyarthī tṛṇam edhān vīrudvanaspatīnāṃ ca puṣpāṇi svavad ādadīta phalāni cāparivṛtānām" | svavad iti vacanād upādadānaḥ svāminā na niṣedhyaḥ | etac cāpadi | **[774]** yat tu smṛtyantaram,

tṛṇaṃ vā yadi vā kāṣṭaṃ puṣpaṃ vā yadi vā phalam |

anāpṛṣṭaṃ tu gṛhṇāno hastacchedanam arhati ||

iti, tad anāpadgataśūdrādiviṣayam || 2.166 ||

*bhūmivartmanā gopracāro bhavatīti yad uktaṃ tad vyavasthāpayati |*

**dhanuḥśataṃ parīhāro grāmakṣetrāntaraṃ bhavet |**

**dve śate kharvaṭasya syān nagarasya catuḥśatam || 2.167 ||**

iti svāmipālavivādaprakaraṇam || 10 ||

grāmo 'gṛhītavanabhūs tasya saṃbandhikṣetrāṇāṃ cāntaraṃ dhanuḥśataparimāṇaṃ parihāraḥ parihṛtaṃ kṛṣyādikaṃ bhaved ity arthaḥ | kharvaṭaparihāras tu dhanuḥśatadvayam | nagarasya punar dhanuṣāṃ catuḥśatam | grāmād adhiko nagarān nyūno gṛhasamūhaḥ kharvaṭaḥ | manuḥ |

dhanuḥśataparīhāro grāmasya syāt samantataḥ |

śamyāpātās trayo vāpi triguṇo nagarasya tu ||

yuge vartamānasya balīvardasya niyāmakaḥ kāṣṭakīlakaḥ śamyā, sā prāstā yāvantaṃ bhūbhāgaṃ vyatītya patati sa śamyāpātaḥ | iti svāmipālaprakaraṇam || 2.167 ||

**iti śrīvidyādharavaṃśaprabhavaśrīśilāhāranarendrajīmūtavāhanānvayaprasūta-**

**śrīmadaparādityadevaviracite yājñavalkyadharmāstranibandhe 'parārke**

**svāmipālavivādaprakaraṇam || 10 ||**

**atha saṭīkayājñavalkyasmṛtau**

**asvāmivikrayaprakaraṇam | (11)**

*athāsvāmivikrayavivādaṃ praty āha |*

**svaṃ labhetānyavikrītaṃ kretur doṣo 'prakāśite |**

**hīnād raho hīnamūlye velāhīne ca taskaraḥ || 2.168 ||**

asvāminā gobhūmyādikaṃ krītaṃ tad yasya svaṃ sa kretuḥ sakāśāl labheta | kretuś ca vikretāram aprakāśayato doṣaś cauryaṃ syāt | tataś cauravad asya daṇḍo bhavati | tathā hīnāt paṇyasaṃbhavahīnād raho rahasi vijanadeśe hīnamūlye 'tyalpamūlye ca **[775]** paṇye velāhīne vikrayavelārahite paṇya eva kretā taskaraḥ syāt taskaradaṇḍabhāk syād ity arthaḥ | jānāti hy asau krayāt prāg eva corayitvāyam idaṃ vikrīṇīta iti | nāradaḥ |

nikṣiptaṃ vā paradravyaṃ naṣṭaṃ labdhvāpahṛtya vā |

vikrīyate 'samakṣaṃ yat sa jñeyo 'svāmivikrayaḥ ||

vyāsaḥ |

yācitānvāhitaṃ nyāsaṃ kṛtvānyasya yad dhanam |

vikrīyate svāmyabhāve sa jñeyo 'svāmivikrayaḥ ||

nikṣiptānvāhitaṃ nyāsaṃ hṛtayācitabandhakam |

upāṃśu yena vikrītam asvāmī so 'bhidhīyate ||

pūrvasvāmī tu tad dravyaṃ yadāgatya vidhārayet |

tatra mūlaṃ darśanīyaṃ kretuḥ śuddhis tato bhavet ||

nāradaḥ |

asvāmyanumatād dāsād asataś ca janād rahaḥ |

hīnamūlyam avelāyāṃ krīṇaṃs taddoṣabhāg bhavet ||

bṛhaspatiḥ |

avijñātāśrayāt krītaṃ vikretā yatra vā mṛtaḥ |

svāmī datvārdhamūlyaṃ tu pragṛhṇīta svayaṃ dhanam ||

ardhaṃ dvayor api hṛtaṃ tatra syād vyavahārataḥ |

avijñātakrayo doṣas tathā cāparipālanam ||

etad dvayaṃ samākhyātaṃ dravyahānikaraṃ budhaiḥ ||

avijñātāśrayād avijñātasthānād vikretur yat krītam, yad vā jñātasthāno 'pi vikretā yadi mṛtas tadā svāminā mūlyād ardhaṃ kṣetre datvā svadhanaṃ grāhyam | asmin viṣaye kretuś cārdhahānir dvayor apy aparādhitvād iti | atra marīciḥ |

vaṇigvīthīparigataṃ vijñātaṃ rājapūruṣaiḥ |

divā gṛhītaṃ yat kretā sa śuddho labhate dhanam ||

avijñātaniveśatvād yatra mūlyaṃ na labhyate |

hānis tatra samā kalpyā kretṛnāstikayor dvayoḥ || 2.168 ||

**naṣṭāpahṛtam āsādya hartāraṃ grāhayen naram |**

**deśakālātipattau ca gṛhītvā svayam arpayet || 2.169 ||**

**[776]**

svakīyaṃ dravyaṃ naṣṭam apahṛtaṃ vāsādyopalabhya tasya hartāraṃ rājñā grāhayed vidhārayet | deśakālātipattau rājñā grahaṇe kriyamāṇe yadi deśam atītyāpahartā na yāti kālātyaye vāpahṛtaṃ dravyaṃ vyapaiti tadā svayam apahartāraṃ gṛhītvā rājñe 'rpayet || 2.169 ||

*gṛhītena yat kāryaṃ tad āha* |

**vikretur darśanāc chuddhiḥ svāmī dravyaṃ nṛpo damam |**

**kretā mūlyam avāpnoti tasmād yas tasya vikrayī || 2.170 ||**

vikretṛpradarśane tu śuddhir aduṣṭatā syāt | tatra vāsvāmivikrītaṃ dhanaṃ svāmī labheta, tathā vikretuḥ sakāśān nṛpo daṇḍaṃ kretā ca mūlyam avāpnoti | kātyāyanaḥ |

prakāśaṃ vā krayaṃ kuryān mūlyaṃ vāpi samarpayet |

mūlānayanakālaś ca deyo yojanasaṃkhyayā ||

deśaviprakarṣāpekṣayety arthaḥ | tathā |

yadā mūlam upanyasya pūrvavādī krayaṃ vadet |

āharen mūlam evāsau na krayeṇa prayojanam ||

krayaṃ vadet prakāśakrayaṃ vaded ity arthaḥ | manuḥ |

atha mūlam anāhāryaṃ prakāśakrayaśodhitam |

adaṇḍo mucyate rājñā nāstiko labhate dhanam ||

mūlaṃ vikretā sa cājñāyamānadeśatvād anāhāryaḥ | vyāsaḥ |

mūle samāhṛte kretā nābhiyojyaḥ kathaṃcana |

mūlena saha vādas tu nāstikasya tadā bhavet ||

nāstiko naṣṭadravyasvāmī || 2.170 ||

*tatra svāmivikretṛvivāde svāminā svadhanaprāptaye yat kartavyaṃ tad āha* |

**āgamenopabhogena naṣṭaṃ bhāvyam ato 'nyathā |**

**pañcabandho damas tatra rājñe tenāvibhāvite || 2.171 ||**

nāstikena vivādāspadaṃ dhanaṃ krayādināgameṇa bhuktyā vātmīyatayā bhāvyam | na mayaitad dānavikrayādinānyasya svaṃ kṛtaṃ kiṃ tu naṣṭam evaitad iti bhāvyam | ato 'nyathā yady uktaprakāreṇa nāstikenāvibhāvite tatra rājñe **[777]** pañcapandho damas tena deyaḥ | vivādāspadadhanapañcamabhāgasaṃmito dhanabhāgo yatra badhyate sa pañcabandhaḥ | āgamopabhogo nāśaś ca jñātṛbhiḥ sādhyaḥ | yad āha kātyāyanaḥ |

nāstikas tu prakurvīta tad dhanaṃ jñātṛbhiḥ svakam |

adattaṃ tyaktavikrītaṃ kṛtvā sulabhate dhanam ||

yadi svaṃ naiva kurvīta jñātṛbhir nāstiko dhanam |

prasaṅgavinivṛttyarthaṃ cauravad daṇḍam arhati ||

prasaṅgo 'bhiprāyaḥ | tathā |

abhiyoktā dhanaṃ kuryāt prathamaṃ jñātṛbhiḥ svakam |

paścād ātmaviśuddhyarthaṃ krayaṃ kretā svabandhubhiḥ ||

abhiyoktā nāstikaḥ | tena jñātibhiḥ svakīyatvaṃ dhanasya sādhyam | na cet sa śaknuyāt tathā kartum, tadā kretātmano doṣaparihārārthaṃ svabandhubhiḥ sākṣibhūtaiḥ krayaṃ sādhayet |

tathā |

asamāhāryamūlais tu kryam eva viśodhayet |

viśodhite kraye rājñā na vaktavyaḥ sa kiṃcana ||

tathā |

prakāśaṃ ca krayaṃ kuryāt sādhubhir jñātibhiḥ svakaiḥ |

na tatrānyakriyā proktā daivikī na ca mānuṣī ||

prakāśaṃ lokaviditaṃ prākśrutaṃ krayaṃ kuryād bhāvayed ity arthaḥ |

vādī cen mārgitaṃ dravyaṃ sākṣibhir naiva bhāvayet |

dāpyaḥ syād dviguṇaṃ rājñā kretā tad dravyam arhati ||

mahāparādhaviṣayam etat | bṛhaspatiḥ |

yena krītaṃ tu mūlena prāg adhyakṣaniveditam |

na vidyate tatra doṣaḥ stenaḥ syād upadhikrayāt ||

upadhikrayaś chadmakrayaḥ | yadā tu nāstikasya svatve pramāṇaṃ nāsti, kretuś ca krayaśuddhau tadā sa evāha |

pramāṇahīne vāde tu puruṣāpekṣayā nṛpaḥ |

samanyūnādhikatvena svayaṃ kuryād vinirṇayam ||

vaṇigvīthīparigataṃ tac ca syād vyavahārataḥ |

avijñātakrayo doṣas tathā cāparipālanam ||

**[778]** etad dvayaṃ samākhyātaṃ dravyahānikaraṃ budhaiḥ |

avijñātaviśeṣatvād yatra mūlyaṃ na labhyate ||

hānis tatra samā kalpyā kretṛnāstikayor dvayoḥ ||

ayam arthaḥ — yad vā vaṇigvīthyām āpaṇe krītaṃ tasya vikretā yadi na śakyaś cānetuṃ tadā kretur nāstikasya ca tulyahāniḥ kalpyā yato dvayor api dravyahānikāraṇam asti | kretus tāvac caurāhṛtaṃ na veti jñānarahitatvena krayakāraṇam | nāstikasya cāparipālanam iti || 2.171 ||

*atraiva viṣaye kretur daṇḍaviśeṣam āha* |

**hṛtaṃ pranaṣṭaṃ yo dravyaṃ parahastād avāpnuyāt |**

**anivedya nṛpe daṇḍyaḥ sa tu ṣaṇṇavatiṃ paṇān || 2.172 ||**

yaḥ svakīyaṃ dhanaṃ hṛtaṃ pranaṣṭaṃ vā rājany anivedyaiva tasya hastād gṛhṇīyāt sa rājñā ṣaḍadhikān navatipaṇān daṇḍanīyāḥ || 2.172 ||

*prasaṅgād anyad apy āha* |

**śaulkikaiḥ sthānapālair vā naṣṭāpahṛtam āhṛtam |**

**arvāk saṃvatsarāt svāmī haret parato nṛpaḥ || 2.173 ||**

naṣṭam apahṛtaṃ vā dhanaṃ rājānaṃ prati śulkādhikṛtair grāmādisthānarakṣakair vā yad ānītaṃ tat saṃvatsarād arvāk svāmī labheta | ūrdhvaṃ tu saṃvatsarād rājā | gautamaḥ: "pranaṣṭam asvāmikam adhigamya rājñaḥ prabrūyur vikhyāpya saṃvatsaraṃ rājñā rakṣyam" | manuḥ |

pranaṣṭasvāmikaṃ dravyaṃ rājā tryabdaṃ nidhāpayet |

arvāk tryabdād dharet svāmī parato nṛpatir haret ||

utkṛṣṭaguṇabrāhmaṇe svāminy etat | atrāparo viśeṣaḥ |

ādadītātha ṣaḍbhāgaṃ pranaṣṭādhitān nṛpaḥ |

daśamaṃ dvādaśamaṃ vāpi satāṃ dharmam anusmaran ||

rakṣaṇaprayatnasya gauravalāghavānusāreṇa bhāgālpatvamahattve kalpanīye || 2.173 ||

*dravyaviśeṣaṃ prati yāvad adhigame deyaṃ tad āha* |

**paṇān ekaśaphe dadyāc caturaḥ pañca mānuṣe |**

**mahiṣoṣṭragavāṃ dvau dvau pādam pādam ajāvike || 2.174 ||**

**[779]**

aśvādyekaśaphaṃ tasminn adhigate 'dhigantre svāmī caturaḥ kārṣāpaṇān datvā tad ādadīta | evaṃ mānuṣe pañca | mahiṣoṣṭragoṣu dvau dvau | ajāsv avikeṣu ca pratyekaṃ kārṣāpaṇasya pādam | etac ca prativyakti deyam | na tu pratijāti | ity asvāmivikrayaprakaraṇam || 2.174 ||

**iti śrīvidyādharavaṃśaprabhavaśrīśilāhāranarendrajīmūtavāhanānvayaprasūta-**

**śrīmadaparādityadevaviracite yājñavalkyadharmāstranibandhe 'parārke**

**'svāmivikrayaprakaraṇam || 11 ||**

**atha saṭīkayājñavalkyasmṛtau**

**dattāpradānikaprakaraṇam | (12)**

*idaṃ dattaṃ saṃpradānād anapahāryam idaṃ cāpahāryam iti vivekārthaṃ deyam adeyaṃ cāha*|

**svaṃ kuṭumbāvirodhena deyaṃ dārasutād ṛte |**

**nānvaye sati sarvasvaṃ yac cānyasmai pratiśrutam || 2.175 ||**

svaṃ svakīyaṃ putrakalatravyatiriktaṃ yatra ca kuṭumbāśanācchādanavināśarūpo virodho nāsti tad deyam | arthād anevaṃvidhaṃ na deyam | tathānvaye svasaṃtāne ca sati sarvasvam adeyam | etac ca prāgdāyavibhāgāt | vibhaktadāyeṣu tu putreṣu sarvasvadānam aniṣiddham | tathā yad dhanam anyasmai deyatvena pratiśrutam aṅgīkṛtaṃ tat tato 'nyasmai na deyam | evaṃ ca sati yad deyaṃ tad dattaṃ san nāpahāryam | adeyaṃ tv apahāryam iti | svam itipadenāsvaṃ yācitakādi vyudasyate | kātyāyanaḥ |

vikrayaṃ caiva dānaṃ ca na neyāḥ syur anicchataḥ |

dārāḥ putrāś ca sarvasvam ātmanaiva tu yojayet ||

āpatkāle tu kartavyaṃ dānaṃ vikraya eva vā |

anyathā na pravarteta iti śāstraviniścayaḥ ||

bṛhaspatiḥ |

eṣākhilenābhihitā saṃbhūyotthānaniṣkṛtiḥ |

adeyadeyadattānām adattasya ca kathyate ||

sāmānyaṃ putradārādi sarvasvaṃ nyāsayācitam |

pratiśrutaṃ tathānyasya na deyaṃ tv aṣṭadhā smṛtam ||

sāmānyam anekasvāmikam | **[780]** tathā |

kuṭumbabhaktavasanād deyaṃ yad atiricyate |

madhvāsvādo viṣaṃ paścād dātur dharmo 'nyathā bhavet ||

bhaktaṃ bhojanam | vasanam ācchādanam |

saptārāmād gṛhakṣetrād yad yat kṣetraṃ pracīyate |

pitrā vātha svayaṃ prāptaṃ tad dātavyaṃ vivakṣitam ||

saptabhya ārāmādibhyo yad yat pracīyate 'dhikaṃ bhavati tad dātavyaṃ vivakṣitam ity arthaḥ | saptāgamād gṛhakṣetrād yad yat kṣetraṃ pradīyata iti ca pāṭhe saptavidhaśauryādyāgamaprakāralabdhād gṛhakṣetrād uddhṛtya dātavyam | na tv anāgamam ity arthaḥ |

svecchādeyaṃ svayaṃ prāptaṃ bandhācāreṇa bandhakam |

vaivāhike kramāyāte sarvadānaṃ na vidyate |

bandhakam ādhis tad bandhācāreṇādhirūpeṇa deyam | tad vivāhalabdhaṃ cet tasyāṃ bhāryāyāṃ satyāṃ sarvam adeyam | tathā pitāmahādikramāyātaṃ putrasadbhāve |

saudāyikakramāyātaṃ śauryaprāptaṃ ca yad bhavet |

strījñātisvāmyanujñātaṃ dattaṃ siddhim avāpnuyāt ||

yat saudāyikaṃ vivāhalabdhaṃ tat tayā bhāryayānujñātaṃ deyam | kramāyātaṃ cāvibhaktadhanair jñātibhiḥ | bhṛtyena satā yuddhe labdhaṃ svāminānujñātam ity arthaḥ |

vibhaktā vāvibhaktā vā dāyādāḥ sthāvare samāḥ |

eko hy anīśaḥ sarvatra dānādāpanavikraye ||

kramāyātāvibhaktasthāvaraviṣayam etat | vibhaktā api samāḥ kiṃ punar avibhaktā ity vyākhyeyam | anyathā vibhāgo 'narthakaḥ syāt | evaṃ ca sati vibhaktānāṃ sāmyābhidhānenaitad gamayati — dānādiyogyeṣu vibhakteṣu dāyādeṣu satsu tebhya eva sthāvaram arpaṇīyam ayogyeṣu nirapekṣeṣu vānyebhya iti | āpadādau tu sthāvaraviṣayaṃ dānādikam avibhaktadhanair dāyādair anujñāta eko 'pi kuryāt | tathā ca smṛtyantare |

eko 'pi sthāvare kuryād dānādāpanavikrayam |

āpatkāle kuṭumbārthe dharmārthe ca viśeṣataḥ || iti |

nāradaḥ |

datvā dravyam asamyag yaḥ punar ādātum icchati |

dattāpradānikaṃ nāma tad vivādapadaṃ viduḥ ||

**[781]** atha deyam adeyaṃ ca dattaṃ cādattam eva ca |

vyavahāreṣu vijñeyo dānamārgaś caturvidhaḥ ||

atrehāṣṭāv adeyāni deyam ekavidhaṃ smṛtam |

dattaṃ saptavidhaṃ vidyād adattaṃ ṣoḍaśātmakam ||

anvāhitaṃ yācitakam ādhiḥ sādhāraṇaṃ ca yat |

nikṣepaḥ putradārāś ca sarvasvaṃ cānvaye sati ||

āpatsv api ca kaṣṭāsu vartamānena dehinā |

adeyāny āhur ācaryā yac cānyasmai pratiśrutam ||

kuṭumbabharaṇād dravyaṃ yat kiṃcid atiricyate |

tad deyam upahanyānyad dadad doṣam avāpnuyāt ||

paṇyamūlyaṃ bhṛtis tuṣṭyā snehāt pratyupakārataḥ |

strīśulkānugrahārthaṃ tu dattaṃ dānavido viduḥ ||

paṇyasya gavadeḥ krayaṇīyasya mūlyatayā yac ca karmakarebhyo vṛttitvena yac ca tuṣṭyādyupādhikaṃ putrajanmādiśrāvakebhyo yac ca snehān mitrādibhyo yac ca pratyupakārato bhayatrāṇādyarthaṃ yac ca śulkādinimittaṃ rājakṛtādhikāripuruṣādibhyo yac ca strībhyo bhāryādibhyo yac cānugrahārthaṃ dīnānāthādibhyas tad dānaṃ dānavido viduḥ | atra kātyāyanaḥ |

avijñātopalabdhyarthaṃ dānam yatra nirūpitam |

upalabdhikriyālabdhaṃ sā bhṛtiḥ parikīrtitā ||

bhayatrāṇāya rakṣārthaṃ tathā kāryaprasādhanāt |

anena vidhinā labdhaṃ vidyāt pratyupakārakam ||

nāradaḥ |

adattaṃ tu bhayakrodhaśokavegaruganvitaiḥ |

tathotkocaparīhāsavyatyāsacchalayogataḥ ||

bālamūḍhāsvatantrārtamattonmattāpavarjitaiḥ |

kartā mamāyaṃ karmeti pratilābhecchayā ca tat ||

kātyāyanaḥ |

prāṇasaṃśayam āpannaṃ yo mām uttārayed itaḥ |

sarvasvaṃ te pradāsyāmīty ukte 'pi na tathā bhavet ||

kāmakrodhāsvatantrārtamattonmattapramohitaiḥ |

vyatyāsāt parihāsāc ca yad dattaṃ tat punar haret ||

**[782]** yā tu kāmyaprasiddhyartham utkocā syāt pratiśrutā |

tasminn api prasiddhyarthe na deyā syāt kathaṃcana ||

atha prāg eva dattā syāt pratidāpyaḥ sa tāṃ balāt |

daṇḍaṃ caikādaśaguṇaṃ prāhur gārgīyamānavāḥ ||

bṛhaspatiḥ |

kruddhahṛṣṭapramattārtabālonmattabhayāturaiḥ |

mattātivṛddhanirdhūtaiḥ saṃmūḍhaiḥ śokavegibhiḥ ||

nandattaṃ (mandair dattaṃ?) tathaitair yat tad adattaṃ prakīrtitam |

pratilābhecchayā dattam apātre pātraśaṅkayā ||

kārye vā dharmasaṃyukte svāmī tat punar āpnuyāt ||

manuḥ |

kasmaicid yācamānāya dattaṃ dharmāya yad bhavet |

paścāc ca na tathā tasmān na deyaṃ tasya tad bhavet ||

dharmaṃ kartuṃ yācamānāya yad dattaṃ tena ced asau dharmaṃ na kuryāt tadā tasmai na deyam ity arthaḥ |

yadi saṃsādhayet tat tu darpāl lābhena vā punaḥ|

rājñā dāpyaḥ suvarṇaṃ syāt tasya steyasya niṣkṛtiḥ ||

asyārthaḥ — yadi tadapahāre kriyamāṇe sa darpāl lobhena vā na dadāti kiṃ tu saṃsādhayed rājasaṃnidhau tasya dhanasyānapahāryatāṃ sādhayitum icchet sa rājñā tad dhanaṃ dāpya iti | kātyāyanaḥ |

svasthenārtena vā deyaṃ śrāvitaṃ dharmakāraṇāt |

adatvā tanmṛte dāpyas tatsuto nātra saṃśayaḥ ||

svasthena vyādhyārtena vā yad dānaṃ saṃpradānaṃ brāhmaṇaṃ praty etāvan mayā tubhyaṃ deyam iti śrāvayitvā yadi dānam akṛtvaiva mṛtas tadā taddāyādais tad dayem | aprayacchanto rājñā dāpyāḥ | etac ca dharmārthaṃ pratiśravaṇe sati draṣṭavyam |

stenasāhasikodvṛttapārajāpikaśaṃsanāt |

darśanād dhṛtanaṣṭasya tathāsatyapravartanāt ||

prāptam etais tu yat kiṃcit tad utkocākhyam ucyate |

na dātā tatra daṇḍyaḥ syān madhyasthaś caiva doṣabhāk ||

stenādīnāṃ śaṃsanāt kathanād dhetor yadi mahyaṃ tvaṃ na prayacchasi tvaṃ stena **[783]** ityādi[kād iti yā]vat | tathā dhṛtanaṣṭasya gṛhītapālayitasya (?) darśanād dhetos tvāṃ cādhārakasya darśayāmīti yāvat (?) | asatyasya satyatayā tadviparyayeṇa vā pravartanāt kāraṇād dhetor yad dhanam utkocākhyaṃ labdhaṃ taddātre rājñā dāpyam utkocakasya saṃpādakagrāhakau ca daṇḍanīyāv ity arthaḥ || 2.175 ||

**pratigrahaḥ prakāśaḥ syāt sthāvarasya viśeṣataḥ |**

**deyaṃ pratiśrutaṃ caiva datvā nāpaharet punaḥ || 2.176 ||**

iti dattāpradānikaṃ prakaraṇam || 12 ||

sarvasyaiva dravyasya pratigrahaḥ prakāśaḥ prakaṭaḥ sasākṣikaḥ kāryaḥ | sthāvarasya viśeṣato mahatā yatnena | tathā — idaṃ te dāsyāmīti yat pratiśrutam aṅgīkṛtaṃ tad dātavyaṃ dattaṃ ca nāpahāryam | kātyāyanaḥ |

svecchayā yaḥ pratijñāya brāhmaṇāya pratigraham |

na dadyād ṛṇavad dāpyaḥ prāpnuyāt pūrvasāhasam ||

gautamaḥ: "pratiśrutyāpy adharmasaṃyuktāya na dadyāt" | kātyāyanaḥ |

yogādhāpanavikrītaṃ yoge dānapratigraham |

yasya vāpy upadhiṃ paśyet tat sarvaṃ vinivartayet ||

yoga upādhiḥ | iti dattāpradānikaṃ prakaraṇam || 2.176 ||

**iti śrīvidyādharavaṃśaprabhavaśrīśilāhāranarendrajīmūtavāhanānvayaprasūta-**

**śrīmadaparādityadevaviracite yājñavalkyadharmāstranibandhe 'parārke**

**dattāpradānikaṃ prakaraṇam || 12 ||**

**atha saṭīkayājñavalkyasmṛtau**

**krītānuśayaprakaraṇam | (13)**

*dravyaviśeṣaparīkṣakāṇāṃ kālaviśeṣam āha* |

**daśaikapañcasaptāhamāsatryahārdhamāsikam |**

**bījāyovāhyaratnastrīdohyapuṃsām parīkṣaṇam || 2.177 ||**

māsaśabdāt prāktano 'haḥśabdo daśādiśabdaiḥ pratyekam abhisaṃbadhyate | daśāhādikāleṣu saptasu saptānāṃ bījādidravyāṇāṃ yathāsaṃkhyaṃ parīkṣaṇaṃ kāryam | tatra bījasya daśāhe | ayasa ekāhe | vāhyasya balīvardādeḥ pañcāhe | ratnasya **[784]** padmarāgādeḥ saptāhe | striyā dāsyā māse | dohyasya gavādes tryahe | puṃso dāsasyārdhamāse | evaṃ parīkṣitasya bījādeḥ krayaṃ kṛtvā nānuśayaḥ kārya ity arthaḥ || 2.177 ||

*prasaṅgād dravyāntaraparīkṣopāyam āha* |

**agnau suvarṇam akṣīṇaṃ rajate dvipalaṃ śate |**

**aṣṭau trapuṇi sīse ca tāmre pañca daśāyasi || 2.178 ||**

suvarṇasya dahyamānasya naivāsty apakṣayaḥ | yat kṣīyate tad dravyāntaravimiśram, śuddhaṃ tu na kṣīyata eva | rajatasya palaśataparimāṇasya rasībhāve kriyamāṇe paladvayaṃ kṣīyate | trapuviṣaye tu palaśate rasīkṛte 'ṣṭau palāḥ(ni) kṣīyante | evaṃ sīsake | tāmraviṣaye tu palaśate dhmāyamāne pañca palāni kṣīyante | evam ayasi daśa || 2.178 ||

*tāntavaṃ praty āha* |

**śate daśapalā vṛddhir aurṇe kārpāsike tathā |**

**madhye pañcapalā vṛddhiḥ sūkṣme tu tripalā matā || 2.179 ||**

sūtre kārpāsika ūrṇāmaye vā śate śatapalaparimite sati yat tanmayaṃ vastraṃ bhavati tatra daśa palāni vardhante | etac ca sthūlasūtramaye vastre draṣṭavyam | tataḥ sūkṣmātisūkṣmasūtramaye tu yathāsaṃkhyaṃ pañcapalā tripalā ca vṛddhiḥ syāt || 2.179 ||

*vṛddhim uktvā kṣayam āha* |

**kārmike romabaddhe ca triṃśadbhāgaḥ kṣayo mataḥ |**

**na kṣayo na ca vṛddhiḥ syāt kauśeye vālkaleṣu ca || 2.180 ||**

yatra tāntave karmavaśād vastre strīpuruṣādīni rūpāṇi saṃpadyante tat kārmikam | yatra romāṇi badhyante tad romabaddham | tasminn ubhayavidhe vastre pramāṇasya triṃśo bhāgaḥ kṣīyate | kauśeyam atasīmayam, vālkalaṃ kṣaumādi, tatrobhayatra kṣayavṛddhī na staḥ | tatra nāradaḥ |

tāntavasya tu saṃskāre kṣayavṛddhī udāhṛte |

tatra kārpāsikorṇānāṃ vṛddhir daśapalā śate ||

sthūlasūtravatām eṣāṃ madhyānāṃ pañcakaṃ śate |

tripalā tu susūkṣmāṇām ataḥ kṣaya udāhṛtaḥ ||

**[785]** triṃśāṃśo romabaddhasya kṣayaḥ karmakṛtasya ca |

kauśeyavalkalādīnāṃ naiva vṛddhir na ca kṣayaḥ ||

uktād adhikakṣaye śilpī daṇḍyaḥ || 2.180 ||

*tatra daṇḍaparimāṇam āha |*

**deśaṃ kālaṃ ca bhogaṃ ca jñātvā naṣṭe balābalam |**

**dravyāṇāṃ kuśalā brūyur yat tad dāpyaā asaṃśayam || 2.181 ||**

[iti krītānuśayaprakaraṇam || 13 || ]

suvarṇatāmrasīmādīnāṃ patrorṇakārpāsādīnāṃ vā nirmāṇadaśāyāṃ tatkartṛbhiḥ suvarṇakārādibhir yāvat suvarṇaṃ sūtraṃ vāpahriyamāṇaṃ svāmino naṣṭaṃ tatra deśakālau tasya copabhogaṃ sārāsāratāṃ ca paryālocya dravyamūlyatattvajñā yāvan mūlyaṃ kartum icchanti tāvan niḥśaṅkena rājñā śilpinaḥ suvarṇakārādayo dāpanīyāḥ | manuḥ |

tantuvāyo daśapalaṃ dadyād ekapalādhikam |

tato 'nyathā vartamāno dāpyo dvādaśakaṃ damam ||

dvādaśakārṣāpaṇaparimāṇo daṇḍo dvādaśakaḥ | nāradaḥ |

mūlyāṣṭabhāgo hīyeta sakṛd dhautasya vāsasaḥ |

dviḥ pādas tris tribhāgas tu catuṣkṛtvo 'rdham eva tu ||

ardhakṣayāt tu parataḥ pādāṃśāpacayaḥ kramāt |

yāvat kṣīṇadaśaṃ vastraṃ jīrṇasyāniyamaḥ kṣayaḥ || 2.181 ||

**iti śrīvidyādharavaṃśaprabhavaśrīśilāhāranarendrajīmūtavāhanānvayaprasūta-**

**śrīmadaparādityadevaviracite yājñavalkyadharmāstranibandhe 'parārke**

**krītānuśayaprakaraṇam || 13 ||**

**atha saṭīkayājñavalkyasmṛtau**

**abhyupetyāśuśrūṣāprakaraṇam | (14)**

*adhunā dāsaviṣayam āha* |

**[786]** **balād dāsīkṛtaś caurair vikrītaś cāpi mucyate |**

**svāmiprāṇaprado bhaktas tyāgāt tanniṣkrayād api || 2.182 ||**

balād dhaṭhād adāso 'pi dāsaḥ kṛto yaś ca caurair vikrītaḥ sa mucyate mocanīya ity arthaḥ | yadi na muñcati tadā rājñā mocanīyaḥ | tad āha nāradaḥ |

caurāpahṛtavikrītā ye ca dāsīkṛtā balāt |

rājñā mocayitavyās te dāsatvaṃ teṣu neṣyate ||

yaś ca dāsaḥ snn ātmano mṛtyum abhyupetya bhaktyā svāminaṃmṛtyor mocayati, yaś ca svāminā dāsyān mocitaḥ, yaś cātmano dāsyavimokṣārthaṃ niṣkrayaṃ dhanaṃ dadāti, sarva ete svāminā mocyāḥ | atha vā tanniṣkrayād ity asyāyam arthaḥ — uttamarṇāyādhitvena yo dāso dattaḥ sa niṣkrayād ṛṇāpākaraṇād ādhyantarapradānād vā mocyata iti | manuḥ |

na svāminātisṛṣṭo 'pi śūdro dāsyād vimucyate |

nisargajaṃ hi tat tasya kas tasmāt taṃ vyapohati ||

nāradaḥ |

gṛhe jātas tathā krīto labdho dāyād upāgataḥ |

anākālabhṛtas tadvad āhitaḥ svāminā ca yaḥ ||

mokṣito mahataś carṇād yuddhe prāptaḥ paṇe jitaḥ |

tavāham ity upagataḥ pravrajyāvasitaḥ kṛtaḥ |

bhaktadāsaś ca vijñeyas tathaiva vaḍavāhṛtaḥ ||

vikretā cātmanaḥ śāstre dāsāḥ pañcadaśa smṛtāḥ ||

svadāsyāṃ jāto gṛhadāsaḥ | mūlyaprāptaḥ krītaḥ | pratigrahādinā prāpto labdhaḥ | dāyād upāgato rikthalabdhaḥ | durbhikṣayoṣito 'nākālabhṛtaḥ | svāminottamarṇaṃ praty ādhiḥ kṛta āhitaḥ | paṇe jito dyūtajitaḥ | pravrajyāvasitaḥ pravrajyācyutaḥ | etāvantaṃ kālaṃ tavāhaṃ dāso bhavāmīty upagamitaḥ kṛtaḥ | bhakṣayituṃ bhktaṃ yāvan me dadāśi tāvad ahaṃ te dāsa ity evaṃrūpo bhaktadāsaḥ | vaḍavā gṛhadāsī, tayā hṛtaḥ | tallābhena tām udvāhya dāsatvena praviṣṭo vaḍavāhṛtaḥ | itare prasiddhāḥ |

tatra pūrvaś caturvargo dāsatvān na vimucyate |

prasādāt svāmino 'nyatra dāsyam eṣāṃ kramāgatam ||

**[787]** vikrīṇīte svatantraḥ san ya ātmānaṃ naro 'dhamaḥ |

sa jaghanyataraś caiṣāṃ so 'pi dāsyān na mucyate ||

yaś caiṣāṃ svāminaṃ kaścin mokṣayet prāṇasaṃśayāt |

dāsatvāt sa vimucyeta putrabhāgaṃ labheta ca ||

anākāle bhṛto dāsyān mucyate goyugaṃ dadat |

saṃbhakṣītaṃ ca yad durge na tac chudhyati karmaṇā ||

āhito 'pi dhanaṃ datvā svāmī yady enam uddharet |

athopagamayed enaṃ so 'pi krītād anantaraḥ ||

atha tu sāmnā dāsam upāgamayed dāso 'smīty aṅgīkārayet tataḥ sa krītād anantaraḥ krītatulya ity arthaḥ | ṛṇadāsaviṣayaṃ sa evāha |

ṛṇaṃ ca sodayaṃ datvā ṛṇī dāsyād vimucyate |

kṛtarṇālabdhyuparamāt kṛtako 'pi vimucyate ||

tavāham ity upagato dhvajaprāptaḥ paṇe jitaḥ |

pratiśīrṣapradānena mucyate tulyakarmaṇā ||

dhvajaprāpto yuddhalabdhaḥ | pratiśīrṣapradānaṃ dāsāntarapradānam | pratiśīrṣaviśeṣaṇaṃ tulyakarmaṇeti | pūrvadāsakarmaṇā tulyaṃ karma yaḥ karoti taṃ dāsaṃ datvā pūrvadāso dāsatvān mucyata ity arthaḥ || 2.182 ||

*pravrajyāvasitaṃ praty āha* |

**pravrajyāvasito rājño dāsa āmaraṇāntikaḥ |**

pravrajyāto nivṛtto yāvajjīvaṃ rājña eva dāsaḥ | nāradaḥ |

rājña eva tu dāsaḥ syāt pravrajyāvasito naraḥ |

na tasya pratimokṣo 'sti na viśuddhiḥ kathaṃcana ||

dvāv eva karmacaṇḍālau loke dūrabahiṣkṛtau |

pravrajyānivṛttaś ca vṛthā pravrajitaś ca yaḥ ||

kātyāyanaḥ |

pravrajyāvastā yatra trayo varṇā dvijātayaḥ |

nirvāsaṃ kārayed vipraṃ dāsatvaṃ kṣatraviṇnṛpaḥ ||

dakṣaḥ |

pārivrājyaṃ gṛhītvā tu yaḥ svadharme na tiṣṭhati |

śvapādenāṅkitaṃ taṃ tu rājā śīghraṃ vivāsayet ||

pravrajyāvasitād anyasya dāsasya vipramokṣaṇaprakāram āha |

**[788]** svaṃ dāsam icched yaḥ kartum adāsaṃ prītamānasaḥ |

skandhād ādāya tasyāsau bhindyāt kumbhaṃ sahāmbhasā ||

sākṣatābhiḥ sapuṣpābhir mūrdhany adbhir avākiret |

adāsa iti coktvā triḥ prāṅmukhaṃ tam avāsṛjet ||

bhaktadāsavaḍavāhṛtayor aparo viśeṣaḥ |

bhaktasyotkṣepaṇāt sadyo bhaktadāso vimucyate |

vaḍavāyā nigraheṇa mucyate vaḍavāhṛtaḥ ||

bhaktam annaṃ tasyopayuktasya pratipādanam utkṣepaṇam | vaḍavā dāsī | nigraho nirodhaḥ | asaṃbhoga iti yāvat | tathā |

svāṃ dāsīṃ yas tu saṃgacchet prasūtā ca bhavet tataḥ |

avīkṣya bījaṃ kāryā syād adāsī sānvayā tu sā ||

dāsasya tu dhanaṃ yat syāt svāmī tatra prabhuḥ smṛtaḥ |

prakāśaṃ vikrayād ye tu na svāmī dhanam arhati ||

dāsenoḍhā tv adāsī yā sā dāsāt svatvam āpnuyāt |

yasmād bhartā prabhus tasyāḥ svāmyadhīnapatir yataḥ ||

dāsāt sattvam iti pāṭhe sattvaṃ prāṇī, tad adāsyāḥ satyā voḍhur dāsāc ced avāptaṃ tadā taddāsasvāmino dāsatāṃ yātīti veditavyam ity arthaḥ |

**varṇānām ānulomyena dāsyaṃ na pratilomataḥ || 2.183 ||**

uttamavarṇaṃ prati hīnavarṇo dāso bhavati | na tu viparītam ity arthaḥ | nāradaḥ |

varṇānāṃ prātilomyena na dāsatvaṃ vidhīyate |

svadharmatyāgino 'nyatra dāravad dāsatā matā ||

svadharmatyāgī pravrajyāvasitaḥ, tasya brāhmaṇatve sati śvapādāṅkanaṃ pravāsanaṃ coktam | kṣatriyavaiśye tu nṛpaṃ prati dāsatvam ity uktam | anena tu śūdraṃ rājānaṃ prati rājanyavaiśyayor dāsyaṃ vidhīyate | kātyāyanaḥ |

svatantrasyātmano dānād dāsatvaṃ dāravad bhṛguḥ |

triṣu varṇeṣu vijñeyaṃ dāsyaṃ viprasya na kvacit ||

varṇānām ānulomyena dāsyaṃ na pratilomataḥ |

rājanyavaiśyaśūdrāṇāṃ tyajatāṃ hi svatantratām ||

**[789]** samavarṇo 'pi vipraṃ tu dāsatvaṃ naiva kārayet |

śīlādhyayanasaṃpannaṃ tadūnaṃ karma kāmataḥ ||

tatrāpi nāśubhaṃ kiṃcit prakurvīta dvijottamaḥ |

brāhmaṇasya tu dāsatvā nṛpatejo vihanyate ||

nāradaḥ |

karmāpi dvividhaṃ proktam aśubhaṃ śubham eva ca |

aśubhaṃ dāsakaroktaṃ śubhaṃ karmakṛtāṃ smṛtam ||

gṛhadvārāśucisthānarathyāvaskaraśodhanam |

guhyāṅgasparśanocchiṣṭaviṇmūtragrahaṇotkaram ||

icchataḥ svāminaś cāṅgair upasthānam athāntataḥ |

aśubhaṃ karma vijñeyaṃ śubham anyad ataḥ param ||

manuḥ |

dhvajāhṛto bhaktadāso gṛhajaḥ krītadattrimau |

paitṛko daṇḍadāsas tu saptaitā dāsayonayaḥ ||

upalakṣaṇārtham etat | nāradādibhir uktavyatiriktānām api dāsatvābhidhānāt | daṇḍaniṣkrayārtho dāso daṇḍadāsaḥ | tathā |

kṣatriyaṃ caiva vaiśyaṃ ca brāhmaṇo vṛttikarṣi(śi)tau |

bibhṛyād ānṛśaṃsyena svāni karmāṇi kārayet ||

dāsyaṃ tu kārayen mohād brāhmaṇaḥ saṃskṛān dvijān |

anicchataḥ prābhavatyād rājñā daṇḍyaḥ śatāni ṣaṭ ||

prabhavato bhāvaḥ prābhavatyam | prabhutvam iti yāvat | ṣaṭśatāni paṇānām |

śūdraṃ tu kārayed dāsyaṃ krītam akrītam eva vā |

dāsyāyaiva hi sṛṣṭo 'sau brāhmaṇasya svayaṃbhuvā ||

viṣṇuḥ: "yas tūttamavarṇaṃ dāsye niyojayati tasyottamasāhaso daṇḍaḥ" | kātyāyanaḥ |

ādadyād brāhmaṇīṃ yas tu vikrīṇīta tathaiva ca |

rājñā tad akṛtaṃ kāryaṃ daṇḍyāḥ syuḥ sarva eva te ||

kāmāt tu saṃśritāṃ yas tu dāsīṃ kuryāt kulastriyam |

saṃkrāmayeta vānyatra daṇḍyas tac cākṛtaṃ bhavet ||

bāladhātrīṃ mahādāsīṃ dāsīm iva bhunakti yaḥ |

paricārakapatnīṃ vā prāpnuyāt pūrvasāhasam ||

vikrośamānāṃ yo bhaktadāsīṃ vikretum icchati |

anāpadisthaḥ śaktaḥ san prāpnuyād dviśataṃ damam || 2.183 ||

**[790]**

**kṛtaśilpo 'pi nivaset kṛtakālaṃ guror gṛhe |**

**antevāsī guruprāptabhojanas tatphalapradaḥ || 2.184 ||**

[ity abhyupetyāśuśrūṣāprakaraṇam }} 14 || ]

antevāsī śilpavidyārthī gurutaḥ prāptabhojanaḥ svayaṃkṛtasya śikpakarmaṇaḥ phalaṃ gurave prayacched yāvān kālo guruṃ prati tadgṛhanivāsāyāṅgīkṛtas tāvantaṃ kālaṃ gṛhītaśilpo 'pi gurukula eva vaset | abhyupetyāśuśrūṣālakṣaṇavyavahārapadaviṣyaṃ caitat | tatraiva tadviṣayāṇi smṛtyantarāṇi pradarśyante | nāradaḥ |

abhyupetya tu śuśrūṣāṃ yas tāṃ na pratipadyate |

aśuśrūṣābhyupetyaitad vivādapadam ucyate ||

abhyupetyāśuśrūṣety arthaḥ |

śuśrūṣakaḥ pañcavidhaḥ śāstre dṛṣṭo manīṣibhiḥ |

caturvidhaḥ karmakaraḥ śeṣā dādās tripañcakāḥ ||

tathā |

śiṣyāntevāsibhṛtakāś caturthas tv adhikarmakṛt |

ete karmakarā jñeyā dāsās tu gṛhajādayaḥ |

sāmānyam asvatantratvam eṣām āhur manīṣiṇaḥ |

jātikarmakṛtas tūkto viśeṣo vṛttitas tathā ||

ā vidyāgrahaṇāc chiṣyaḥ śuśrūṣet prayato gurum |

tadvṛttir gurudāreṣu guruputre tathaiva ca ||

samāvṛttas tu gurave pradāya gurudakṣiṇām |

pratīyāt svagṛhān eṣā śiṣyavṛttir udāhṛtā ||

pratīyāt pratigacchet |

svaśilpam icchann āhartuṃ bāndhavānām anujñayā |

ācāryasya vased ante kālaṃ kṛtvā suniścitam ||

ācāryaḥ śikṣayed enaṃ svagṛhe dattabhojanam |

na cānyat kārayet karma putravac cainam ācaret ||

caturdaśabhyo vidyāsthānebhyo 'nyā vidyā śilpavidyā, tad uktaṃ karma śilpam, tad apekṣamāṇaḥ śiṣya ācāryeṇa saha saṃvaset | etāvantaṃ kālaṃ tavāntike nivasiṣyāmīti | kātyāyanaḥ |

yas tu na grāhayec chilpaṃ karmāṇy anyāni karayet |

prāpnuyāt sāhasaṃ pūrvaṃ tasmāc chiṣyo nivartate || **[791]**

śiplam aśikṣayataḥ svakīyāni ca karmāṇi kārayato guroḥ śiṣyeṇa tyāgo rājñā ca prathamasāhaso daṇḍaḥ kārya ity arthaḥ | nāradaḥ |

śikṣayantam aduṣṭaṃ ca yas tv ācāryaṃ parityajet |

balād vāsayitavyaḥ syād vadhabandhau ca so 'rhati ||

vadho 'tra tāḍanaṃ na prāṇacchedaḥ |

śikṣito 'pi kṛtaṃ kālam antevāsī samāpayet |

tatra karma ca yat kuryād ācāryasyaiva tatphalam ||

kṛtam aṅgīkṛtaṃ kālaṃ tatra vasan samāpayed ity arthaḥ | tatra vasatā śiṣyeṇa kṛtasya karmaṇaḥ phalaṃ lābha ācāryasya |

gṛhītaśilpaḥ samaye kṛtvācāryaṃ pradakṣiṇam |

śaktitaś cānumānyainam antevāsī nivartate ||

bhṛtakas trividho jñeya uttamādhamamadhyamaḥ |

śaktitaś cānurūpā syād eṣāṃ vatsāśrayā bhṛtiḥ ||

uttamas tv āyudhīyo 'tra madhyamas tu kṛṣīvalaḥ |

adhamo bhāravāhaḥ syād ity evaṃ trividho bhṛtaḥ ||

sarveṣv adhikṛto yaḥ syāt kuṭumbasya tathopari |

so 'pi karmakaro jñeyaḥ sa ca kauṭumbikaḥ smṛtaḥ ||

śubhakarmakarā hy ete catvāraḥ samudāhṛtāḥ |

jaghanyakarmabhājas tu śeṣā dāsās tripañcakāḥ ||

sarveṣu bhṛtakeṣv adhikṛta uparikṛto 'dhiṣṭhāyaka iti yāvat | bṛhaspatiḥ |

dviprakāro bhagabhṛtaḥ kṛṣigojīvināṃ smṛtaḥ |

jātasasyāt tathā kṣīrāt sa labheta na saṃśayaḥ ||

iti krayavikrayānuśaya(abhyupetyāśuśrūṣā)prakaraṇam || 2.184 ||

**iti śrīvidyādharavaṃśaprabhavaśrīśilāhāranarendrajīmūtavāhanānvayaprasūta-**

**śrīmadaparādityadevaviracite yājñavalkyadharmāstranibandhe 'parārke**

**'bhyupetyāśuśrūṣāprakaraṇam || 14 ||**

**atha saṭīkayājñavalkyasmṛtau**

**saṃvidvyatikramaprakaraṇam | (15)**

saṃvidvyatikramalakṣaṇasya vyavahārapadasyopayoginam arthaṃ tāvad āha |

**[792]**

**rājā kṛtvā pure sthānaṃ brāhmaṇān nyasya tatra tu |**

**traividyān vṛttimad brūyāt svadharmaḥ pālyataṃ iti || 2.185 ||**

rājā nijanagare sthānaṃ sthīyate yatra viśiṣṭaniveśanādyupete bhūbhāge tat sthānaṃ vṛttimat kuṭumbanirvāhasamarthasthāvarajaṅgamadhanopetaṃ nirmāya tathā brāhmaṇāṃs traividyān ṛgyajuḥsāmarūpavidyātrayopetāṃs tatra sthāne nyasya niveśya yathārhaṃ gṛhavṛttyādi datvā svadharmo varṇāśramādidharmaḥ pālyatāṃ kriyatām iti tān brāhmaṇān brūyāt | kecit paṭhanti — taividyaṃ vṛttimad iti | tadā traividyaṃ vṛttimac ca yathā tathā kuryād ity arthaḥ | tisṛṇām ṛgādividyānāṃ samāhāras traividyam | sthānasya ca tadviśiṣṭatā tadyuktabrāhmaṇavattayā | evaṃ ca brāhmaṇasamūharacanābhidhānāt saṃketasamayakriyā saṃvicchabdavācyā kartavyety arthād uktaṃ bhavati | na hi tāṃ vinā samūhabādhāś caurādayo nirākartuṃ śakyā iṣṭāpūrtakriyādidharmāś ca saṃpādayitum | ata evāha bṛhaspatiḥ |

vedavidyāvido viprāñ śrotriyān agnihotriṇaḥ |

āhṛtya sthāpayet tatra teṣāṃ vṛttiṃ prakalpayet ||

anācchedyakarās teṣāṃ pradadyād gṛhabhūmikāḥ |

muktā bhāvyāś ca nṛpatir lekhayitvā svaśāsanaiḥ ||

nityaṃ naimittikaṃ kāmyaṃ śāntikaṃ pauṣṭikaṃ tathā |

paurāṇāṃ karma kuryus te saṃdigdhe nirṇayaṃ tathā ||

grāmaśreṇigaṇārthaṃ tu saṃketasamayakriyā |

bādhākāle tu sā kāryā dharmakārye tathaiva ca ||

cāṭavaurabhayaṃ bādhā sarvasśdhāraṇā smṛtā |

tatropaśamaṃ kāryaṃ sarvair naikena kenacit ||

kośena lekhyakriyayā madhasthair vā parasparam |

viśvāsaṃ prathamaṃ kṛtvā kuryuḥ kāryāṇy anantaram ||

vidveṣiṇo vyasaninaḥ śālīnālasabhīravaḥ |

lubdhātivṛddhabālāś ca na kāryāḥ kāryacintakāḥ ||

śucayo vedadharmajñā dakṣā dāntāḥ kulodbhavāḥ |

sarvakāryapravīṇāś ca kartavyās tu mahattamāḥ || 2.185 ||

**[793]**

*brāhmaṇāḥ sthāne rājñā niveśanīyā ity uktaṃ tais tu niviṣṭair yat kāryaṃ tad āha* |

**nijadharmāvirodhena yas tu sāmayiko bhavet |**

**so 'pi yatnena saṃrakṣyo dharmo rājakṛtaś ca yaḥ || 2.186 ||**

nijena svakīyena śrautādidharmeṇāviruddho yo 'pi gaṇopayogī sa sāmayikaḥ samayādinirvṛtto dharmaḥ | yathā — vyādhyādyupadravasamaye pratikṣetraṃ pratigṛhaṃ vā dhanam etāvad gṛhayajñādiśāntikasiddhaye deyam | yathā vā sarvair janapadaiḥ svavyāpāraparihāreṇāmutra sthānaviśeṣa āgantavyaṃ yo nāgacchet tasyāyaṃ daṇḍa iti | yad vā sabhāprapādevakulataḍāgādīnāṃ jīrṇānām uddhāro dīnānāthādīnāṃ ca saṃskāro yajñabhikṣādinimittaṃ ca dānaṃ sādhāraṇadhanenānayā vyavasthayaitat kartavyam iti | yaś ca rājñā samarthadharmaḥ kṛto yo yuṣmāsv adhikaṃ paṭhati vetti vā tasyaitāvatī pūjā kāryetyādi | sa ubhayavidho 'pi yatnataḥ paripālyaḥ | atra ca bṛhaspatiḥ |

sabhāprapādevagṛhataḍākārāmasaṃskṛtiḥ |

tathānāthadaridrāṇāṃ saṃskāro yojanakriyā ||

pālanīyāḥ samarthais tu yaḥ samartho visaṃvadet |

sarvasvaharaṇaṃ daṇḍas tasya nirvāsanaṃ purāt ||

tatra bhedam upekṣāṃ vā yaḥ kaścit kurute naraḥ |

catuḥsuvarṇāḥ ṣaṇ niṣkās tasya daṇḍo vidhīyate || 2.186 ||

*sāmayikarājakṛtadharmabhedinaṃ prati gaṇadravyahartāraṃ prati ca yat kāryaṃ tad āha |*

**gaṇadravyaṃ hared yas tu saṃvidaṃ laṅghayec ca yaḥ |**

**sarvasvaharaṇaṃ kṛtvā taṃ rāṣṭrād vipravāsayet || 2.187 ||**

saṃvit samayaḥ | mahaty aparādha etat | anyatra manur āha |

yo grāmadeśasaṃghānāṃ kṛtvā satyena saṃvidam |

visaṃvaden naro lobhāt taṃ rāṣṭrād vipravāsayet ||

nigṛhya dāpayec cainaṃ samayavyabhicāriṇam |

catuḥsuvarṇān ṣaṇ niṣkāñ śatamānaṃ ca rājatam ||

atrāpi catvāro deśanirvāsanādayo daṇḍā aparādhānusāreṇa vyavasthāpyāḥ | kātyāyanaḥ |

sāhasī bhedakārī ca gaṇadravyavināśakaḥ |

ucchedyāḥ sarva evaite vikhyāpyaivaṃ nṛpe bhṛguḥ || **[794]**

bṛhaspatiḥ |

yas tu sādhāraṇaṃ hiṃsyāt kṣipet traividyam eva vā |

saṃvitkriyāṃ vihanyāc ca sa nirvāsyaḥ purāt tataḥ ||

traividyādikam utsṛṣṭaṃ kṣiped ākṣiped ity arthaḥ |

aruṃtudaḥ sūcakaś ca bhedakṛt sāhasī tathā |

śreṇipūganṛpadviṣṭaḥ kṣipraṃ nirvāsyate tataḥ ||

aruṃtudo marmodghāṭakaḥ | sūcako doṣajñāpakaḥ | bhedakṛt snehavatāṃ vimatikārī |

kulaśreṇigaṇādhyakṣāḥ puradurganivāsinaḥ |

vāgdhigdamaṃ parityāgaṃ prakuryuḥ pāpakāriṇām ||

taiḥ kṛtaṃ ca svadharmeṇa nigrahānugrahaṃ nṛṇām |

tad rājño 'py anumantavyaṃ nisṛṣṭārthā hi te smṛtāḥ ||

adhyakṣā mahattamāḥ | vāgdamaṃ dhidamaṃ vāparādhānusāreṇa | vāgviśramam iti pāṭhe vāgviśramo 'saṃbhāṣyatā | parityāgo 'saṃvyavahāryatā | nisṛṣṭārthā anujñātakāryāḥ |

bādhāṃ kuryur yad ekasya saṃbhūtā dveṣasaṃyutāḥ |

rājñā te vinivāryās tu śāsyāś caivānubandhinaḥ ||

anubandhaḥ āgrahaḥ |

mukhyaiḥ saha samūhānāṃ visaṃvādo yadā bhavet |

tadā vicārayed rājā svamārge sthāpayec ca tān ||

nāradaḥ |

mithaḥ saṃghātakaraṇam ahetoḥ śastradhāraṇam |

parasparopaghātaṃ ca teṣāṃ rājā na marṣayet ||

na marṣeyen na kṣameta | kātyāyanaḥ |

ekapātre ca vā paṅktyāṃ saṃbhoktā yasya yo bhavet |

akurvaṃs taṃ tathā daṇḍyas tasya doṣam adarśayan ||

bṛhaspatiḥ |

saṃbhūyaikatamaṃ kṛtvā rājabhāvyaṃ haranti ye |

te tad aṣṭaguṇaṃ dāpyā vaṇijaś ca palāyinaḥ ||

rājabhāvyaṃ karaḥ | nāradaḥ |

pratikūlaṃ ca yad rājñaḥ prakṛtyavamataṃ ca yat |

bādhakaṃ ca yad arthānāṃ tat tebhyo vinivartayet ||

doṣavat kāraṇaṃ yat syād anāmnāyapravartitam |

pravṛttam api tad rājā śreyaskāmo nivartayet || 2.187 ||

**[795]**

*kiṃ ca* |

**kartavyaṃ vacanaṃ sarvaiḥ samūhahitavādinām |**

**yas tatra viparītaḥ syāt sa dāpyaḥ prathamaṃ damam || 2.188 ||**

ye samūhahitaṃ vadanti gaṇinas tad uktaṃ sarvaiḥ samūhibhiḥ kāryam | yas tu hitavādināṃ pratikūlaḥ syāt sa samūhena prathamasāhasaṃ daṇḍyaḥ | kātyāyanaḥ |

yuktiyuktaṃ tu yo hanyād vaktur yo 'navakāśadaḥ |

ayuktaṃ caiva yo brūyāt prāpnuyāt pūrvasāhasam || 2.188 ||

**samūhakārya āyātān kṛtakāryān visarjayet |**

**sadānamānasatkāraiḥ pūjayitvā mahīpatiḥ || 2.189 ||**

samūhakāryārthaṃ samūhapramukhān āyātān kṛtakāryān sadānamānasatkārair abhyarcya mahīpatir vimuñcet || 2.189 ||

**samūhakāryaprahito yal labheta tad arpayet |**

**ekādaśaguṇaṃ dāpyo yady asau nārpayet svayam || 2.190 ||**

samūhena svakāryasiddhaye yo nṛpādike(kaṃ) prati prahitaḥ sa tasmād yal labheta tat samūhāya svayam eva tena dātavyam | no cet tadekādaśaguṇaṃ tasmāt samūhena grāhyam | bṛhaspatiḥ |

tato balena yat kiṃcit sarveṣām eva tat samam |

ṣāṇmāsikaṃ māsikaṃ vā vibhaktavyaṃ yathāṃśataḥ ||

deyaṃ vā niḥsvavṛddhāndhastrībālāturarogiṣu |

sāṃtānikādiṣu tathā dharma eṣ sanātanaḥ ||

yatnaiḥ prāptaṃ rakṣitaṃ vā gaṇārthe vā paṇaṃ kṛtam |

rājaprasādalabdhaṃ vā sarveṣām eva tat samam ||

yadi samūhaprahitair labdhaṃ vibhajyamānaṃ māsaprabhṛti ṣaṇmāsān yāvad gaṇināṃ nirvāhasamarthaṃ bhavati, tadā yathābhāgaṃ vibhajanīyam | alpaṃ cen niḥsvādibhyaḥ pradeyam | kātyāyanaḥ |

gaṇam uddiśya yaiḥ kaiścit kṛtvarṇaṃ bhakṣitaṃ bhavet |

ātmārthaṃ viniyuktaṃ vā deyaṃ tair eva tad bhavet ||

gaṇānāṃ śreṇivargāṇāṃ gatāḥ syur ye tu madhyataḥ |

prāktanasya dhanarṇasya samāṃśāḥ sarva eva te ||

**[796]** tathaiva bhojyaṃ vaibhājyaṃ dhanaṃ dharmakriyāsu ca |

samūhastho 'ṃśabhāgī syāt pragatas tv aṃśabhāṅ na tu || 2.190 ||

**vedajñāḥ śucayo 'lubdhā bhaveyuḥ kāryacintakāḥ |**

**kartavyaṃ vacanaṃ teṣāṃ samūhahitavadinām || 2.191 ||**

vedaṃ paṭhanto 'rthataś ca jānantīti vedajñāḥ, śucayaḥ śuddhāśayāḥ, alubdhā alolupāḥ, evaṃvidhāḥ samūhakāryāṇāṃ sādhakabādhakavicārakāḥ syuḥ | vedajñatvādiviśiṣṭānāṃ kāryacintakatvaṃ vidhīyate, anyad anūdyate | bṛhaspatiḥ |

dvau trayaḥ pañca vā kāryāḥ samūhahitavādinaḥ |

kartavyaṃ vacanaṃ teṣāṃ grāmaśreṇigaṇādibhiḥ || 2.191 ||

*brāhmaṇeṣūktasya sāmayikadharmasyānyatrātideśam āha* |

**śreṇinaigamapāṣaṇḍigaṇānām apy ayaṃ vidhiḥ |**

**bhedaṃ caiṣāṃ nṛpo rakṣet pūrvavṛttiṃ ca pālayet || 2.192 ||**

iti saṃvidvyatikramaprkaraṇam || 15 ||

ekajātiniviṣṭānāṃ samānavṛttyupajīvināṃ samūhaḥ śreṇir yathā rajakaśreṇir iti | saha deśāntaravaṇijyārthaṃ ye nānājātīyā adhigacchanti te naigamā avaidikāḥ pravrajyāsthitāḥ pāṣāṇḍino brāhmaṇebhyo 'nye samānajīvikā iha gaṇāḥ, eṣāma[pya]yam eva dharmaḥ, yo nijadharmāvirodhenety evamādāv uktaḥ | tathā śreṇyādīnāṃ parasparabhedaṃ matibhedaṃ nṛpo rakṣen nivārayet | prāktanīṃ ca teṣāṃ vṛttiṃ pālayet | iti saṃvidvyatikramaprakaraṇam || 2.192 ||

**iti śrīvidyādharavaṃśaprabhavaśrīśilāhāranarendrajīmūtavāhanānvayaprasūta-**

**śrīmadaparādityadevaviracite yājñavalkyadharmāstranibandhe 'parārke**

**saṃvidyatikarmaprakaraṇam || 15 ||**

**atha saṭīkayājñavalkyasmṛtau**

**vetanādānaprakaraṇam | (16)**

*idānīṃ vetanānapākarmākhyaṃ vivādapadam ārabhate |*

**[797]** **gṛhītavetanaḥ karma tyajan dviguṇam āvahet |**

**agṛhīte samaṃ dāpyo bhṛtyai rakṣya upaskaraḥ || 2.193 ||**

bhṛtir vetanam | tad bhṛtako gṛhītvā svāminaḥ karma tyajann akurvaṃs taddviguṇam āvahet | svāmine dadyāt | karmany abhyupagate vetane vāgṛhīte karma tyajan yāvad vetanaṃ tasmai deyatvena svāminābhyupagataṃ yugavaratrādiḥ parirakṣaṇīyaḥ | nāradaḥ |

bhṛtyānāṃ vetanasyokto dānādānavidhikramaḥ |

vetanasyānapākarma tadvivādapadaṃ smṛtam ||

bhṛtyāya vetanaṃ dadyāt karma svāmī yathā kṛtam |

ādau madhye 'vasāne vā karmaṇo yd viniścitam ||

bṛhaspatiḥ |

bhṛtakas tu na kurvīta svāminaḥ śāṭhyam aṇv api |

bhṛtihānim avāpnoti tato vādaḥ pravartate ||

gṛhītavetanaḥ karma na karoti yadā bhṛtaḥ |

samarthaś ced damaṃ dāpyo dviguṇaṃ tac ca vetanam ||

nāradaḥ |

karmākurvan pratiśrutya vāryo datvā bhṛtiṃ balāt |

bhṛtiṃ gṛhītvākurvāṇo dviguṇāṃ bhṛtim āvahet ||

karmārambhaṃ tu yaḥ kṛtvā siddhiṃ naiva tu kārayet |

balātkārayitavyaḥ syād akurvan daṇḍam arhati ||

vṛddhamanuḥ |

pratiśrutya na kuryād yaḥ sa kāryaḥ syād balād api |

sa cen na kuryāt tat karma prāpnuyād dviśataṃ damam ||

manuḥ |

bhṛtyo 'nārto na kuryād yo darpāt karma yathoditam |

sa daṇḍyaḥ kṛṣṇalāny aṣṭau na deyaṃ tac ca vetanam ||

kṛtakarmaṇo 'pīti śeṣaḥ |

yathoktam ārtaḥ svastho vā yas tat karma na kārayet |

na tasya vetanaṃ deyam deyam alponasyāpi karmaṇaḥ ||

yathoktaṃ yathāpratiśrutam |

ārtas tu kuryāt svasthaḥ san yathābhāṣitam āditaḥ |

sudīrghasyāpi kālasya sa labhetaiva vetanam || 2.193 ||

**[798]**

**dāpyas taddaśamaṃ bhāgaṃ vaṇijyāpaśusasyataḥ |**

**aniścitya bhṛtiṃ yas tu kārayet sa mahīkṣitā || 2.194 ||**

yaḥ svāmī tybhyam iyatīṃ bhṛtiṃ dāsyāmīty aniścitya karma kārayati, sa bhṛtakakṛtakarmaṇo vāṇijyāder yad utpannaṃ dhanaṃ tasya daśamaṃ bhāgaṃ bhṛtyāya svāmī dadyāt | na dadāti ced rājñā svāmī dāpyaḥ | vṛddhamanuḥ |

samudrayānakuśalāḥ deśakālārthadarśinaḥ |

niyaccheyur bhṛtiṃ yāṃ tu sā syāt prāg akṛtā yadi ||

bṛhaspatiḥ |

tribhāgaṃ pañcabhāgaṃ vā gṛhṇīyāt sīravāhakaḥ |

bhaktācchābhṛtaḥ sīrād bhāgaṃ gṛhṇīta pañcamam ||

jātasasyāt tribhāgaṃ tu pragṛhṇīyād athābhṛtaḥ ||

nāradaḥ |

kāle 'pūrṇe tyajan karma bhṛtināśam avāpnuyāt |

svāmidoṣād apakrāman yāvat kṛtam avāpnuyāt ||

viṣṇuḥ: "bhṛtakaś cāpūrṇe kāle bhṛtiṃ tyajan sakalam eva mūlyaṃ jahyāt | rājñe ca paṇaśataṃ dadyāt | taddoṣeṇa yan naśyet tat svāmine deyam | anyatra daivopaghātāt | svāmī ced bhṛtakam apūrṇe kāle jahyāt tasya sarvam eva mūlyaṃ dadyāt | paṇaśataṃ ca rājñe 'nyatra bhṛtakadoṣāt" || 2.198 ||

**deśaṃ kālaṃ ca yo 'tīyāl lābhaṃ kuryāc ca yo 'nyathā |**

**tatra syāt svāminaś chando 'dhikaṃ deyaṃ kṛte 'dhike || 2.195 ||**

yatra deśe kāle ca kriyamāṇaṃ kṛṣyādikaṃ karma saphalaṃ syat tau deśakālau svātantryeṇa vyatikrāmet, lābhaṃ ca bahutaravyayakaraṇena kṣayaṃ prāpayate, tatra bhṛtyāya svāmī svacchandataḥ svābhiprāyato bhṛtiṃ dadyān naivālpāṃ svātantryeṇa svāminaḥ | adhikaṃ kālaṃ (phalaṃ) labhate yadi tasmai prāptān mūlyād adhikaṃ pāritoṣikaṃ dravyaṃ svāminā deyam || 2.195 ||

**yo yāvat kurute karma tāvat tasya ca vetanam |**

**ubhayor apy aśāṭhyaṃ cec chāṭhye kuryād yathāśrutam || 2.196 ||**

yed ekaṃ svāmikarmānekabhṛtakasādhyaṃ bhavati tatra śāṭhyaṃ varjayitvā yo bhṛtyo **[799]** yāvat karma karoti tasmai tadanurūpaṃ vetanaṃ deyam | yadi puruṣadvayasādhyam ekaḥ kuryāt tatra bhṛtidvayaṃ deyam | nyūnaṃ ced bhāgahāniḥ kalpyā | śāṭhye tu yathāśrutaṃ yathoktaṃ tad dadyāt svāminaś chanda[ta] iti jñeyam | etac cānekabhṛtyasādhye karmaṇi vetane vā paribhāṣite veditavyam | atra cobhayagrahaṇaṃ pradarśanārtham | tena yatra bahavo 'pi bhṛtyāḥ śāṭhyaṃ vihāya karma kurvanti tatrāpi karmānusāreṇa mūlyadānaṃ siddhaṃ bhavati || 2.196 ||

**arājadaivikān naṣṭaṃ bhāṇḍaṃ dāpyas tu vāhakaḥ |**

**prasthānvighnakṛc caiva pradāpyo dviguṇāṃ bhṛtim || 2.197 ||**

yo voḍhavyadravyaprāpaṇāya parikrītaḥ san rājadaivikavyāpāravyatirekeṇa svakīyaprajñāparādhād bhāṇḍaṃ voḍhavyaṃ dravyaṃ vināśayati, sa tanmūlyaṃ dāpyaḥ | yas tu prasthāne vighnam ācarati sa dviguṇaṃ bhṛtiṃ dāpyaḥ | vṛddhamanuḥ |

pramādān nāśitaṃ dāpyaḥ samaṃ dvir mohanāśitam |

na tu dāpyo hṛtaṃ caurair dagdham ūḍhaṃ jalena vā ||

dvir dviguṇam ity arthaḥ | brhaspatiḥ |

prabhuṇā viniyuktaḥ san bhṛtako vidadhāti yat |

tadartham aśubhaṃ karma svāmī tatrāparādhnuyāt ||

tadarthaṃ svāmyartham | aśubhaṃ cauryādi | aparādhnuyād daṇḍādibhāg bhavet || 2.197 ||

**prakrānte saptasamaṃ bhāgaṃ caturthaṃ pathi saṃtyajet |**

**bhṛtim ardhapathe sarvāṃ pradāpyas tyājako 'pi ca || 2.198 ||**

iti vetanādānaprakaraṇam || 16 ||

prakrānte gamane rājamārgaprāpteḥ prāg bhṛtaḥ karma parityajan mūlyasya saptamaṃ bhāgaṃ dāpyaḥ | etac ca vāhakāntaralābhāt prasthānavighnābhāve veditavyam | tadvighne tu dvuguṇaṃ dānam uktam | yadi tu panthānaṃ prāpya parityajet tadā bhṛteś cuturthāṃśaṃ dāpyaḥ | ardhapathe tu sarvāṃ bhṛtim | evaṃ svāmy api parikrīya vāhakaṃ yadi tyājayati na vāhayati | manuḥ |

yaḥ karma kāle saṃprāpte na kuryād vighnam ācaaret |

tadvṛtto 'nyas tu kāryaḥ syāt sa dāpyo dviguṇām bhṛtim ||

nāradaḥ |

anayan bhāṭayitvā tu bhāṇḍavān yānavāhane |

dāpyo bhṛticaturbhāgaṃ sarvām ardhapathe tyajet || **[800]**

vṛddhamanuḥ |

pathi vikrīya tad bhāṇḍaṃ vaṇig bhṛtyaṃ tyajed yati |

atha tasyāpi deyaṃ syād bhṛter ardhaṃ labheta saḥ ||

yadā sa pathi tad bhāṇḍaṃ niṣidhyeta hriyeta vā |

yāvān adhvagatas tena prāpnuyāt tāvatīṃ bhṛtim ||

nāradaḥ |

bhṛtiṣaḍbhāgam ābhāṣya pathi yugyabhṛtaṃ tyajet |

adadat kārayitvā tu sodayāṃ bhṛtim āvahet ||

yadīyair aśvabalīvardādibhir yugyaṃ bhāṇḍaṃ nīyate sa yugyabhṛtaḥ | taṃ prati voḍhavyadravyaṣaḍbhāgaṃ bhṛtitvenābhāṣya na dadāti taṃ ca tyajati tadā sodayāṃ bhṛtiṃ tasmai svāmī dadyād ity arthaḥ | bṛhaspatiḥ |

kṛte karmaṇi yaḥ svāmī na dadyād vetanaṃ bhṛteḥ |

rājñā dāpayitavyaḥ syād vinayaṃ cānurūpataḥ ||

kātyāyanaḥ |

tyajet pathi sahāyaṃ yaḥ śrāntaṃ rogārtham eva vā |

prāpnuyāt sāhasaṃ pūrvaṃ grāme tryaham apālayan |

matsyapurāṇe |

mūlyam ādāya yo vidyāṃ śilpaṃ vā na prayacchati |

daṇḍyaḥ sa mūlyaṃ sakalaṃ dharmajñena mahīkṣitā ||

nāradaḥ |

śulkaṃ gṛhītvā paṇyastrī necchantī dviguṇaṃ vahet |

anicchañ śulkadātāpi śulkahānim avāpnuyāt ||

aprayacchaṃs tathā śulkam anubhūya pumān striyam |

akremeṇa tu saṃgacchan ghātadantanakhādibhiḥ ||

ayonau yaḥ samākrāmed bahubhir vāpi vāsayet |

śulkaṃ so 'ṣṭaguṇaṃ dāpyo vinayaṃ tāvad eva tu ||

veśyāḥ pradhānā yās tatra kāmukās tadgṛhoṣitāḥ |

tatsamuttheṣu kāryeṣu nirṇayaṃ saṃśaye viduḥ ||

matsyapurāṇe |

gṛhītvā vetanaṃ veśyā lobhād anyatra gacchati |

tāṃ dhanaṃ dāpayed dadyād anūḍhasyāpi bhāṭakam ||

anyam uddiśya veśyāṃ yo nayed anyasya kāraṇāt |

tasya daṇḍo bhaved rājñaḥ suvarṇasya ca māṣakam ||

nītvā bhogaṃ na yo dadyād dāpyo dviguṇavetanam |

rājñaś ca dviguṇaṃ daṇḍaṃ tathā dharmo na hīyate ||

**[801]** bahūnāṃ vrajatām ekāṃ sarve te dviguṇaṃ damam |

dadyuḥ pṛthak pṛthag rājñe daṇḍaṃ ca dviguṇaṃ param ||

smrtiḥ |

vyādhitā saśramavyagrā rājadharmaparāyaṇā |

āmantritā ca nāgacched avāśyā vaḍavā smṛtā ||

nāradaḥ |

parabhūtau gṛhaṃ kṛtvā stomaṃ datvā vaset tu yaḥ |

sa tad gṛhītvā nirgacchet tṛṇakāṣṭheṣṭakādikam ||

stomādinā vasitvā tu parabhūmāv aniścitaḥ |

nirgacchaṃs tṛṇakāṣṭhāni na gṛhṇīyāt kathaṃcana ||

yāny eva tṛṇakāṣṭhāni tv iṣṭakā viniveśitā |

vinirgacchaṃs tu tat sarvaṃ bhūmisvāmini vedayet ||

svāminīti caturthyarthe saptamī | stomo bhāṭakam | vyāsaḥ |

snehena sthaṇḍilaṃ labdhvā mandiraṃ kurute tu yaḥ |

nirgacchatas tasya dāru dattastomasya nānyathā ||

kātyāyanaḥ |

gṛhavāryāpaṇādīni gṛhītvā bhāṭakena yaḥ |

svāmine nārpayed yāvat tāvad dāpyaḥ sa bhāṭakam ||

vṛddhamanuḥ:

yo bhāṭayitvā śakaṭaṃ nītvā cānyatra gacchati | }

stomavāhīni bhāṇḍāni pūrṇakālāny upānayet ||

grahītur ābhaved bhagnaṃ naṣṭaṃ vānyatra saṃplavāt ||

stomena bhāṭakena ghṛtatailādidravyāntaraprāpaṇārthaṃ yāni mṛnmayāni bhāṇḍāni tāni stomavāhīni, tāni pūrṇabhāṭakakālāni tat svāminam upānayet | teṣāṃ madhye yat tad avalepād bhagnaṃ pradhvastaṃ vā tat stomagrahītur ābhavet | netareṇa tad deyam ity arthaḥ | etac ca saṃplavād anyatra | saṃplave tu bhāṇḍasvāmine bhagnādibhāṇḍamūlyaṃ deyam | saṃplavo dravyāntareṇāsphālanam | iti vetanādānaprakaaṇam || 2.198 ||

**iti śrīvidyādharavaṃśaprabhavaśrīśilāhāranarendrajīmūtavāhanānvayaprasūta-**

**śrīmadaparādityadevaviracite yājñavalkyadharmāstranibandhe 'parārke**

**vetanādānaprakaraṇam || 16 ||**

**[802]**

**atha saṭīkayājñavalkyasmṛtau**

**dyūtasamāhvayaprakaraṇam | (17)**

atha dyūtasamāhvayākhyaṃ vyavahārapadaṃ prastūyate | tatra nāradaḥ |

akṣavadhraśalākādyair devanaṃ jihmakāritam |

paṇakṛīḍāvayobhiś ca padaṃ dyūtasamāhvayam ||

akṣāḥ pāśakāḥ | vadhraś carmādivalayavedhaḥ | śalākā kitavebhyo jñeyā | ādyaśabdād anyeṣām api karpaṭakādīnāṃ grahaṇam | devanaṃ krīḍā, vijigīṣā vā | jihmaṃ kuṭilam | jitād yad dravyaṃ gṛhyate sa paṇaḥ | vayāṃsi pakṣiṇaḥ | akṣādibhir acetanair vayaḥprabhṛtibhiś ca cetanair jihmena kuṭilabhāvena devanaṃ dyūtam | manuḥ |

aprāṇibhir yat kriyate tal loke dyūtam ucyate |

prāṇibhiḥ kriyate yas tu sa vijñeyaḥ samāhvayaḥ ||

kākinyo vadhrikāś caiv aśalākā bhaurya eva ca |

akṣāḥ sabījāḥ kuhakā dyūtopakaraṇāni ṣaṭ ||

bṛhaspatiḥ |

anyonyaparigṛhītāḥ pakṣimeṣavṛṣādayaḥ |

praharante kṛtapaṇās taṃ vadanti samāhvayam || 2.198 ||

*tatra sabhāpatinā yāvatī vṛddhir yataś ca grāhyā tad āha* |

**glahe śatikavṛddhes tu sabhikaḥ pañcakaṃ śatam |**

**gṛhṇīyād dhūrtakitavād itarād daśakaṃ śatam || 2.199 ||**

yaḥ sabhāṃ kṛtvā dyūtopakaraṇāni ca praguṇīkrtya kitavebhyo devituṃ vṛddhyā dhanaṃ prayacchati sa sabhiko dhūtakitavād dhūrto vijayī vā kitavo dhyūtakartā sa dhūrtakitavas tasmāc chatikavṛddheḥ śatasaṃkhyākaglahe paṇe viṣayabhūte yo vṛddhiṃ jitavān sa śatikavṛddhis tasmāt pañcakaṃ śataṃ gṛhṇīyāt | yaḥ parājitaḥ sa itaras tasmāt tu daśakaṃ śatam || 2.199 ||

**sa samyakpālito bhāgaṃ rājñe dadyād yathāśrutam |**

**jitam udagrāhayej jetre dadyāt satyaṃ vacaḥ kṣamī || 2.200 ||**

[sa]sabhikaḥ pūrvokto rājñā samyakpālitaḥ kitavebhyaḥ samyagrakṣito rājñe **[803]** yathāśrutam aṅgīkṛtaṃ svakīyād dhanād bhāgaṃ dadyāt | jitaṃ dhanaṃ parājitāt kitavād udgrāhayed utkālayet | tathaitāvati kāle tubhyam iyad dhanaṃ dāsyāmīti jetre satyaṃ vacas tadviśvāsāya kṣamī san dadyāt | kātyāyanaḥ |

sabhikaḥ kārayed dyūtaṃ deyaṃ dadyāc ca yan nṛpe |

daśakaṃ ca śataṃ vṛddhiṃ gṛhṇīyāc ca parājayāt ||

jetur dadyāt svakaṃ dravyaṃ jitaṃ grāhyaṃ tripakṣikam |

sadyo vā sabhikenaiva kitavāt tu na saṃśayaḥ ||

nāradaḥ |

sabhikaḥ kārayed dyūtaṃ deyaṃ dadyāc ca tadgatam |

daśaṅaṃ tu śataṃ vṛddhis tasya syād dyūtakāritā ||

atha vā kitavo rājñe datvā bhāgaṃ yathocitam |

prakāśaṃ devanaṃ kuryād evaṃ doṣo na vidyate ||

atha vā sabhikaṃ vinā kitava eva rājabhāgaṃ datvā prakaṭaṃ devanaṃ kuryāt | kitava iti jātyabhiprāyeṇaikavacanam | bṛhaspatiḥ |

dvaṃdvayuddhena yaḥ kaścid avasādam avāpnuyāt |

tatsvāminā paṇo deyo yas tatra parikalpitaḥ ||

samāhvayaviṣayam etat | avasādo balahāniḥ | nāradaḥ |

aśuddhaḥ kitavo nānyad āśrayed dyūtamaṇḍalam |

pratihanyān na kitavaṃ dāpayantaṃ svam iṣṭataḥ ||

adattadeyo 'śuddhaḥ svaṃ svakīyaṃ dhanaṃ sādhayati kitavas taṃ rājā na vārayet || 2.200 ||

**prāpte bhāge ca nṛpatiḥ prasiddhe dhūrtamaṇḍale |**

**jitaṃ sasabhike sthāne dāpayed anyathā tu na || 2.201 ||**

dhūrtā dyūtakārās tanmaṇḍale sasabhike nṛpatiḥ prasiddhe yathāparibhāṣite bhāge prāpte jitaṃ dāpayed anyathā naiva | nāradaḥ |

anirdiṣṭas tu yo rājñā dyūtaṃ kurvīta mānavaḥ |

na sa taṃ prāpnuyāt kāmaṃ vinayaṃ caiva so 'rhati ||

anirdiṣṭo yo bhūpenaniyuktaḥ san dyūtaṃ kurvīta sasabhiko bhavan sa taṃ kāmaṃ sabhikalabhyaṃ bhāgaṃ na labhete daṇḍaṃ ca prāpnuyāt | **[804]** kātyāyanaḥ |

prasahya dāpayed deyaṃ tasmin sthāne na cānyathā |

jitaṃ vai sabhikas tatra sabhikapratyayā kriyā ||

anabhijño jito mocyo 'mocyo 'bhijño jito rahaḥ |

sarvasve vijite 'bhijñe na sarvasvaṃ pradāpayet ||

bṛhaspatiḥ |

raho jito 'nabhijñaś ca kūṭākṣaiḥ kapaṭena vā |

mocyo 'bhijño 'pi sarvasvaṃ jitaṃ sarvaṃ na dāpyate || 2.201 ||

**draṣṭāro vyavahārāṇāṃ sākṣiṇaś ca ta eva hi |**

kitavavyavahārāṇāṃ draṣṭāro nirṇāyakāḥ sākṣiṇaś ca ta eva kitavā eva | nāradaḥ |

kitaveṣv eva tiṣṭheran kitavāḥ saṃśayaṃ prati |

ta eva tatra draṣṭāras ta evaiṣāṃ ca sākṣiṇaḥ ||

sabhikānuvṛttau bṛhaspatiḥ |

sa eva sākṣī saṃdigdhe sabhaiś cānyais tribhir vṛtaḥ |

kātyāyanaḥ |

vigrahe 'tha jaye lābhe karaṇe kūṭadevinām |

pramāṇaṃ sabhikas tatra śuciś ca sabhiko yadi ||

mlecchaśvapākadhūrtānāṃ kitavānāṃ tapasvinām |

tatkṛtācārabhartṝṇāṃ niścayo na tu rājani ||

rājanīti pūrvoktasakalasabhyopalakṣaṇārtham | tena śrutādhyayanasaṃpannā ityādy uktāḥ sabhyā mlecchādivivādeṣu nādaraṇīyāḥ | bṛhaspatiḥ |

ubhayor api saṃdigdhe kitavās tu parīkṣakāḥ |

yadā vidveṣiṇas te tu tadā rājā vicārayet ||

**rājñā sacihnaṃ nirvasyāḥ kūṭākṣopadhidevinaḥ || 2.202 ||**

viṣṇuḥ: "dyūte ca kapaṭākṣadevināṃ karacchedaḥ | upadhidevināṃ saṃdaṃśacchedaḥ" | anyavacanārtham anyonyasaṃpratipattir hastacāturyād yathābhimatapātanādi vopadhiḥ | saṃdaṃśacchedo 'ṅguṣṭhāṅgulīchedaḥ || 2.202 ||

**dyūtam ekamukhaṃ kāryaṃ taskarajñānakāraṇāt |**

dyūtam ekamukham ekapradhānam ekena rājapuruṣeṇādhiṣṭhitaṃ taskarajñānārthaṃ kāryam | yat tu manunoktam,

dyūtaṃ samāhvayaṃ caiva yaḥ kuryād yaś ca kārayet |

tān sarvān ghātayed rājā śūdrāṃś ca dvijaliṅginaḥ || **[805]**

ityādi, tad rājapuruṣānadhiṣṭhitadyūtaviṣayam | bṛhaspatiḥ |

dyūtaṃ niṣiddhaṃ manunā sasyaśaucadhanāpaham |

tatpravartitamanyais tu rājabhāgasamanvitam ||

rājabhāgarahitṃ na pravartayitavyam ity arthaḥ |

**eṣa eva vidhir jñeyaḥ prāṇidyūte samāhvye || 2.203 ||**

iti dyūtasamāhvayaprakaraṇam || 17 ||

eṣa ukto vidhiḥ prakāraḥ prāṇibhir meṣamahiṣādibhiḥ sādhye dyūte samāhvayasaṃjñake veditavyaḥ | iti dyūta[samāhvaya]prakaraṇam || 2.203 ||

**iti śrīvidyādharavaṃśaprabhavaśrīśilāhāranarendrajīmūtavāhanānvayaprasūta-**

**śrīmadaparādityadevaviracite yājñavalkyadharmāstranibandhe 'parārke**

**dyūtasamāhvayaprakaraṇam || 17 ||**

**atha saṭīkayājñavalkyasmṛtau**

**vākpāruṣyaprakaraṇam | (18)**

atha vākpāruṣyaprakaraṇam ārabhate | tasya svarūpam āha nāradaḥ |

deśajātikulādīnāṃ krośanaṃ nyaṅgasaṃjñitam |

yad vacaḥ pratikūlārthaṃ vākpāruṣyaṃ tad ucyate ||

krośanam ākrośanam ākṣepaḥ | tatra deśākṣepo yathā — gauḍaṃ prati kalahapriyā gauḍā iti | jātyākṣepo yathā — vipraṃ prati nitāntalolupā viprā iti | kulākṣepo yathā — krūracaritā vaiśvāmitrā iti | nyaṅgam asabhyavacanam | kātyāyanaḥ |

huṃkāraṃ kāsanaṃ caiva loke yac ca vigarhitam |

anukuryād anubrūyād vākpāruṣyaṃ tad ucyate ||

niṣṭhurāślīlatīvratvā tad api trividhiṃ smṛtam |

ākṣepo niṣṭhuraṃ jñeyam aślīnaṃ nyaṅgasṃjñitam ||

patanīyair upākroṣais tīvram āhur manīṣiṇaḥ |

yas tv asatsaṃjñakar aṅgaiḥ param ākṣipati kvacit ||

abhūtair vātha bhūtair vā niṣṭhurā vāk svṛtā tu sā |

nyaṅgāvagūraṇaṃ vācākrośāt tu kurute yadi ||

**[806]** vṛttadeśakulānāṃ tu aślīlā sā budhaiḥ smṛtā |

mahāpātakayoktrī ca rājadveṣakarī ca yā ||

jātibhraṃśakarī vātha tīvrā sā prathitā tu vāk |

nyaṅgāvagūraṇaṃ nikṛṣṭāṅgaprakāśanena tiraskaraṇam | bṛhaspatiḥ |

apriyoktas tāḍaṇaṃ ca pāruṣyaṃ dvividhaṃ smṛtam |

ekaikaṃ tu tridhā bhinnaṃ damaś coktas trilakṣaṇaḥ ||

deśadharmakulādīnāṃ kṣepaḥ pāpena yojanam |

dravyaṃ vinā tu prathamaṃ vākpāruṣyaṃ tad ucyate ||

bhaginībhrātṛsaṃbaddham upapātakaśaṃsanam |

pāruṣyaṃ madhyamaṃ proktaṃ vācikaṃ śāstravedibhiḥ ||

abhakṣyāpeyakathanaṃ mahāpātakadūṣaṇam |

pāruṣyam uttamaṃ proktaṃ tīvramarmātipātanam ||

dravyaṃ vinety atra dravyaśabdo 'bhidheyaparaḥ | tenocyamānārthavyatirekeṇaivaṃvidham abhidhānaṃ vākpāruṣyam ity arthaḥ |

*tatra vākpāruṣyaviśeṣe daṇḍaviśeṣam āha* |

**satyāsatyānyathāstotrair nyūnāṅgendriyarogiṇām |**

**kṣepaṃ karoti ced daṇḍyaḥ paṇān ardhatrayodaśān || 2.204 ||**

aṅgāni karmendriyāṇi jihvādīni, indriyāṇi punaḥ śrotrādīni jñānedriyāṇi | rogāḥ kuṣṭhādayaḥ | nyūnāny aṅgānīindriyāṇi ca yeṣām, yeṣām ca vyādhayaḥ santi teṣāṃ kṣepam apriyoktiṃ satyenāsatyena viparītastutyā vā yaḥ karoti, sa dvādaś paṇān sārdhān daṇḍyaḥ | tatra satyenāṅgahīnakṣepo yathā — pādahīnaṃ prati kuṇṭhas tvam ityādiḥ | asatyena yathā — sakalāṅgaṃ prati vikalāṅgas tvam iti vikalāṅgaṃ prati sakalāṅgas tvam iti | viparītastutyā yathā — hastahīnaṃ prati subāhur mahābāhur veti | evam indriyahīnākṣepaḥ | ardhas trayodaśo yeṣāṃ paṇānāṃ te 'rdhatrayodaśāḥ paṇāḥ | yat tu manunoktam,

kāṇaṃ vā yadi vā khañjam anyaṃ vāpi tathāvidham |

tathyenāpi bruvan dāpyo daṇḍaṃ kārṣāpaṇaṃ varam ||

tad ākṣeptur atyantotkarṣe svalpe vāśayadoṣe grāhyam | bṛhaspatiḥ |

samajātiguṇānāṃ tu vākpāruṣye parasparam |

vinayo 'bhihitaḥ śāstre paṇas tv ardhatrayodaśaḥ || **[807]**

viṣṇuḥ: "samavarṇākrośane dvādaśa paṇān daṇḍyaḥ | hīnavarṇākrośane tu ṣaṭ | yathākālam uttamasamavarṇākṣepe tatpramāṇo daṇḍas trayo vā kārṣāpaṇāḥ | śulkavākyābhidhāne tv evam eva" | alpadhanaviṣayam etat |

samavarṇadvijātīnāṃ dvādaśaiva vyatikrame |

vādeṣv avacanīyeṣu tad eva dviguṇaṃ bhavet ||

samavarṇagrahaṇam ākṣeptur ākṣepyasya ca jātito guṇataś ca sāmyapratipādanārtham | tena sarvasāmye sati vākpāruṣyarūpavyatikramaviṣaye dvādaśapaṇo damaḥ | jātimātrasāmye hīnaguṇasya bahuguṇaṃ pratyākṣepakatve dviguṇo damaḥ | śaṅkhalikhitau: "savarṇavyatikrame dvādaśa kārṣāpaṇāḥ | yathārūpaviśiṣṭākṣepe hy aviśiṣṭasya (?) caturviṃśatir aviśiṣṭātikrame ca viśiṣṭasya tatho 'rtham" || 2.204 ||

*prathame vākpāruṣye daṇḍa uktaḥ saṃprati madhyame vākpāruṣye daṇḍam āha |*

**abhigantāsmi bhaginīṃ mātaraṃ vā taveti ha |**

**śapantaṃ dāpayed rājā pañcaviṃśatikaṃ damam || 2.205 ||**

tava bhaginīṃ mātaram abhigantāsmīty evam ākṣipantaṃ pañcaviṃśatipaṇātmakaṃ daṇḍaṃ rājā dāpayet | ākrośa ity adhikṛtyāhatuḥ śaṅkhalikhitau: "tathādhikṛtān viprān gurūṃś ca nirbhartsayato muṇḍanaṃ gomayālepanaṃ kharāropaṇaṃ darpahāro daṇḍo vā" | daṇḍa ity anuvṛttau viṣṇuḥ: "kṣipan svasrādikaṃ dadyāt pañcāśat paṇikaṃ damam" | alpadhanaviṣayam etat || 2.205 ||

*prathame madhyame ca vākpāruṣye savarṇānāṃ daṇḍa uktaḥ | tasyaiva daṇḍanīyaguṇasadasadbhāvakṛtaṃ viśeṣam. āha* |

**ardho 'dhameṣu dviguṇaḥ parastrīṣūttameṣu ca |**

vidyānuṣṭhānādiguṇavatādhameṣv adhamaguṇeṣv ākruṣṭeṣūktasyārdham eva daṇḍaḥ syāt | tatra prathame vākpāruṣye ṣaṭpaṇāḥ | paṇacaturthāṃśaś ca daṇḍārtham, madhyame tu dvādaśa **[808]** sārdhāḥ | yas tu parastrīr ākṣipati, tathālapaguṇaś ca sann uttamaguṇāṃs tasyoko dviguṇo daṇḍaḥ | tatra prathame vākpāruṣye pañcaviṃśati | bṛhaspatiḥ |

samānayoḥ samo daṇḍo nyūnasya dviguṇas tu saḥ |

uttamasyārdhikaḥ prokto vākpāruṣye parasparam ||

*idānīṃ brāhmaṇādivarṇānāṃ mūrdhāvasiktadvijātīnām anyonyākrośyākrośakabhāve rājñā daṇḍaḥ kalpanīya ity āha |*

**daṇḍapraṇayanaṃ kāryaṃ varṇajātyuttarādharaiḥ || 2.206 ||**

varṇānāṃ jātīnāṃ ca madhyād uttaraiś cādharāṇām adharaiś cetareṣām ākṣepe kṛte svayam abhyū(yu)hya daṇḍapraṇayanaṃ rājā kuryāt | tatra mūrdhāvasiktā ambaṣṭhādayaḥ | anulomajā mātṛbhis tulyavarṇāḥ | tataś ca te kṣatriyādivad eva daṇḍabhājaḥ || 2.206 ||

*idānīṃ varṇānāṃ prātilomyākṣepe daṇḍaviśeṣam āha* |

**pratilomāpavādeṣu dviguṇatriguṇā damāḥ |**

**varṇānām ānulomyena tasmād ardhārdhahānitaḥ || 2.207 ||**

adharo varṇa uttaram ākrośatīti pratilomāpavādaḥ | tatrānantaraṃ varṇam ākrośataḥ pūrvoktāt pañcāśatsaṃkhyākād dviguṇo damaḥ śatasaṃkhyāko damaḥ syāt | ekāntarākṣepe tu tata eva triguṇaḥ sārdhaśatiko bhavet | tataś ca kṣatriyasya brāhmaṇaṃ vaiśyasya kṣatriyam ākrośataḥ śatasaṃkhyāko damaḥ | vaiśyasya brāhmaṇākrośe 'dhyardhaṃ śatam | śūdrasya vaiśyākrośe śatam | kṣatriyākrośe 'dhardham | brāhmaṇākrośe tu daṇḍāntarābhidhāyakāni smṛtyantrāṇy udāhariṣyante | uttareṇa varṇenādharasyākṣepo 'nulomāpavādaḥ | tatra kṣatriyasya brāhmaṇam ākṣipato daṇḍaḥ paṇaśatātmako 'bhihitaḥ | tadardhaṃ pañcāśatpaṇikaḥ kṣatriyākṣepaṇe brāhmaṇasya daṇḍaḥ | vaiśyākṣepe pañcaviṃśatikaḥ | śūdrākṣepe sārdhadvādaśa paṇāḥ | asya ca vyākhyānasya,

pañcāśad brāhmaṇo daṇḍyaḥ kṣatriyasyābhiśaṃsane |

vaiśyasyāpy ardhapañcāśac chūdre dvādaśako damaḥ ||

iti manuvākyaṃ mūlam | evaṃ kṣatriyo vaiśyam ākrośan pañcāśad daṇḍyaḥ | śūdre tu pañcaviṃśatiḥ | vaiśyasya śūdrākrośe pañcāśad eva | śūdrasya brāhmaṇākrośe manur āha |

śataṃ brāhmaṇam ākruśya kṣatriyo daṇḍam arhati |

vaiśyo 'py ardhaśataṃ dve vā śūdras tu vadham arhati || **[809]**

vadho 'tra jihvācchedaḥ | yad āha sa eva |

ekajātir dvijātiṃ tu vācā dāruṇayā kṣipet |

jihvāyāḥ prāpnuyāc chedaṃ jaghanyaprabhavo hi saḥ ||

nāmajātigrahāṃs teṣām abhidroheṇa kurvataḥ |

nikṣepyo 'yomayaḥ śaṅkur jvalann āsye daśāṅgulam ||

atyantābhyāsa etat |

dharmopadeśaṃ darpeṇa dvijānām asya kurvataḥ |

taptam āsecayet tailaṃ vaktre śrotre ca pārthivaḥ ||

asyeti śūdrasya | bṛhaspatiḥ |

vaiśyam. ākṣārayañ śūdro dāpyaḥ syāt prathamaṃ damam |

kṣatriyaṃ madhyamaṃ caiva vipram uttamasāhasam ||

dharmopadeśakartā ca vedodāharaṇānvitaḥ |

ākrośakaś ca viprāṇāṃ jihvāchedanam arhati ||

gautamaḥ: "śūdro dvijātim abhisaṃdhāyābhihatya ca vāgdaṇḍapāruṣyābhyām aṅgaṃ mocyaṃ yo nābhihanyāt | athāsya vedam upaśṛṇvatas trapujatubhyāṃ śrotrapūraṇam udāharaṇāj jihvāchedo dhāraṇe śarīrabhedaḥ" | viṣṇuḥ: "śrutadeśajātikarmaṇām anyathāvādī kārṣāpaṇaśataṃ daṇḍyaḥ" | nāradaḥ |

na kilbiṣeṇāpavadec chāstrataḥ kṛtapāvanam |

na rājño dhṛtadaṇḍaṃ tu daṇḍabhāk tadvyatikramāt || 2.207 ||

**bāhugrīvānetrasakthivināśe vāciko(ke) damaḥ |**

**śatyas tato 'rdhikaḥ pādanāsākarṇakarādiṣu || 2.208 ||**

bāhvādīnāṃ vacanena vināśakriyāṃ tava bāhū khañcayāmīty evamātmikāṃ kurvataḥ śatyaḥ śataparimāṇo daṇḍo grāhyaḥ | pādanāsāder vācanikaṃ nāśam ācarataḥ śatārdhiko daṇḍa ādeyaḥ || 2.208 ||

*sāmānyenoktasya viṣayaviśeṣe vyavasthām āha* |

**aśaktas tu vadann evaṃ daṇḍanīyaḥ paṇān daśa |**

**ya(ta)thā śaktaḥ pratibhuvaṃ dāpyaḥ kṣemāya tasya tu || 2.209 ||**

**[810]**

bāhvādicchedaṃ kartuṃ samarthaḥ sa ydi taṃ brūyāt tadoktaṃ daṇḍaṃ gṛhītvā kṣiptasya kṣemāya parirakṣaṇārthaṃ pratibhuvaṃ dāpyaḥ | bāhvādicchedāsamarthas tu ced daśaiva paṇān dāpyaḥ || 2.209 ||

**patanīyakṛte kṣepe daṇḍo madhyamasāhasaḥ |**

**upapātakayukte tu dāpyaḥ prathamasāhasam || 2.210 ||**

patanīyaiḥ patitatvakāraṇair brahmahatyādibhir brahmamā tvam asītyādāv ākṣepe kṛte madhyamasāhaso daṇdo bhavati | upapātakahetubhir govadhādhibhir ākṣipan prathamasāhasaṃ dāpyaḥ | vyāsaḥ |

papopapāpavaktāro mahāpātakaśaṃsakāḥ |

ādyamadhyottamān daṇḍān dadyus te te yathākramam ||  
upapātakagaṇe yan na nirdiṣṭaṃ śāstrataḥ pratiṣiddhaṃ ca tad iha pāpaśabdavācyam | viṣṇuḥ: "parasya patanīye kṣepe kṛte tūttamasāhasam | upapātakayukte madhyamam" | uttamavarṇākṣepaviṣayam etat || 2.210 ||

**traividyanṛpadevānāṃ kṣepa uttamasāhasam |**

**madhyamo jātipūgānāṃ prathamo grāmadeśayoḥ || 2.211 ||**

iti vākpāruṣyaṃ prakaraṇam || 18 ||

ṛgyajuḥsāmavedināṃ mṛpater brāhmaṇādidevānāṃ vā kṣeptur uttamasāhaso daṇḍaḥ kāryaḥ | brāhmaṇādijātīnāṃ pūgānāṃ pariṣadādīnāṃ vyavahāranirṇayādyekakāryakāriṇāṃ viduṣām ākṣeptur madhyamasāhasaḥ, grāmasya janapadasya vā kṣepaṃ kurvataḥ prathamasāhasaḥ | viṣṇuḥ: "traividyavṛddhānāṃ jātipūgānāṃ ca grāmadeśayoḥ prathamam" | alpāśayadoṣaviṣayam etat | bṛhaspatiḥ |

deśādikaṃ kṣipan dāpyaḥ paṇān ardhatrayodaśān |

pāpena yojayan darpād dāpyaḥ prathamasāhasam ||

uśanā |

mohāt pramādāt saṃharṣāt prītyā coktaṃ mayeti yaḥ |

nāham evaṃ punar vakṣye daṇḍārdhaṃ tasya kalpayet ||

bṛhaspatiḥ |

eṣa daṇḍaḥ samākhyātaḥ puruṣāpekṣayā mayā |

samanyūnadhikatvena kalpanīyo manīṣibhiḥ ||

iti vākpāruṣyaṃ prakaraṇam || 2.211 ||

**iti śrīvidyādharavaṃśaprabhavaśrīśilāhāranarendrajīmūtavāhanānvayaprasūta-**

**śrīmadaparādityadevaviracite yājñavalkyadharmāstranibandhe 'parārke**

**vākpāruṣyaṃ prakaraṇam || 18 ||**

**[811]**

**atha saṭīkayājñavalkyasmṛtau**

**daṇḍapāruṣyaprakaraṇam | (19)**

atha daṇḍapāruṣyanimitte daṇḍavidhiḥ | daṇḍapāruṣyaṃ nāma śarīrasya tāḍanenāmedhyasaṃyojanena tāḍanārtham avagūraṇena vā parasya duḥkhotpādanam | tad āha nāradaḥ |

paragātreṣv abhidroho hastapādāyudhādibhiḥ |

tasmād ebhiś copaghāte daṇḍapāruṣyam ucyate ||

tathā |

tasyāpi dṛṣṭaṃ traividhyaṃ hīnamadhyottamakramāt |

avagūraṇaniḥsaṅgapātakṣatajadarśanaiḥ ||

hīnamadhyottamānāṃ tu varṇānāṃ samatikramāt ||

bṛhaspatiḥ |

hastapāṣāṇalaguḍair bhasmakardamapāṃsubhiḥ |

āyudhaiś ca praharaṇair daṇḍapāruṣyam ucyate ||

*tatrāparādhasadasadbhāvasaṃdehe nirṇayahetūṃs tāvad āha |*

**asākṣike hate cihnair yuktibhiś cāgamena ca |**

**draṣṭavyo vyavahāras tu kūṭacihnakṛtād ṛte || 2.212 ||**

asākṣike deśe 'ham anena hata iti kenacid rājñe nivedite rājñā sabhyaiś ca dveṣādikṛtamithyācihnaṃ varjayitvānyaiś cihnair yuktibhir āgamenāptavākyena cakārād divyaiś ca vivādo 'yaṃ vādī sādhur ayma asādhur ayam iti vicārya nirṇetavyaḥ | cihnaṃ kṣatādi | yuktibhir hantṛhantavyayoḥ saṃnidhānaṃ dveṣahetusaṃbhava ityādibhiḥ | āgama āptavākyam | kecid paṭhanti — "kūṭacihnakṛtād bhayāt" iti | tasyārthaḥ — na vraṇādidarśanamātreṇa vinā vicāraṃ nirṇayaḥ karyaḥ | yato matsarādivaśāt kūṭaṃ kṛtrimam api cihnaṃ kartuṃ śakyate | nāradaḥ |

kaścit kṛtvātmanāś cihnaṃ dveṣāt param abhidravet |

yuktihetvarthasaṃbandhais tatra yuktaṃ parīkṣaṇam ||

yuktir arthāpattiḥ | hetur anumānam | arthaḥ prayojanam | saṃbandhaḥ prāptiḥ saṃnidhir iti yāvat | pūrvakalaho vā | kātyāyanaḥ |

hetvādhibhir na paśyec ced daṇḍapāruṣyakāraṇam |

tatra sākṣīkṛtaṃ caiva divyaṃ vā viniyojayet || **[812]**

sākṣīkṛtaṃ sākṣisthāne kṛtam | nāradaḥ |

pāruṣye sati saṃbandhād utpanne kṣubdhayor dvayoḥ |

sa mānyate yaḥ kṣamate daṇḍabhāg yo 'tivartate ||

pāruṣyadoṣāvṛtayor yugapatsaṃpravṛttayoḥ |

viśeṣaś cen na dṛśyeta vinayaḥ syāt samastayoḥ ||

bṛhaspatiḥ |

dvayoḥ praharator daṇḍaḥ samayos tu samaḥ smṛtaḥ |

ārambhako 'nubandhī ca dāpyaḥ syād adhikaṃ damam ||

nāradaḥ |

dvayor āpannayos tulyam anubadhnāti yaḥ punaḥ |

sa tayor daṇḍam āpnoti pūrvo vā yadi vā paraḥ ||

pūrvam ākṣārayed yas tu niyataṃ syāt sa doṣabhāk |

paścād yaḥ so 'py asatkārī pūrve tu vinayo guruḥ ||

kātyāyanaḥ |

ābhīṣaṇena daṇḍena prahared yas tu mānavaḥ |

pūrvaṃ cāpīḍito vātha sa daṇḍyaḥ parikīrtitaḥ ||

bṛhaspatiḥ |

pūrvākṛuṣṭaḥ samākrośaṃs tāḍitaḥ pratitāḍayan |

hatvātatāyinaṃ caiva nāparādhī bhaven naraḥ ||

vākpāruṣyādinā nīco yaḥ santam abhilaṅghayet |

sa eṣa tādayaṃs tasya nānveṣṭavyo mahībhujā ||

vākpāruṣyādinā nīcenābhilaṅghite sādhau sādhur yadi nīcaṃ tāḍayet tadā rājñā 'sau na daṇḍanīya ity arthaḥ | nāradaḥ |

śvapākaṣaṇḍacaṇḍālaveśyāsu vadhavṛttiṣu |

hastipavrātyadāreṣu gurvācāryātigeṣu ca ||

maryādātikrame sadyo ghātayec cānuśāsanam |

na ca tad daṇḍāpāruṣye doṣam āhur manīṣiṇaḥ ||

yam eva hy ativarterann ete santaṃ janā nṛṣu |

sa eva vinayaṃ kuryān na tadvinayabhāg bhavet ||

malā hy ete manuṣyāṇāṃ malam eṣāṃ dhanātmakam |

api tān ghātayed rājā nārthadaṇḍena daṇḍayet || **[813]**

kātyāyanaḥ |

aspṛśyadhūrtadāsānāṃ mlecchānāṃ pāpakāriṇām |

pratilomaprasūtānāṃ tāḍanaṃ nārthato damaḥ || 2.212 ||

**bhasmapaṅkarajaḥsparśe daṇḍo daśapaṇaḥ smṛtaḥ |**

**amedhyapārṣṇiniṣṭhyūtasparśane dviguṇas tataḥ || 2.213 ||**

**sameṣv evaṃ parastrīṣu dviguṇas tūttameṣu ca |**

**hīneṣv ardhadamaḥ prokto madādibhir adaṇḍanam || 2.214 ||**

jātito guṇato vā tulyaṃ paraṃ bhasmakardamadhūlibhir yojayato daśapaṇo daṇḍaḥ | yadi punar amedhyādibhiḥ saṃyojayati tadā viṃśatipaṇaḥ | atra yadi parastrīmātre, tathā jātito guṇato votkṛṣṭeṣu nareṣūktam aparādhaṃ kuryāt tadā pūrvoktād daṇḍād dviguṇo daṇḍaḥ kāryo viṃśatipaṇaḥ syāt | jātito vā guṇato vā hīnaviṣaya uktasyārdhaṃ daṇḍanīyaḥ | madādinā luptajñānasyāparādhābhāvato daṇḍābhāvaḥ | amedhyaṃ vasāśukrādiśarīramalātmakam | pārṣṇiḥ pādāparabhāgaḥ | niṣṭyūtaṃ niṣṭhīvitam(vanam) | bṛhaspatiḥ |

bhasmādīnāṃ prakṣipaṇaṃ tāḍanaṃ ca karādinā |

prathamaṃ daṇḍapāruṣyaṃ damaḥ kāryo 'tra māṣikaḥ ||

eṣa daṇḍaḥ sameṣūktaḥ parastrīṣv adhikeṣu ca |

dviguṇas triguṇo jñeyaḥ prādānyāpakṣayā budhaiḥ ||

parastrīṣu dviguṇa uttameṣu triguṇa ity arthaḥ | māṣo 'tra rājataḥ | kātyāyanaḥ |

chardimūtrapurīṣādyair āpādyaḥ sa caturguṇaḥ |

ṣaḍguṇaḥ kāyamadhye syān mūrdhni tv aṣṭaguṇaḥ smṛtaḥ || 2.213, 214 ||

*kiṃ ca* |

**viprapīḍākaraṃ chedyam aṅgam abrāhmaṇasya tu |**

**udgūrṇe prathamo daṇḍaḥ saṃsparśe tu tadardhikaḥ || 2.215 ||**

vipratāḍanakaraṇībhūtaṃ kṣatriyādeḥ karacaraṇādyaṅgaṃ rājā chindyāt | vipratāḍanārthaṃ śastradaṇḍādikaṃ vodyacchataḥ prathamasāhaso daṇḍaḥ | udyamanārthaṃ śastrādikaṃ spṛśataḥ prathamasāhasārdham | ayaṃ ca daṇḍaḥ kṣatriyavaiśyayoḥ | śūdrasya tu manur āha |

yena kenacid aṅgena hiṃsyāc chreyāṃsam antyajaḥ |

chettavyaṃ tat tad evāsya tan manor anuśāsamam || **[814]**

atra ca sreyāṃsam iti vacanāt kṣatriyavaiśyapīḍākaram api śūdrāṅgaṃ chedyam | tathā |

pāṇim udyamya daṇḍaṃ vā pāṇicchedanam arhati |

pādena praharan kopāt pādacchedanam arhati ||

dvijāter upari niṣṭhīvanādi kurvataḥ śūdrasya daṇḍāntaraṃ sa evāha |

avaniṣṭhīvato darpād dvāv oṣṭhau chedayen nṛpaḥ |

avamūtrayato meḍhram avaśardhayato gudam ||

tathā |

sahāsanam abhiprepsur urkṛṣṭasyāvakṛṣṭajaḥ |

kaṭyāṃ kṛtāṅko nirvāsyaḥ sphijau(cau) vāpy asya kartayet ||

keśeṣu gṛhṇato hastau chedayed avicārayan |

pādayor dāḍhikāyāṃ tu grīvāyāṃ vṛṣaṇeṣu tu ||

dāḍhikāyāṃ śmaśruṇi | vṛṣaṇeṣu vṛṣaṇādiṣv ity arthaḥ | nānyathā bahuvacanopapattiḥ || 2.215 ||

**udgūrṇe hastapāde tu daśaviṃśatikau damau |**

**parasparaṃ tu sarveṣāṃ śastre madhyamasāhasaḥ || 2.216 ||**

haste parapīḍārtham udyamite daśamo damaḥ | pāde viṃśatiko damaḥ | śastre madhyamasāhasaḥ | udyamana evaitan na tu nipātane, tatra daṇḍāntaravidhānāt | parasparam iti vacanāt sajātiviṣayam etat | hīnajāter uttamajātiṃ praty udgūrṇamānasya daṇḍāntaravidhānāt | bṛhaspatiḥ |

madhyamaḥ śastrasaṃdhāne saṃyojyaḥ kṣubdhayor dvayoḥ |

kāryaḥ kṛtānurūpas tu lagne ghāte damo budhaiḥ ||

iṣṭakopalakāṣṭhaiś ca tāḍane tu dvimāṣikaḥ |

dviguṇaḥ śoṇitodbhede daṇḍaḥ kāryo manīṣibhiḥ || 2.216 ||

*kiṃ ca* |

**pādakeśāṃśukakarāluñcaneṣu paṇān daśa |**

**pīḍākarṣāṃśukāveṣṭapādādhyāse śataṃ damaḥ || 2.217 ||**

pādayoḥ keśānām aṃśukasya vastrasya hastayor vā samānajātīyasya puṃsa āluñcana ākarṣaṇe daśa paṇān daṇḍyaḥ | pīḍādīnāṃ samuccitānāṃ karaṇe pañaśataṃ damaḥ | pīḍā niṣpīḍanam | ākarṣa ākrośa ākarṣaṇam | aṃśukāveṣṭo grīvādau vastrabandhanam | pādādhyāso mūrdhādau pādanyāsaḥ || 2.217 ||

**[815]**

*kiṃ ca* |

**śoṇitena vinā pīḍāṃ kurvan kāṣṭādibhir naraḥ |**

**dvātriṃśataṃ paṇān dāpyo dviguṇaṃ darśane 'sṛjaḥ || 2.218 ||**

śoṇitam adarśayitvaiva kāṣṭhādibhiḥ parasya samānajātīyasya duḥkham utpādayan dvātriṃśataṃ paṇān dāpyaḥ | śoṇitadarśane tu catuḥṣaṣṭim | manuḥ |

tvagbhedakaḥ śataṃ daṇḍyo lohitasya ca darśakaḥ |

māṃsabhettā tu ṣaṇniṣkān pravāsyas tv asthibhedakaḥ ||

nibandhātiśaye sati lohitadarśakasya śatam anyathā catuḥṣaṣṭiḥ | bṛhaspatiḥ |

tvagbhede prathamo daṇḍo māṃsabhede tu madhyamaḥ |

uttamas tv asthibhede syād ghātena tu pramāpaṇam ||

kṣatriyādīnāṃ daṇḍo 'yaṃ na tu brāhmaṇasya, tasya pramāpaṇāyogāt || 2.218 ||

**karapādadantabhaṅge chedane karṇanāsayoḥ |**

**madhyo daṇḍo vraṇodbhede mṛtakalpahate tathā || 2.219 ||**

hastāṅghridaśanānāṃ pratyekaṃ bhaṅge moṭane, karṇasya nāsāyā vā chedane, pūrṇasya vraṇasyodbhede punar navīkaraṇe, tathā mṛtakalpo mṛtatulyo niḥspando bhavati tathābhighāte kṛte, madhyamo daṇḍaḥ | atra ca viṣamasamīkaraṇam anubandhāditāratamyena kalpyam |

karṇauṣṭhaghrāṇapādākṣijihvāśiśnakarasya ca |

chedane cottamo daṇḍo bhedane madhamo guruḥ ||

viṣṇuḥ: "ubhayanetrabhedinaṃ rājā yāvajjīvaṃ na muñced bandhanāt | tādṛśam eva vā kuryāt" || 2.219 ||

*kiṃ ca* |

**ceṣṭābhojanavāgrodhe netrādipratibhedane |**

**kandharābāhusakthyaṅghribhaṅge madhyamasāhasaḥ || 2.220 ||**

ceṣṭā gamanāgamanamūtrapurīṣotsargādiḥ | bhojanam abhyavahāraḥ | vāg vyāhāraḥ | eṣāṃ kasyacid rodhe pratibandhe, netrādeś ca jñānendriyādhiṣṭhānasya pratibhedane tadadhiṣṭhānatvavināśe, kandharāyā grīvāyā bahvoḥ sakthno jaghanasyāṅghreḥ pādasya **[816]** vā bhaṅge, madhyamasāhasa eva daṇḍaḥ | pūrvam idaṃ ca vākyaṃ brāhmaṇavyatiriktasya samānajātīyasyāparādhnuvato daṇḍavidhāyakam | viṣṇuḥ: "ceṣṭābhojanavāgrodhe prahāradāne ca netrakandharābāhusakthibhaṅge cottamam" | uttamam uttamasāhasaḥ, daṇḍa iti śeṣaḥ | atra kṣatriyasya vaiśyam aparādhnuvato vaiśyasya kṣatriyam aparādhnuvato yathākramaṃ daṇḍadāne madhyamottamasāhasayor viṣayavyavasthā | atha vā madhyamasāhasavidhiḥ śūdrasya samānajātīyāparādhe | uttamasāhasas tu samānajātīyāparādha eva kṣatriyavaiśyayoḥ || 2.220 ||

*kiṃ ca* |

**ekaṃ ghnatāṃ bahūnāṃ tu yathoktād dviguṇo damaḥ |**

**kalahāpahṛtaṃ deyaṃ daṇḍaś ca dviguṇas tathā || 2.221 ||**

yadā punar ekaṃ prati bahavo hantāro daṇḍapāruṣyakartāro bhasmakardamapāṃsusaṃyogakartāro bhavanti tadā teṣāṃ tasmin viṣaye yo daṇḍa uktas tasmād dviguṇo daṇḍaḥ pratyekaṃ kāryaḥ | kalahe ca vartamāne yena yasya yad apahṛtaṃ tena tasmai tad datvā tato dviguṇaṃ dhanaṃ rājñe deyam | viṣṇuḥ: "ekaṃ bahūnāṃ ghnatāṃ pratyekaṃ svoktād daṇḍād dviguṇaḥ | utkrośantam anabhidhāvatāṃ tatsamīpavartināṃ ca" | kātyāyanaḥ |

vāgdaṇḍas tāḍanaṃ caiva yeṣūktam aparādi(dhi)ṣu |

hṛtaṃ bhagnaṃ pradāpyās te śodhyaṃ niḥsvais tu karmaṇā || 2.221 ||

**duḥkham utpādayed yas tu samutthānadhanavyayam |**

**dāpyo daṇḍaṃ ca yo yasmin kalahe samudāhṛtaḥ || 2.222 ||**

yas tu śastrāditāḍanena parasya duḥkham utpādayet sa vraṇāropaṇādau samutthāne yo dhanavyayas taṃ dadyāt | yaś ca yasmin kalahe daṇḍapāruṣye dama uktas taṃ ca rājñe dadyāt | bṛhaspatiḥ |

aṅgāvabhedane caiva pīḍane chedane tathā |

samutthānavyayaṃ dāpyaḥ kalahāpahṛtaṃ ca yat ||

kātyāyanaḥ |

dehendriyavināśe tu yathā daṇḍaṃ prakalpayet |

tathā tuṣṭikaraṃ deyaṃ samutthānaṃ ca paṇḍitaiḥ ||

samutthānavyayaṃ cāsau dadyād ā vraṇaropaṇāt || **[816]**

manuḥ |

bhāryā putraś ca dāsaś ca śiṣyo bhrātā ca sodaraḥ |

prāptāparādhās tāḍyāḥ syuḥ rajjvā veṇudalena vā ||

pṛṣṭhatas tu śarīrasya nottamāṅge kathaṃcana |

ato 'nyathā tu praharan prāptaḥ syāc caurakilbiṣam ||

kilbiṣaṃ daṇḍaḥ | brahmacāryadhikāre nāradaḥ |

anuśāsyo gurūṇāṃ tu na ced anuvidhīyate |

avadhenātha vā hanyād rajjvā veṇudalena vā ||

bhṛśaṃ na tāḍayed enaṃ nottamāṅge na corasi |

anuśāsya ca viśvāsyaḥ śāsyo rājñānyathā guruḥ ||

putrāparādhe na pitā śvavān na śuni daṇḍabhāk |

na markaṭe ca tatsvāmī tenaiva prahṛto nu cet ||

avadhenāhiṃsayā || 2.222 ||

**abhighāte tathā chede bhede kuḍyāvapātane |**

**paṇān dāpyaḥ pañca daśa viṃśatiṃ tadvyayaṃ tathā || 2.223 ||**

kuḍyasyāpahartā pañca paṇān dāpyaḥ | chettā daśa | bhettā viṃśatim | pātayitā tu kuḍyavyayaṃ svāmine dāpyaḥ || 2.223 ||

**duḥkhotpādi gṛhe dravyaṃ kṣipan prāṇaharaṃ tathā |**

**ṣoḍaśādyaḥ paṇān dāpyo dvitīyo madhyamaṃ damam || 2.224 ||**

yaḥ paragṛheṣu duḥkhotpādakaṃ vṛścikādi kṣipet sa ṣoḍaśa paṇān dāpyaḥ | yas tu prāṇaharaṃ sarpādi sa madhyamasāhasam || 2.224 ||

**duḥkhe 'tha śoṇitotpāde śākhāṅgacchedane tathā |**

**daṇḍaḥ kṣudrapaśūnāṃ tu dvipaṇaprabhṛtiḥ kramāt || 2.225 ||**

**liṅgasya chedane mṛtyau madhyamo mūlyam eva ca |**

kṣudrapaśūnām ajādīnāṃ tāḍananimitte duḥkhe śoṇitasrāve śākhāyāḥ śṛṅgasya chedane 'ṅgasya pādādeś chedane kṛte sati yathākramaṃ dvipaṇaprabhṛtir daṇḍaḥ | dvipaṇād uttara uttaraḥ pūrvasmāt pūrvasmād dviguṇaḥ | tatra duḥkhotpāde dvipaṇaḥ | śoṇite catuṣpaṇaḥ | śṛṅgachede 'ṣṭapaṇaḥ | aṅgachede ṣoḍaśapaṇaḥ | eṣām eva paśūnāṃ liṅgasya **[818]** puṃstvasya chede vṛṣaṇacūrṇane madhyamasāhasaḥ | mṛtyau tu kṛte mūlyaṃ paśusvāmine madhyamasāhasaṃ ca rājñe dadyāt || 2.225 ||

**mahāpaśūnām eteṣu sthāneṣu dviguṇo damaḥ || 2.226 ||**

kṣudrapaśusaṃbandhīni daṇḍanimittāni yāny uktāni tāni yadā mahāpaśūnāṃ gavādīnāṃ tadāta(sa) eva dviguṇo daṇḍo veditavyaḥ | kārṣāpaṇaśataṃ daṇḍya ity anuvartamāne viṣṇuḥ: "paśūnāṃ puṃstvopaghātakārī tathāśvoṣṭragoghātī vyekapādaḥ (?) kāryaḥ | vimāṃsavikrayī ca grāmapaśughātī ca kārṣāpaṇaśataṃ daṇḍyaḥ | paśusvāminaś ca tanmūlyaṃ dadyāt | āraṇyapaśughātī pañcaśataṃ kārṣāpaṇānām | pakṣighātī matsyaghātī ca daśa kārṣāpaṇān | kīṭopaghātī kārṣāpaṇam" | manuḥ |

gokumārīr devapaśūn ukṣāṇaṃ vṛṣabhaṃ tathā |

vāhayan sāhasaṃ pūrvaṃ prāpnuyād uttamaṃ vadhe ||

kātyāyanaḥ |

śrāntāṃs tṛṣārtān kṣudhitān akāle vāhayen naraḥ |

kharagomahiṣoṣṭrādīn prāpnyuāt pūrvasāhasam || 2.226 ||

**prarohiśākhināṃ śākhāskandhasarvavidāraṇe |**

**upajīvyadrumāṇāṃ ca viṃśater dviguṇā damāḥ || 2.227 ||**

prarohiṇāṃ nyagrodhādīnām upajīvyānāṃ ca ṭaṅkāmrādīnāṃ śākhināṃ vṛkṣāṇāṃ ca śākhāyāḥ skandhasya sarvasya vṛkṣasya ca bhedane yathākramaṃ trayo daṇḍā bhavanti | tatra śākhāyā bhedane viṃśatiḥ | skandhasya dviguṇāś catvāriṃśat | sarvasya dvuguṇā aśītiḥ | praroho nyagrodhaḥ | skandhaḥ pradhānaśākhāmūlam || 2.227 ||

**caityaśmaśānasīmāsu puṇyasthāne surālaye |**

**jātadrumāṇāṃ dviguṇā damā vṛkṣe ca viśrute || 2.228 ||**

caityādisthānajātānāṃ drumāṇāṃ śākhāskandhasarvavidāraṇeṣu viśrutadrumaviṣayeṣu pūrvoktā viṃśatyādayo damā dviguṇā veditavyāḥ | caityaṃ manoharasthānam || 2.228 ||

**gulmagucchakṣupalatāpratānauṣadhivīrudhām |**

**pūrvasmṛtād ardhadaṇḍaḥ sthāneṣūkteṣu kartane || 2.229 ||**

**[819]**

vṛkṣebhyo nyūnaparimāṇā udbhijjā gulmāḥ kuruvakādayaḥ | tato nyūnaparimāṇā gucchāḥ | tato 'pi hrasīyāṃsaḥ kṣupāḥ | latā vallayaḥ | tā eva sthūlāḥ pratānāḥ | vrīhiyavādayaḥ phalapākāntā oṣadhayaḥ | bījakāṇḍaprarohiṇyo vīrudhaḥ | āsāṃ pūrvokeṣu daṇḍanimitteṣu pūrvoktadaṇḍānām artham ardhaṃ grāhyam | manuḥ |

vanaspatīnāṃ sarveṣām upabhogo yathā yathā |

tathā tathā damaḥ karyo hīmsāyām iti dhāraṇā ||

viṣṇuḥ: "phalopabhogadrumachedī tūttamasāhasaṃ daṇḍyaḥ | puṣpopabhogachedī madhyamam | vallīgulmalatāchedī kārṣāpaṇaśatam | tṛṇachedy ekam | sarveṣāṃ ca tatsvāmināṃ tadutpattiṃ daṇḍapāruṣyam" || 2.229 ||

**iti śrīvidyādharavaṃśaprabhavaśrīśilāhāranarendrajīmūtavāhanānvayaprasūta-**

**śrīmadaparādityadevaviracite yājñavalkyadharmāstranibandhe 'parārke**

**daṇḍapāruṣyprakaraṇam || 12 ||**

**atha saṭīkayājñavalkyasmṛtau**

**sāhasaprakaraṇam | (20)**

*sāhasaṃ praty āha* |

**sāmānyadravyaprasabhaharaṇaṃ sāhasaṃ smṛtam |**

sāmānyasyānekeṣāṃ bhrātrādīnāṃ madhyamakasya dhanasya prasabhaṃ svāmisamakṣaṃ tān avagaṇayya haṭhād apaharaṇaṃ sāhasam | etac ca na sāhasasya lakṣaṇaṃ kiṃ tūpalakṣaṇam | tallakṣaṇaṃ tv āha nāradaḥ |

sāhasāt kriyate karma yat kiṃcid baladarpitaiḥ |

tat sāhasam iti proktaṃ saho balam ihocyate ||

manuṣyamāraṇaṃ cauryaṃ paradārābhimarśaṇam |

pāruṣyam ubhayaṃ ceti sāhasaṃ pañcadhā smṛtam ||

vyāpādo viṣaśastrādyaiḥ paradārābhimarśaṇam |

prāṇoparodhi yac cānyad uktam uttamasāhasam ||

**[720]** nāśaḥ paśvannayānānāṃ gṛhopakaraṇasya ca |

etenaiva prakāreṇa madhyamaṃ sāhasaṃ smṛtam ||

bṛhaspatiḥ |

hīnamadhyamottamatvena trividhaṃ tat prakīrtitiam |

dravyāpekṣo damaś cātra prathamo madhya uttamaḥ ||

madhyamakadhanāpahāre daṇḍam āha |

**tanmūlyād dviguṇo daṇḍo nihnave tu caturguṇaḥ || 2.230 ||**

apahṛtadravyamūlyam apekṣya dviguṇo 'pahartur damaḥ | apahārāpahnave 'palāpe tu kṛte tanmūlyāc caturguṇaḥ | bṛhaspatiḥ |

kṣetropakaraṇaṃ setuṃ mūlapuṣpaphalāni ca |

vināśayan haran daṇḍyaḥ śatodyam anurūpataḥ ||

paśuvastrānnapānāni gṛhopakaraṇaṃ tathā |

hiṃsayaṃś cauravad dāpyo dviśatodyaṃ damaṃ tathā ||

strīpuṃsau hemaratnāni devavipradhanaṃ tathā |

kauśeyaṃ cottamadravyam eṣāṃ mūlyasamo damaḥ ||

dviguṇo vā kalpanīyaḥ puruṣāpekṣayā nṛpaiḥ |

hantā vā ghātanīyaḥ syāt prasaṅgavinivṛttaye ||

nāradaḥ |

tasya daṇḍaḥ kriyāpekṣaḥ prathamasya śatāvaraḥ |

madhyamasya tu śāstrajñair dṛṣṭaḥ pañcaśatāvaraḥ ||

uttame sāhase daṇḍaḥ sahasrāvara iṣyate |

vadhaḥ sarvasvaharaṇaṃ purān nirvāsanāṅkane ||

tadaṅgacheda ity ukto daṇḍa uttamasāhase |

syātāṃ saṃvyavahāryau dvau dhṛtadaṇḍau tu pūrvakau ||

ghṛtadaṇḍo 'py asaṃbhāṣyo jñeya uttamasāhase ||

manuḥ |

dravyāṇi hiṃsyād yo yasya jñānato 'jñānato 'pi vā |

sa tasyotpādayet tuṣṭiṃ rājñe dadyāc ca tatsamam ||

carma cārmikabhāṇḍeṣu kāṣṭhaloṣṭamayeṣu ca |

mūlyāt pañcaguṇo daṇḍaḥ puṣpamūlaphaleṣu ca ||

kātyāyanaḥ |

kṣataṃ bhaṅgopamardau ca kuryād dravyeṣu yo naraḥ |

prāpnuyāt sāhasaṃ pūrvaṃ dravyabhāk svāmy udāhṛtaḥ || 2.230 ||

**[821]**

**yaḥ sāhasaṃ kārayati sa dāpyo dviguṇaṃ damam |**

**yaś caivam uktvāhaṃ dātā kārayet sa caturguṇam || 2.231 ||**

sāhasakartur yo daṇḍa uktaḥ sa tatprayojayitur dviguṇaḥ | yas tu madīyaṃ sāhasaṃ bhavān kurute tadaivāhaṃ dhanaṃ bhavate dāsyāmīty uktvā kārayati tasya caturguṇo daṇḍaḥ | kātyāyanaḥ |

ārambhakṛt sahāyaś ca tathā mārgānudeśakaḥ |

āśrayaśastradātā ca bhaktadātā vikarmiṇām ||

yuddhopadeśakaś caiva tadvināśapradarśakaḥ |

upekṣākāryayuktasya doṣavaktranumodakaḥ ||

aniṣeddhā kṣamo yaḥ syāt sarve tatkāryakāriṇaḥ |

yathāśakty anurūpaṃ tu daṇḍam eṣāṃ prakalpayet || 2.231 ||

**arghyākroṣātikramakṛd bhrātṛbhāryāprahārakaḥ |**

**saṃdiṣṭasyāpradātā ca samudragṛhabhedakṛt || 2.232 ||**

**sāmantakulikādīnām apakārasya kārakaḥ |**

**pañcāśatpaṇiko daṇḍa eṣām iti viniścayaḥ || 2.233 ||**

arghyāṇāṃ pūjyānām apriyoktiparibhavayoḥ kartā, bhrātṛbhāryāyās tāḍayitā, pratiśrutasyāpradātā, mudrāvato gṛhasya bhettā, sāmantānāṃ samīpagṛhakṣetrādisvāmināṃ kulikānāṃ kulodgatānām anyeṣāṃ ca sādhūnām apakartā, ity eteṣāṃ pratyekaṃ pañcāśatpaṇiko daṇḍaḥ śāstreṣu viniścitaḥ | manuḥ |

abhakṣyam atha vāpeyaṃ vaiśyādīn bhakṣayan dvijān |

jaghanyamadhyamotkṛṣṭadaṇḍān arhed yathākramam ||

paṇāḥ śūdre bhaved daṇḍaś catuṣpañcāśad eva tu |

grasitāraḥ svayaṃ kāryā rājñā nirviṣayās tu te ||

viṣṇuḥ: "jātibhraṃśakarasyābhakṣyasya bhakṣayitā nirvāsyaḥ" | manuḥ |

abhicāreṣu sarveṣu kartavyo dviśato damaḥ |

mūlakarmaṇi vidveṣe kṛtyāsu vividhāsu ca ||

adūṣitānāṃ dravyāṇāṃ dūṣaṇe bhedane tathā |

maṇīnām apavedhe tu daṇḍaḥ prathamasāhasaḥ ||

**[822]** yo lobhād adhamo jātyā jīved utkṛṣṭakarmabhiḥ |

taṃ rājā nirdhanaṃ kṛtvā kṣipram eva vivāsayet ||

tathā |

saṃkramadhvajayaṣṭīnāṃ pratimānāṃ ca bhedakaḥ |

pratikuryāc ca tat sarvaṃ pañca dadyāc chatāni ca ||

kātyāyanaḥ |

hared bhindyād dahed vāpi devānāṃ pratimā yadi |

tadgṛhaṃ caiva yo bhindyāt prāpnuyāt pūrvasāhasam ||

viṣṇuḥ: "abhakṣyasyāvikreyasya vikrayī devapratimābhedakās cottama sāhasaṃ daṇḍanīyaḥ" | nāradaḥ |

avikreyāṇi vikrīṇan brāhmaṇaḥ pracyutaḥ pathaḥ |

mārge punar avasthāpyo rājñā daṇḍena bhūyasā ||

yamaḥ |

yas tu pūrvaniṣiddhasya taḍākasyodakaṃ haret |

āgamaṃ cāpy apāṃ bhindyāt sa dāpyaḥ pūrvasāhasam ||

taḍāgabhedakaṃ hanyād apsu śuddhavadhena vā |

tad vāpi pratisaṃskuryād dadyād vottamasāhasam ||

atra vadhaḥ śūdrādeḥ | daṇḍāntaraṃ dvijāteḥ || 2.232, 233 ||

**svacchandavidhavāgāmī vikruṣṭe 'nabhidhāvakaḥ |**

**akāraṇe ca vikroṣṭā caṇḍālaś cottamān spṛśan || 2.234 ||**

**śūdrapravrajitānāṃ ca daive pitrye ca bhojakaḥ |**

**ayuktaṃ śapathaṃ kurvann ayogyo yogyakarmakṛt || 2.235 ||**

**vṛṣakṣudrapaśūnāṃ ca puṃstvasya pratighātakṛt |**

**sādhāraṇasyāpalāpī dāsīgarbhavināśakṛt || 2.336 ||**

**pitāputrasvasṛbhrātṛdampatyācāryaśiṣyakāḥ |**

**eṣām apatitānyonyatyāgī ca śatadaṇḍabhāk || 2.237 ||**

svacchandena svecchayā na śāstravaśād vidhavāgāmī, caurādibhir abhibhūyamānena janena vikruṣṭena dhāvata dhāvatetyārtasvane kṛte vikroṣṭāraṃ praty anabhidhāvakaḥ, akāraṇe caurādyupadravavirahe 'pi vikroṣṭā, uttamān dvijātīn buddhipūrvaṃ caṇḍālaḥ spṛśan, śūdrāṇāṃ pravrajitānāṃ devān pitṝn voddiśya bhojayitā, ayuktam anarhaṃ kośapānādikaṃ brāhmaṇo 'pi kurvan, ayogyo 'nupanīto 'kṛtapāyaścitto vā **[823]** yad yogyasyopanītādeḥ karma kurvan, vṛṣasyokṣṇaḥ kṣudrapaśūnām ajāvikādīnāṃ ca puṃstvapratighātaṃ vṛṣaṇamardanena karoti, sādhāraṇaṃ svasyānyasya ca yad dravyaṃ tasyāpalāpī, dāsyā garbhasya nāśakaḥ, pitrādīnām apatitānām anyonyatyāgī ca, śatasaṃkhyākapaṇadaṇḍabhāk | śaṅkhalikhitau: "atyājyā mātā tathā pitā sapiṇḍā guṇavantaḥ sarve vātyājyā yas tyajet kāmād apatitān sa daṇḍaṃ prāpnuyād dviguṇaṃ śatam | na mātāpitarāv atikrāmen na guruṃ trayāṇāṃ vyatikramād aṅgacchedaḥ" | gurur atrācāryo na pitā, tasya pṛthagupādānāt | yenāṅgenātikrāmet tasya cheda ity arthaḥ | manuḥ |

na mātā na pitā na strī na putras tyāgam arhati |

tyajann apatitān etān rājñā dāpyaḥ śatāni ṣaṭ ||

samuccitānāṃ tyāga etat | iti sāhasaprakaraṇam || 2.234, 235, 236, 237 ||

**vasānas trīn paṇān dāpyo nejakas tu parāṃsukam |**

**vikrayāvakrayādhānayāciteṣu paṇān daśa || 2.238 ||**

rajako yadi parakīyaṃ vāsaḥ prakṣālanāya nītaṃ svayaṃ vaste praidhatte tadā trīn paṇān dāpyaḥ | atha tasyaiva vāsaso vikryādikaṃ karoti tadā daśa paṇān dāpyaḥ | avakrayo bhāṭakena dānam | ādhānam uttmarṇaṃ praty ādhitvena dānam | yācitaṃ yācitakam | manuḥ |

śālmale phalake ślakṣṇe nijyād vāsāṃsi nejakaḥ |

na ca vāsāṃsi vāsobhir nirharen na ca vāsayet ||

vāsobhir baddhvā vāsāṃsi na nayet | na vāsayet svagṛhe na sthāpayed ity arthaḥ | dhanam ādāyācchādanārthaṃ na dadyād iti vārthaḥ || 2.238 ||

**pitāputravirodhe tu sākṣiṇāṃ tripaṇo damaḥ |**

**antare tu tayor yaḥ syāt tasyāpy aṣṭaguṇo damaḥ || 2.239 ||**

pitāputrayor virodhe vāde toyor viprapatipatter nirāsasamarthā api tām anirasya sākṣiṇo ye bhavanti teṣāṃ tripaṇo damaḥ | yas tu tayor antare pratibhūtve jitadhanādānāya tiṣṭhe tasya tripaṇād aṣṭaguṇo daṇḍaḥ | **[824]** viṣṇuḥ: "pitṛputravirodhasākṣiṇāṃ daśapaṇo daṇḍaḥ | yas tayor antare tasyottamasāhasaḥ" | nirbandhātiśaya etat | śaṅkhalikhitau: "pitrāputrayor virodhe sākṣī na tiṣṭhet | yas tiṣṭhet sa daṇḍyas trīn kārṣāpaṇān yaś cāntare tiṣṭhet so 'py aṣṭaśataṃ dāpyaḥ" | madhyamāparādhaviṣayam etat || 2.239 ||

**tulāśāsanamānānāṃ kūṭakṛn nāṇakasya ca |**

**ebhiś ca vyavahartā yaḥ sa dāpyo damam uttamam || 2.240 ||**

tulādīnāṃ kṛṭakṛt, tathā kṛṭaiś ca tulādibhir jñānapūrvaṃ yo vyavaharati, sa uttamasāhasaṃ dāpyaḥ | dharimameyānāṃ mānadaṇḍas tulā | śāsanam "datvā bhūmiṃ nibandhaṃ ca" ity atroktam | etac copalakṣaṇārtham | mānaṃ kuḍavādi | nāṇakaṃ drammādi || 2.240 ||

**akūṭaṃ kūṭakaṃ brūte kūṭaṃ yaś cāpy akūṭakam |**

**sa nāṇakaparīkṣī tu dāpya uttamasāhasam || 2.241 ||**

yo nāṇakasya drammādeḥ parīkṣayā jīvati sa ced akūṭaṃ samīcīnam asamīcīnam iti brūyāt kūṭaṃ cākūṭam iti | tadaiva sa uttamasāhasaṃ daṇḍyaḥ | etac ca tattvavedino rāgadveṣādivaśād anyathā bruvato damavidhānam || 2.241 ||

**biṣaṅ mithyācaran dāpyas tiryakṣu prathamaṃ damam |**

**mānuṣe madhyamaṃ rājamānuṣe tūttamaṃ damam || 2.242 ||**

tiryakṣu gavādiṣu mithyācikitsācaran vaidyaḥ prathamasāhasaṃ daṇḍaṃ dāpyaḥ | mānuṣe madhyamasāhasam, rājasaṃbandhimānuṣe tu punar uttamasāhasaṃ dāpyaḥ | ayathāśāstraṃ mithyā | vyāsaḥ |

bhiṣajo dravabhedena kleśayanti ciraṃ narān |

vyādhiprakopaṃ kṛtvā tu dhanaṃ gṛhṇanti cāturāt ||

bṛhaspatiḥ |

ajānann auṣadhaṃ tantraṃ yaś ca vyādher atantravit |

rogibhyo 'rtham upādatte sa daṇḍyaś cauravad bhiṣak ||

tantraṃ śāstram | viṣṇuḥ: "uttamaṃ sāhasaṃ daṇḍanīyo bhiṣaṅ mithyācarann uttameṣu puruṣeṣu madhyamaṃ madhyameṣu tiryakṣu prathamam" || 2.242 ||

**abandhyaṃ yaś ca badhnāti baddhaṃ yaś ca pramuñcati |**

**aprāptavyavahāraṃ ca sa dāpyo damam uttamam || 2.243 ||**

**[825]**

abandhyaṃ bandhanānarham adoṣaṃ yo darpād badhnāti, rājñā baddhaṃ nigaḍitaṃ yo darpāt pramuñcati, yaś cāprāptavyavahāraṃ vādinaṃ muñcati, sa uttamasāhasaṃ dāpyaḥ | viṣṇuḥ |

daṇḍam unmocayan daṇḍyād dviguṇaṃ daṇḍam āvahet |

niyuktaś cāpy adaṇḍyānāṃ daṇḍakārī narādhamaḥ ||

yo daṇḍyadaṇḍane rājñā niyuktaḥ sa daṇḍyād daṇḍaṃ muñcati adaṇḍyaṃ ca daṇḍayati, tasya dviguṇo daṇḍaḥ || 2.243 ||

**mānena tulayā vāpi yo 'ṃśam aṣṭamakaṃ haret |**

**daṇḍaṃ sa dāpyo dviśataṃ vṛddhau hānau ca kalpitam || 2.244 ||**

yo mānena kuḍavādinā tulayā vā paṇyasya krayavikraye vāṣṭamam aṃśam apaharet sa paṇaśatadvayaṃ dāpyaḥ | aṣṭamād aṃśād vṛddhāv adhike hāvāv alpe 'pahṛte tadanusāreṇa kalpitaṃ daṇḍaṃ dāpyaḥ | manuḥ |

samair hi viṣamaṃ yas tu cared vai mūlyato 'pi vā |

sa prāpnuyād damaṃ pūrvaṃ naro madhyamam eva vā ||

abījavikrayī yaś ca bījotkraṣṭā tathaiva ca ||

samaiḥ samamūlyadātṛbhiḥ sahotkṛṣṭāpakṛṣṭaviṣayadravyadānena yo vyavaharaty asau pūrvasāhasaṃ prāpnoti | same ca dravye bahv alpaṃ ca mūlyam ādadāno madhyamasāhasam ity arthaḥ | abījavikrayī ajījaṃ bījatvena yo vikrīṇāti | bījotkraṣṭā, uptaṃ bījaṃ ya utkhananena gṛhṇāti | tathā |

maryādābhedanāc caiva vikṛtaṃ prāpnuyād damam |

tathā |

tulāmānaṃ pratīmānaṃ sarvaṃ tat syāt surakṣitam |

ṣaṭsu ṣaṭsu ca māseṣu punar eva parīkṣayet ||

bṛhaspatiḥ |

pracchannadoṣavyāmiśraṃ punaḥ saṃskṛtavikrayī |

paṇye taddviguṇaṃ dāpyo vaṇig daṇḍaṃ ca tatsamam || 2.244 ||

**bheṣajasnehalavaṇagandhadānyaguḍādiṣu |**

**paṇyeṣu hīnaṃ kṣipataḥ paṇā daṇḍas tu ṣoḍaśa || 2.245 ||**

bheṣajādiṣu paṇyeṣu hīnam alpamūlyaṃ paṇyaṃ kṣipato vikṣipato niścayataḥ ṣoḍaśapaṇo daṇḍaḥ | bheṣajam auṣadham || 2.245 ||

**[826]**

**mṛccarmamaṇisūtrāyaḥkāṣṭhavalkalavāsasām |**

**ajātau jātikaraṇe vikraye 'ṣṭaguṇo damaḥ || 2.246 ||**

mṛdādīnāṃ madhye kiṃcid anutkṛṣṭajātīyam api tadutkṛṣṭajātīyadravyasādṛśyam āpādya kretāraṃ prati samīcīnam etad iti bhrāntyāpādanenāsamīcīnaṃ dravyaṃ datvā yaḥ samīcīnadravyamūlyam ādatte, tasya tata eva mūlyād aṣṭaguṇo daṇḍaḥ | yathā mṛdaḥ kastūrikayā kastūrikābhrāntikaraṇenādhikamūlyāpādānam | evaṃ carmādiṣv api saṃbhavati | valkalaṃ vṛkṣatvak | bṛhaspatiḥ |

alpamūlyaṃ tu saṃskṛtya nayanti bahumūlyatām |

strībālakān vañcayanti daṇḍyās te 'rthānurūpataḥ ||

hemamuktāpravālādyaṃ kṛtrimaṃ kurvate tu ye |

kretre mūlyaṃ pradāpyās te rājñā taddviguṇaṃ damam || 2.246 ||

**samudraparivartaṃ ca sārabhāṇḍaṃ ca kṛtrimam |**

**ādhānaṃ vikrayaṃ vāpi nayato daṇḍakalpanā || 2.247 ||**

**bhinne paṇe tu pañcāśat paṇe tu śatam ucyate |**

**dvipaṇe dviśato daṇḍo mūlavṛddhau to vṛddhimān || 2.248 ||**

mudrayā dvārabandhena saha vartata iti samudram | tadanyat samīcīnaṃ pradarśyānyat tato 'prakṛṣṭaṃ kretre cottamarṇāya vā kauśalena bhrānti janayann arpayati | yaś cāsāram alpamūlyaṃ mṛdādikaṃ sārabhāṇḍatayā kastūrikādimahārghapaṇyatayā paraṃ pratyādhānkṛte nayati vikrīṇīte vā tasya daṇḍakalpanocyate | bhinne paṇe paṇād alpamūlye dravya āhite vikrīte vā pañcāśatpaṇo daṇḍaḥ | paṇamūlye tu paṇaśatam | dviguṇamūlye tu dve paṇaśate | itthaṃ yāvantaḥ paṇā mūlyasya vardhante tāvanti paṇaśatāni daṇḍe vardhanīyāni || 2.247, 248 ||

**saṃbhūya kurvatām arthaṃ saṃbādhaṃ kāruśilpinām |**

**arghasya hrāse vṛddhau vā sāhasro daṇḍa ucyate || 2.249 ||**

paṇyānāṃ rājakṛtam arghaṃ viditvā tato 'nyathābhūtam arghaṃ vāṇijyājīvināṃ kāruśilpiprabhṛtijanasya saṃbādhaṃ pīḍākaraṃ kurvatāṃ rājakṛtārghāpekṣayārghasya hrāse vṛddhau vā paṇasahasraparimito daṇḍaḥ kāryaḥ || 2.249 ||

**[827]**

**saṃbhūya vaṇijāṃ paṇyam anargheṇoparundhatām |**

**vikrīṇatām abhihito daṇḍa uttamasāhasaḥ || 2.250 ||**

rājanirmitam argham agaṇayitvā svayaṃ kalpitena mahatārgheṇa vaṇijāṃ militānāṃ vaṇigantarair āhṛtaṃ paṇyam uparundhatāṃ viruddhaṃ vikrayaṃ kurvatām, tathā rājakṛtād arghād vihīnārghāpādanena svakīyasya paṇyasya nirgamaṃ kurvatām uttamasāhaso daṇḍaḥ | manuḥ |

rājñaḥ prakyātabhāṇḍāni pratiṣiddhāni yāni ca |

tāni nikṣipato lobhāt sarvahāraṃ haren nṛpaḥ || 2.250 ||

*yenārghyeṇa vyavahāro vaṇigbhiḥ kāryas tam āha* |

**rājabhiḥ sthāpito yo 'rghaḥ pratyahaṃ tena vikrayaḥ |**

**krayo vā nisravas tasmād vaṇijāṃ lābhakaḥ smṛtaḥ || 2.251 ||**

rājabhir yo 'rghaḥ sthāpito nirmitas tena vaṇigbhiḥ pratyahaṃ vikrayaḥ krayaś ca kāryaḥ | tasmād arghād yo nisravo dravyotkarṣaḥ sa eva vaṇijāṃ praśasto lābhaḥ | nānyathā | manuḥ |

āgamaṃ nigamaṃ sthānaṃ tathā vṛddhikṣayāv ubhau |

vicārya sarvaṃ paṇyānāṃ kārayet krayavikrayau ||

pañcarātre saptarātre pakṣe māse tathā gate |

kurvīta caiṣāṃ pratyakṣam arthasaṃsthāpanaṃ nṛpaḥ || 2.251 ||

**svadeśapaṇye tu śataṃ vaṇig gṛhṇīta pañcakam |**

**daśakaṃ pāradeśe tu yaḥ sadyaḥ krayavikrayī || 2.252 ||**

yaḥ krayādina eva paṇyaṃ vaṇig vikrīṇīte sa svadeśāgate paṇye pañcakaṃ deśāntarād āgate tu daśakaṃ śataṃ gṛhṇīyāt || 2.252 ||

*krayadinād dināntaravikrayaviṣayam āha |*

**paṇyasyopari saṃsthāpya vyayaṃ paṇyasamudbhavam |**

**argho 'nugrāhakaḥ kāryaḥ kretur vikretur eva ca || 2.253 ||**

[iti sāhasaprakaraṇam || 20 ||]

svadeśaparadeśād āgatasya paṇyasyopari tatpratibaddho vyayaḥ saṃsthāpyaḥ, **[828]** paṇyenaiva tannibandhanaṃ sakalaṃ vyayaṃ pariśodhya kretur vikretuś ca tulyānugrahahetur ardho rājñā parikalpanīyaḥ || 2.253 ||

**iti śrīvidyādharavaṃśaprabhavaśrīśilāhāranarendrajīmūtavāhanānvayaprasūta-**

**śrīmadaparādityadevaviracite yājñavalkyadharmāstranibandhe 'parārke**

**sāhasaprakaraṇam || 12 ||**

**atha saṭīkayājñavalkyasmṛtau**

**vikrīyāsaṃpradānaprakaraṇam | (21)**

saṃprati vikrīyāsaṃpradānaṃ nāma vivādapadam ārabhate | tatsvarūpam āha nāradaḥ |

vikrīya paṇyaṃ mūlyena kretur yan na pradīyate |

vikrīyāsaṃpradānaṃ tad vivādapadam ucyate ||

paṇyavikrayārthaṃ mūlyaṃ paṇyaṃ ca na dadātīti vivādapadam anenoktam | tathā |

loke 'smin dvividhaṃ dravyaṃ sthāvaraṃ jaṅgamaṃ tathā |

kravikrayadharmeṣu sarvaṃ tat paṇyam ucyate ||

ṣaḍvidhas tasya tu budhair dānādānavidhiḥ smṛtaḥ |

gaṇimaṃ tulimaṃ meyaṃ kriyayā rūpataḥ śriyā ||

gaṇimaṃ pūgādi, tulimaṃ hiraṇyādi, meyaṃ vrīhyādi, kriyayā dohanavāhanādikayā ca gavāśvādi, rūpataḥ paṇyāṅganādi, śriyā dhanena grāmārāmādi śriyā kāntyā vā ratnādi |

*tatra mūlyaṃ gṛhītvā paṇyam anarpayato daṇḍam āha |*

**gṛhītamūlyaṃ yaḥ paṇyaṃ kretur naiva prayacchati |**

**sodayaṃ tasya dāpyo 'sau diglābhaṃ vā digāgate || 2.254 ||**

yasya paṇyasya mūlyaṃ vikretrā gṛhītaṃ tad gṛhītamūlyaṃ tad yo vikretā kretur na samarpayati sa tat paṇyaṃ tannibandhanena sodayam udayena dhanalābhena sahitaṃ kretur arpayet | yadi punar vikretuṃ digantare paṇyaṃ nītaṃ tadā tatra digantare tasya vikrītasy paṇyasya yo lābho bhavati, tena sahitaṃ tat tasya deyam | na(sa) copacaya ucyate | atrodayo [na] diglābharūpaḥ | kiṃ tu sarvā mūlyasya vṛddhiḥ | paṇyasya ca tatkālavikraye yo lābhas tenobhayena sahitaṃ paṇyaṃ deyam | vikrīyānuśayābhāve **[829]** paṇyam aprayacchata etat | anuśayavaśād aprayacchati (\*tu vivādāntaram | nāradaḥ |

vikrīya paṇyaṃ mūlena kretur yan na prayacchati |)

sthāvarasya kṣayaṃ dāpyo jaṅgamasya kriyāphalam ||

arghaś ced apacīyeta sodayaṃ paṇyam āvahet |

sthāyinām eṣa niyamo diglābho digvicāriṇām ||

sthāvarasya kṣayam iti sthāvaraviṣayam, kretur upabhogakṣayaṃ dāpya ity arthaḥ | kriyā bhāravāhanādikā | phalaṃ kṣīrādi | viṣnuḥ: "gṛhītamūlyaṃ yaḥ paṇyaṃ kretur naiva dadyāt tasyāsau sodayaṃ dāpyo rājñā ca paṇaśataṃ daṇḍyaḥ" | nāradaḥ |

upahanyeta vā paṇyaṃ dahyetāpahriyeta vā |

vikretur eva so 'nartho vikrīyāsaṃprayacchataḥ || 2.254 ||

**vikrītam api vikreyaṃ pūrvakretary agṛhṇati |**

**hāniś cet kretṛdoṣeṇa kretur eva hi sā bhavet || 2.255 ||**

yadā tu mūlyaṃ datvā paṇyaṃ na gṛhṇāti tadā vikretrā tad anyatra vikreyam | yadi tan naśyati tadā kretur eva tan naśyati | tasya mūlyaṃ na pratyarpaṇīyam ity arthaḥ | nāradaḥ |

dīyamānaṃ na gṛhṇāti krītaṃ paṇyaṃ ca yaḥ krayī |

sa evāsya bhaved doṣo vikretur yo 'prayacchataḥ ||

vikretur doṣaḥ "upahanyeta vā paṇyam" ityādy uktaḥ || 2.255 ||

*uktasyāpavadam āha* |

**rājadaivopaghātena paṇyadoṣa upāgate |**

**hānir vikretur evāsau yācitasyāprayacchataḥ || 2.256 ||**

yadā tu grāhakeṇa yācito 'pi gṛhītamūlyaṃ paṇyaṃ dāyako na dadāti, tadā tadvināśo rājadaivādikṛto dāyakasyaiva | tataś ca tena grāhakasya tuṣṭaye paṇyānatraṃ mūlyaṃ vā pratyarpaṇīyam || 2.256 ||

**[830]**

**anyahaste ca vikrītaṃ duṣṭaṃ vāduṣṭavad yadi |**

**vikrīṇīte damas tatra mūlyāc ca dviguṇo bhavet || 2.257 ||**

yena vikretrā paṇyam ekatra vikrītaṃ tad eva paṇyaṃ tenaiva dayakenānyahaste vikrītam anyasya vikrītam iti yāvat | tathā yaḥ paṇyaṃ sadoṣaṃ jānann api nirdoṣam iva doṣān pracchādya vikrīṇīte, tasya vikretur mūlyād dviguṇo damo bhavati | cakārād dviguṇam eva mūlyaṃ kretuḥ pratyarpaṇīyam | nāradaḥ |

anyahaste tu vikrītaṃ yo 'nyasmai tat prayacchati |

dravyaṃ taddviguṇaṃ dāpyo vinayaṃ tāvad eva tu ||

satyaṃkārakṛtaṃ dravyaṃ dviguṇaṃ pratipādayet ||

iti dattāpradānikaṃ nāma || 2.257 ||

*krayakartur anuśayaṃ prati kiṃcid āha* |

**kṣayaṃ vṛddhiṃ ca vaṇijā paṇyānām avijānatā |**

**krītvā nānuśayaḥ kāryaḥ kurvan ṣaḍbhāgadaṇḍabhāk || 2.258 ||**

[iti vikrīyāsaṃpradānaprakaraṇam || 21 ||]

krītasya paṇyasya yan mūlyaṃ tadīyakxayavṛddhī samyag aparibhāvayatā krītvā nānuśayaḥ paścāttāpaḥ kāryaḥ | kṣayavṛddhijñas tu sadya evānuśayīta | nāradaḥ |

krītvā mūlyena yaḥ paṇyaṃ duṣkrītaṃ manyate krayī |

vikretuḥ pratideyaṃ tat tasminn evāhny avikṣatam ||

dvitīye 'hni dadat kretā mūlyāt triṃśāṃśam āharet |

dviguṇaṃ tat tṛtīye 'hni parataḥ kretur eva tat ||

etac cāparīkṣitapaṇyaviṣayam | yad āha sa eva |

kretā paṇyaṃ parīkṣeta prāk svayaṃ guṇadoṣataḥ |

parīkṣābhimataṃ krītaṃ vikretur na bhavet punaḥ ||

parīkṣākālaś coktaḥ — "daśaikasaptapañcāha" ityādinā | evaṃ ca saty uktakālāyāṃ parīkṣāyāṃ satyām anuśayakartur mūlyasya ṣaṣṭho 'ṃśo daṇḍaḥ | (\*akṛtāyām api satyām anuśayakartuaḥ sa eva mūlyasya ṣaṣṭho 'ṃśo daṇḍaḥ|) yadā punar aduṣṭaṃ paṇyaṃ krītvānuśayakāla eva kretā sānuśayo bhavati tatrāha kātyāyanaḥ |

**[831]** krītvā sānuśayāt paṇyaṃ tyajed dohyādi yo naraḥ |

aduṣṭam eva kāle tu sa mūlyād daśamaṃ vahet ||

krītvā gacchann anuśayaṃ kraye hastam upāgate |

ṣaḍbhāgaṃ tatra mūlyasya datvā krītaṃ tyajed bhṛguḥ ||

anuśayakālād ūrdhvam etat | bṛhaspatiḥ |

parīkṣeta svayaṃ paṇyam anyeṣāṃ ca pradarśayet |

parīkṣitaṃ bahu mataṃ gṛhītvā na punas tyajet ||

manuḥ |

krītvā vikrīya vā kiṃcid yasyehānuśayo bhavet |

so 'ntardaśāhe tad dravyaṃ dadyāc caivādadīta vā ||

pareṇa tu daśāhasya na dadyān na ca dāpayet |

ādadāno dadac caiva rājñā dāpyaḥ śatāni ṣaṭ ||

iti krayavikrayānuśayaprakaraṇam || 2.258 ||

**iti śrīvidyādharavaṃśaprabhavaśrīśilāhāranarendrajīmūtavāhanānvayaprasūta-**

**śrīmadaparādityadevaviracite yājñavalkyadharmāstranibandhe 'parārke**

**vikrīyāsaṃpradānaprakaraṇam || 21 ||**

**atha saṭīkayājñavalkyasmṛtau**

**saṃbhūyasamuttānaprakaraṇam | (22)**

saṃbhūyasamutthānaṃ nāma vivādapadam ārabhate |

**samavāyena vaṇijāṃ lābhārthaṃ karma kurvatām |**

**lābhālābhau yathādravyaṃ yathā va saṃvidā kṛtau || 2.159 ||**

samavāyo melakaḥ samūha iti yāvat | tena vaṇijāṃ vaṇigādīnāṃ lābhārtham adhikadhanalābhārthaṃ karma vaṇijyādi kurvatāṃ lābhakṣayau yathaiva dravyaṃ melitaṃ yathaiva vā saṃvitkṛtā tad dravyaṃ pariguṇīkṛtaṃ tathaiva tadanusāreṇa vibhājanīyau | nāradaḥ |

vaṇikprabhṛtayo yatra karma saṃbhūya kurvate |

tat saṃbhūyasamutthānaṃ vyavahārapadaṃ smṛtam ||

bṛhaspatiḥ |

aśaktālasarogārtamandabhāgyanirāśrayaiḥ |

vaṇiyādyāḥ sahaitais tu na kartavyā budhaiḥ kriyāḥ || **[832]**

āśrayo mūladhanam |

kulīnadakṣānalasaiḥ prājñair nāṇakavedibhiḥ |

āyavyayajñaiḥ śucibhiḥ śūraiḥ kuryāt saha kriyāḥ ||

nāradaḥ |

phalahetor upāyena karma saṃbhūya kurvatām |

ādhārabhūtāḥ prakṣepā uttiṣṭheraṃs tato 'ṃśataḥ ||

saṃbhūya karma kurvatām ādhārabhūta āśrayabhūto mūladhanaṃ prakṣepaḥ | tatas tam avekṣyottiṣṭheran pṛthagdhanā bhaveyuḥ |

samo 'tirikto hīno vā yatrāṃśo yasya yādṛśaḥ |

kṣayākṣayau tathā vṛddhis tatra tasya tathāvidhaḥ ||

samo nyūno 'dhiko vāṃśo yena kṣiptas tathaiva saḥ |

dāyaṃ dadyāt karma kuryāl lābhaṃ gṛhṇīta caiva hi ||

kātyāyanaḥ |

samavetās tu ye kecic chilpino vaṇijo 'pi vā |

avibhajya pṛthagbhūtaiḥ prāptaṃ tatra phalaṃ samam ||

ayam arthaḥ — pitrādidhanam avibhajya bhrātṛbhir yat phalam avibhaktaiḥ prāptaṃ tat samaṃ vibhajanīyaṃ na viṣamam iti |

bhāṇḍapiṇḍavyayoddhārabhārasārārthavīkṣaṇam |

kuryus te 'vyabhicāreṇa samayena vyavasthitāḥ ||

bhāṇḍaṃ vikreyaṃ dravyam, piṇḍaṃ pātheyam | vyāsaḥ |

samakṣam asamakṣaṃ vāvañcayantaḥ parasparam |

nānāpaṇyānusāreṇa prakuryuḥ krayavikrayau ||

bṛhaspatiḥ |

parīkṣakāḥ sākṣiṇaś ca ta evoktāḥ parasparam |

saṃdigdhe 'rthe 'vañcanīyā na ced vidveṣasaṃyutāḥ ||

yaḥ kaścid vañcakas teṣāṃ vijñātaḥ krayavikraye |

śapathaiḥ sa viśodhyaḥ syāt sarvavādeṣv ayaṃ vidhiḥ ||

kātyāyanaḥ |

prayogaṃ kurvate ye tu hemadhānyarasādinā |

samanyūnādhikar aṃśair lābhas teṣāṃ tathāvidhaḥ ||

bahūnāṃ saṃmato yas tu dadyād eko dhanaṃ naraḥ |

ṛṇaṃ ca kārayed vāpi sarvair eva kṛtaṃ bhavet ||

jñātisaṃbandhisuhṛdām ṛṇaṃ deyaṃ sabandhakam |

anyeṣāṃ lagnakopetaṃ lekhyasākṣiyutaṃ tathā ||

**[833]** svecchādeyaṃ hiraṇyaṃ tu rasā dhānyaṃ ca sāvadhi |

deśasthityā pradātavyaṃ grahītavyaṃ tathaiva ca ||

samavetais tu yad dattaṃ prārthanīyaṃ tathaiva tat |

na ca yāceta yaḥ kaścil lābhāt sa parihīyate || 2.259 ||

**pratiṣiddham anādiṣṭaṃ pramādād yac ca nāśitam |**

**sa tad dadyād viplavāc ca rakṣitā daśamāṃśabhāk || 2.160 ||**

saṃbhūyakāribhir idam itthaṃ ca kāryam iti priṣiddhaṃ vyāpāram ācaratā tathānādiṣṭam anuktaṃ karma kurvatā tat samudāyamadhyavartinā pramādāt prajñāparādhād dhanaṃ vināśitaṃ tat tenaivetarebhyo deyam | yena tu rājadaivakṛtād viplavād vināśād dhanaṃ parirakṣitaṃ sa tasya daśamam aṃśam adhikaṃ bhajeta | bṛhaspatiḥ |

anidiṣṭo vāryamāṇaḥ parmādād yas tu nāśayet |

tenaiva tad bhaved deyaṃ sarveṣāṃ samavāyinām ||

daivarājabhayād yas tu svaśaktyā paripālayet |

tasyāṃśaṃ daśamaṃ datvā gṛhṇīyus te 'ṃśato 'param || 2.260 ||

**ardhaprakṣepanād viṃśaṃ bhāgaṃ śulkaṃ nṛpo haret |**

**vyāsiddhaṃ rājayogyaṃ ca vikrītaṃ rājagāmi tat || 2.261 ||**

paṇyasyārdhaprakṣepanān mūlyād viṃśatitamaṃ bhāgaṃ śulkasaṃjñitaṃ rājā gṛhṇīyāt | yat tu rājñā nedam atra vikretavyam iti pratiṣiddhavikrayam, yat tu (yac ca) rājayogyaṃ gajaturaṃgādi aniṣiddhavikrayam api, tad ubhayaṃ vikrītam api rājagāmi na kretṛgāmi | manuḥ |

śuklasthāneṣu kuśalāḥ sarvapaṇyavicakṣaṇāḥ |

kuryur arghaṃ yathāpaṇyaṃ tato viṃśaṃ nṛpo haret ||

rājña ity anuvṛttau gautamaḥ: "viṃśatibhāgaḥ śulkaṃ paṇye mūlaphalapuṣpauṣadhamadhumāṃsatṛṇendhanānāṃ ṣaṣṭhaḥ | tadrakṣaṇadharmitvāt teṣu nityayuktaḥ syāt" | baudhāyanaḥ: "sāmudraśulko varaṃ rūpam uddhṛtya daśapaṇaṃ śatam anyeṣām api sārānusāreṇānupahatya dharmaṃ prakalpayet" | sāmudrasya paṇyasya yad varaṃ sa eva śulkaḥ | tad uddhṛtya daśakaṃ śataṃ grāhyam | anyeṣām api dravyāṇāṃ sārānurūpeṇa dharmam anupahatya śulkaṃ kalpyam ity arthaḥ | **[834]** vasiṣṭhaḥ |

na bhinnakārṣāpaṇam asti śulkaṃ na śilpavṛttau na śiśau na dūte |

na bhaikṣyalabdhe na hutāvaśeṣe na śrotriye pravrajite na yajñe || iti |

manuḥ |

rājñā prakhyātabhāṇḍāni pratiṣiddhāni yāni ca |

tāni nirharato lobhāt sarvasvaṃ hārayen nṛpaḥ ||

viṣṇuḥ: "rājaniṣiddhaṃ vikrīṇatas tadapahāraḥ" | asmāc ca vacanād gamyate — pratiṣiddhaṃ vikrīṇatā pūrvakretur mūlyam arpaṇīyam, rājñā ca mūlyaṃ vinaiva pratiṣiddhakrayaṃ bhāṇḍam apahāryam iti || 2.261 ||

**mithyā vadan parīmāṇaṃ śulkasthānād apāsaran |**

**dāpyas tv aṣṭaguṇaṃ yaś ca savyājakrayavikrayī || 2.262 ||**

paṇyavikrayī paṇyaparimāṇaṃ śulkahānaye mithyā vadañ śulkagrahaṇasthānāc cāpākrāman vaṇikśulkād aṣṭaguṇaṃ daṇḍyaḥ | yaś ca savyājau śaulkikapratāraṇavantau krayavikrayau karoti, so 'pi śulkād aṣṭaguṇaṃ daṇḍyaḥ | nāradaḥ |

śulkasthānaṃ pariharaṇn akāle krayavikrayī |

mithyāvādī ca saṃkhyāne dāpyo 'ṣṭaguṇam atyyam ||

atyayo 'tikramanimitto daṇḍaḥ | bṛhaspatiḥ |

śulkasthānaṃ vaṇikprāptaḥ śulkaṃ dadyād yathocitam |

na tad vyabhicared rājñāṃ balir eṣa prakīrtitaḥ ||

viṣṇuḥ: "śulkasthānam apakrāman sarvasvāpahāram āpnuyāt" || 2.262 ||

**tarikaḥ sthalajaṃ śulkaṃ gṛhṇan dāpyaḥ paṇān daśa |**

**brāhmaṇaḥ prativeṣyānām etad evānimantraṇe || 2.263 ||**

tariko jalaśulkādhikārī sthalodbhavaṃ śulkaṃ gṛhṇan rājñā daśa paṇān dāpyaḥ | brāhmaṇabhojane kārye prativeśyānāṃ samīpagṛhasvāmināṃ nimantraṇākaraṇe brāhmaṇo daś paṇān ity eva dāpyaḥ | jalaśulkam āha manuḥ |

paṇaṃ yānaṃ tare(raṃ) dāpyaḥ puruṣo 'rdhapaṇaṃ taram |

pādaṃ paśuś ca yoṣic ca pādārdhaṃ dvikaraḥ pumān ||

bhāṇḍapūrṇāni yānāni tāryaṃ dāpyāni sārataḥ |

riktabhāṇḍāni yat kiṃcit pumāṃsaś cāparicchadāḥ || **[835]**

asyārthaḥ — tare(raṃ) jalottaraṃ yānaṃ śivikādikaṃ paṇaṃ dāpyaḥ(pyam), puruṣaś cārdhapaṇaṃ dāpyaḥ | paśuḥ paṇasya caturthāṃśaṃ yoṣic ca dāpyaḥ, pumāṃś ca dvikaro riktahastaḥ | bhāṇḍaiḥ pūrṇāni yānāni pratyekaṃ yathāsāratas tāryaṃ nadyāditaraṇanimittaṃ śulkaṃ dāpyāni | tāny eva riktabhāṇḍāni yat kiṃcid alpaṃ tāryaṃ nadyādipaṇanimittaṃ śulkaṃ dāpyāni, pumāṃsaś cāparicchadā aparikarā dāpyāḥ | atrāpavādaṃ sa evāha |

garbhiṇīṃ tu dvimāsādis tathā pravjito muniḥ |

brāhmaṇo liṅginaś caiva na dāpyas tārikān tare ||

tathā |

prātiveśānuveśyau ca kalyāṇe viṃśatidvije |

arhāv abhojayan vipro daṇḍam arhati māṣakam ||

muniś cāndrāyaṇādikārī | liṅgino brahmacāryādayaḥ | anuveśyaḥ svagṛhād gṛhā(ha)draṣṭā | viṃśatir dvijā yatra kalyāṇe tad viṃśatidvijam | kalyāṇaṃ śobhanam |

śrotriyaḥ śrotriyaṃ sādhuṃ bhūtikṛtyeṣv abhojanam |

tad annaṃ dviguṇaṃ dāpyo hairaṇyaṃ caiva māṣakam ||

bhūtikṛtyāni bahudhanasādhyāni brāhmaṇabhojanādīni maṅgalapradhānāni | viṣṇuḥ: "yeṣāṃ deyaḥ panthās teṣāṃ su (tv) apathadāyī kārṣāpaṇapañcaviṃśatiṃ daṇḍyaḥ | āsanārhasyāsanam adatvā pūjārham apūjanaṃś ca prātiveśyabrāhmaṇātikrāmī ca nimantrayitvā bhojanādāyī ca nimantritas tathety uktavān abhuñjānaḥ suvarṇamāṣakaṃ niketayituś ca dviguṇam annam" | matsyapurāṇe |

nimantrito dvijo yas tu vartamānaḥ pratigrahe |

niṣkāraṇaṃ na gaccheta sa dāpyo 'ṣṭaśataṃ damam || 2.263 ||

*saṃbhūyakāriṇo mṛtasya dhanādhikāriṇāṃ kramam āha |*

**deśāntaragate prete dhanaṃ dāyādabāndhavāḥ |**

**jñātayo vā hareyus tad āgatās tair vinā nṛpaḥ || 2.264 ||**

saṃbhūyakāriṇi deśāntaragate mṛte taddhanaṃ dāyādāḥ putrā gṛhṇīyuḥ | tadabhāve bāndhavāḥ saṃbandhinaḥ patnī duhitara ityādyāḥ | teṣām abhāve jñātayaḥ samānodakāḥ | teṣām abhāve saṃbhūyakāriṇas tena sahāgatāḥ | tadabhāve nṛpaḥ | **[836]** saṃbhūyakāriṇāṃ dravyādhikāritvaprāptyarthaṃ vacanam | anyais tu patnī duhitara ityādyuktam anūdyate | nāradaḥ |

ekasya cet syād vyasanaṃ dāyādo 'sya tadāpnuyāt |

anyo vāsati dāyāde saktaś cet sarva eva vā ||

vysanaṃ maraṇam, saktaḥ saṃbaddhaḥ, sarve saṃbhūyakāriṇaḥ |

kaścic cet saṃcaran deśān preyād abhyāgato vaṇik |

rājāsya bhāṇḍaṃ tad rakṣed yāvad dāyādadarśanam ||

dāyāde 'sati bandhubhyo jñātibhyo vā tad arpayet |

tadabhāve svaguptaṃ tad dhārayed daśa vatsarān ||

asvāmikam adāyādaṃ daśavarṣasthitaṃ dhanam |

rājā tad ātmasāt kuryād evaṃ dharmo na hīyate ||

dāyādaḥ putraḥ | bṛhaspatiḥ |

ekakriyāpravṛttānāṃ yadā kaścid vipadyate |

tadbandhunā kriyā kāryā sarvair vā sahakāribhiḥ || 2.164 ||

**jihmaṃ tyajeyur nirlābham aśakto 'nyena kārayet |**

saṃbhūyakāriṇāṃ yo jihmaḥ kuṭilaḥ prātisvikakarmakārīti yāvat | tam itare nirlābhaṃ lābharahitaṃ kṛtvā tyajeyuḥ peṭakād bahiḥ kuryuḥ | yadi punar na jaihmyāt karma na karoti kiṃ tv aśaktes tadānyena tat kārayet ||

*uktam artham ṛtvigādiṣv atidiśann āha |*

**anena vidhir ākhyāta ṛtvikkarṣakakarmiṇām || 2.265 ||**

anena viṇijāṃ dharmeṇa ṛtvigādīnāṃ dharmavidhir ākhyāto veditavyaḥ | tataś ca vṛtenartvijā vyādhyādivaśāt karma kartum aśaktenānyena tat kārayitavyam | śāṭhyāc cen na karoti tyājya eva | tad āha vasiṣṭhaḥ: "ṛtvigācāryāv ayājakānadhyāpakau heyāv anyatra hānāt patati" | nāradaḥ |

ṛtvijāṃ vyasane 'py evam anyas tatkarma nirharet |

labheta dakṣiṇābhāgaṃ sa tasmāt saṃprakalpitam ||

manuḥ |

ṛtvag yadi vṛto yajñe svakarma parihāpayet |

tasya karmānurūpeṇa devo 'ṃśaḥ saha kartṛbhiḥ ||

**[837]** dakṣiṇāsu ca dattāsu svakarma parihāpayet |

kṛtsnam eva labhetāṃśam anyenaiva ca kārayet ||

sarveṣām ardhino mukhyās tadardhenārdhino 'rdhinaḥ |

tṛtīyinas tṛtīyāṃśāś caturthāṃśāś ca pādinaḥ ||

sarvam eva karma kuryuś ced ṛtvijas tadāśeṣam aṃśaṃ yajamānād ādadyuḥ | tatra sarveṣām ṛtvijāṃ madhye ye mukhyāś ca mahartvijo hotṛbrahmādhvaryūdgātāra iṣannyūnārdhagrahaṇe 'pi sāmīpyatas te 'rdhino dakṣiṇārdhasvāminaḥ | ye tv ardhinā dvitīyino brāhmaṇācchaṃsipraśāstṛprastotṛpratiprasthātāras te 'rdhino mahartvigbhāgārdhinaḥ kāryāḥ | ye tṛtīyāṃśina āgnīdhrācchāvārdha(ka)pratihartṛneṣṭāras te mahartvigdakṣiṇāyās tṛtīyam aṃśaṃ labhante | ye tu pādinaś caturthāṃśino grāvastutpotāsubraṇyonnetāro mahartvigdakṣiṇāyāś caturtham aṃśaṃ labhanta iti |

yasya karmaṇi yās tu syur uktāḥ pratyaṅgadakṣiṇāḥ |

sa eva tā ādadīta bhajeran sarva eva vā ||

aṅgam aṅgaṃ prati ṛtvigviśeṣasaṃbandhena samāmnātā dakṣiṇās tāḥ kim ekaikena grāhyā yat saṃbandhena samāmnātāḥ | yathābhiṣecanīye hiraṇyaprākāśāv adhvaryave dadātīti tenaivādhvaryuṇā grahītavyā utādhvaryur dvāramātram, sarve vibhajya gṛhṇīrann iti saṃśayaḥ | manubṛhaspatī |

rathaṃ hared athādhvaryur brahmādhāne ca vājinam |

hotā cāpi hared aśvam udgātā cāpy anaḥ kraye ||

pūrvoktasaṃśaye 'yaṃ nirṇayaḥ — keṣāṃcic chākhinām ādhāne 'dhvaryave ratha āmnāyate, brahmaṇe vegavān aśvaḥ | hotre cāśva udgātre somakraye somavahanaṃ śakaṭam evaṃ vyavasthāyāṃ dadātir mukhyārtho bhavati | puruṣasaṃyogaś ca nādṛṣṭo bhavati | yad uktaṃ manunā,

ṛtvijaṃ yas tyajed yājyo yājyaṃ cartvik tyajed yadi |

śaktaṃ karmaṇy aduṣṭaṃ ca tayor daṇḍaḥ śataṃ śatam ||

iti, tat kramāgateṣu svayaṃvṛtteṣu ṛtvikṣu draṣṭavyam | śaṅkhalikhitau: "athartviji vṛte paścād anyaṃ vṛṇuyāt pūrvavṛttasyaiva dakṣiṇāyāḥ paścād āhṛtaḥ kiṃcil labhate pravasec cet kālaṃ nimittaṃ cāvekṣamāṇas taṃ kālam apekṣeta nāntarā yajet | syāḍ ātyayiko vā taṃ kratuṃ saṃpādayet | proṣya pratyāgataś ca kiṃcil labheta | **[838]** atha cet pratiṣiddhaḥ pravaset kāmād anuprāptaḥ savane sa ṛtvik śataṃ daṇḍyaḥ sa eva cāduṣṭas tasya ṛtvik kulopādhyāyaḥ | evaṃ vyādhitapatitonmattaprahīṇapradhvasteṣv asaṃpradānakaraṇam ṛtvikṣu | kāmāc ced apatitaṃ yājyaṃ tyajed ṛtvik prāpnuyād dviśataṃ daṇḍam, yājyaś cet tyajet tad evāpnuyāt | tyāga ṛtvijo 'patitasya | kāmapatitam aśrotriyaṃ tyajet | yājyaṃ cābhiśastam adātāram" | kālaṃ prakṣamāsādi | nimittaṃ vivāhādi | syād ātyayika iti, atyaya evātyayikaḥ | tena yadi tatparīkṣaṇe yajñātyayo yajñabādhaḥ saṃbhāvyate, tadā ṛtvigantareṇa taṃ yajñaṃ niṣpādayed ity arthaḥ | prahīṇo 'bhiśāpādinā tyaktaḥ | pradhvasto 'tivṛddhaḥ | bṛhaspatiḥ |

prayogaḥ pūrvam ākhyātaḥ samāsenodito 'dhunā |

śrūyatāṃ karṣakādīnāṃ vidhānam idam ucyate ||

prayoga ṛtvigādidhanaprayogaḥ |

bāhyakarṣakabījādyaiḥ kṣetrāpakaraṇena ca |

ye samānās tu taiḥ sārdhaṃ kṛṣiḥ kāryā vijānatā ||

bāhyabījātyayād yatra kṣetrahāniḥ prajāyate |

tenaiva sā pradātavyā sarveṣāṃ kṛṣijīvinām ||

eṣa dharmaḥ samākhyātaḥ kīnāśānāṃ purātanaḥ |

hiraṇyakupyasūtrāṇāṃ kāṣṭhapāṣāṇacarmaṇām ||

saṃskartā tu kalābhijñaḥ śilpī cokto manīṣibhiḥ |

hemakārādayo yatra śilpaṃ saṃbhūya kurvate ||

karmānurūpaṃ nirveśaṃ labhetaṃs te yathāṃśataḥ ||

kīnāśāḥ kṛṣīvalāḥ | kātyāyanaḥ |

śikṣakābhijñakuśalā ācāryaś ceti śilpinaḥ |

ekadvitricaturbhāgān hareyus te yathottaram ||

bṛhaspatiḥ |

harmyaṃ devagṛhaṃ vāpi dhārmikopaskarāṇi ca |

saṃbhūya kurvatāṃ caiṣāṃ pramukho dvyaṃśam arhati ||

**[839]** nartakānām eṣa eva dharmaḥ sadbhir udāhṛtaḥ |

tālajño labhate 'dhyardhaṃ gāyanās tu samāṃśinaḥ ||

svāmyājñayā tu yaś cauraiḥ paradeśāt samāhṛtam |

rājñe datvā tu ṣaḍbhāgaṃ bhajeyus te yathāṃśataḥ |

caturo 'ṃśāṃs tato mukhyaḥ śūras tryaṃśaṃ samāpnuyāt ||

samarthas tu hared dvyaṃśaṃ śeṣāḥ sarve samāṃśinaḥ || 2.265 ||

**iti śrīvidyādharavaṃśaprabhavaśrīśilāhāranarendrajīmūtavāhanānvayaprasūta-**

**śrīmadaparādityadevaviracite yājñavalkyadharmāstranibandhe 'parārke**

**saṃbhūyasamutthānaprakaraṇam || 22 ||**

**atha saṭīkayājñavalkyasmṛtau**

**steyaprakaraṇam | (23)**

*caurasya daṇḍanārthaṃ parijñānopāyam āha* |

**grāhakair gṛhyate cauro loptreṇātha padena vā |**

**pūrvakarmāparādhī ca tathā cāśuddhavāsakaḥ || 2.266 ||**

grāhakaiś cauragrahaṇādhikṛtair loptrādinā cauro gṛhyate 'vagamyate | loptram apahṛtadravyaikadeśaḥ | pāṃsukardamādivartī pādāṅkaḥ padaṃ tasya puruṣasya pādena saṃmitam | yasya gṛhaṃ prati naṣṭadeśād ārabhya padaparamparā jātā so 'pi cauraḥ | apahṛtasya gavādeḥ padaparamparā yasya gṛhaṃ prati pravṛttā so 'pi cauraḥ | etac ca cauryāvyabhicāridharmajātasya pradarśanārtham | tena yan naṣṭāvaśiṣṭaṃ taṇḍulādi prasparagṛhe dṛśyate tasyaikaprakārakatve parasparacauratvaṃ śrūyate | yaś ca pūrvaṃ pūrvaṃ kṛtena cauryakarmaṇāparādhīti jñātaḥ, yaś cāśuddhavāsako na vidyate śuddhaḥ samīcīno vāste nivāsasthānaṃ yasya so 'śuddhavāsakaḥ, so 'pi cauraḥ || 2.266 ||

*nirṇayarūpasya grahaṇasya hetava uktāḥ | tasyaiva saṃśayarūpasya hetūn idānīm āha* |

**anye 'pi śaṅkayā grāhyā nāmajātyādinihnavaiḥ |**

**dyūtastrīpānasaktāś ca śuṣkabhinnamukhasvarāḥ || 2.267 ||**

**[840]** **paradravyagṛhāṇāṃ ca pṛ(pra)cchakā gūḍhacāriṇaḥ |**

**nirāyā vyayavantaś ca vinaṣṭadravyavikrayāḥ || 2.268 ||**

uktebhyo 'nye 'pi nāmajātigrāmadeśādīnāṃ nihnavair apalāpair yā cauryāśaṅkā tayā grāhyāḥ | cauratvena śaṅkanīyā ity arthaḥ | tathā ye dyūtādisaktāḥ, ye ca cauratvenābhiyuktāḥ śuṣkamukhā bhinnasvarāś ca bhavanti, ye ca kasyemāni dravyāṇi kasya vā gṛhāṇīti paradravyagṛhāṇāṃ pṛ(pra)cchakāḥ, ye ca gūḍhāḥ pracchannāḥ santo vicarantīti tacchīlāḥ, ye ca nirāyā adṛṣṭadhanāgamā vyayavantaś ca bhavanti, ye ca vināsitagraiveyādyalaṃkārasya vikrayiṇas te cauraśaṅkayā grāhyāḥ | nāradaḥ |

sahoḍhagrahaṇe steyaṃ hoḍhe saty upabhogataḥ |

śaṅkā tv asajjanaikārthyād anāyavyayatas tathā ||

ahoḍhān vimṛśec caurān gṛhītān parisaṃkhyayā |

bhayopadhābhiś citrābhir brūyus tathyaṃ yathā hi te ||

deśaṃ grāmaṃ diśaṃ nāma jātiṃ vā saṃpratiśrayam |

kṛtakāryasahāyāś ca praṣṭavyāḥ syur vigṛhya te ||

varṇasvarākārabhedāt sasaṃdigdhanivedanāt |

adeśakāladraṣṭṛtvān niveśasya viśodhanāt ||

asadvyayāt pūrvacauryād asatsaṃsargakāraṇāt |

doṣair apy anugantavyā na hoḍhenaiva kevalam ||

hoḍho loptram | upabhogo 'pahṛtadravyasyāsādhāraṇasya prakārāntareṇāsaṃbhavāt prāpteḥ | aikārthyam ekaprayojanavattvam | bhayopadhā bhayahetavaḥ ke(kle)śāyuktayaḥ | tathā |

gavādiṣu pranaṣṭeṣu dravyeṣv apahṛteṣu ca |

padenānveṣaṇaṃ kuryur ā mūlāt tadvido janāḥ ||

ā mūlād ā gavādiharaṇasthānāt |

grāme vraje vivīte vā yatra tan nipatet padam |

voḍavyaṃ tad bhavet tena na cet so 'nyatra tan nayet ||

vade pramūḍhe bhagne vā viṣamatvāj janāntike |

yas tv āsannataro grāmo vrajo vā tatra pātayet || **[841]**

same 'dhvani dvayor yatra stenaprāyo 'śucir janaḥ |

pūrvāparādhair duṣṭo vā saṃsṛṣṭo vā durātmabhiḥ ||

naivāntarikṣān na divo na samudrān na cānyataḥ |

dasyavaḥ saṃpravartante tasmād evaṃ prakalpayet ||

grāmeṣv anveṣaṇaṃ kuryuś caṇḍālavadhakādayaḥ |

rātrisaṃcāriṇo ye ca bahiḥ kuryur bahiścarāḥ ||

same 'dhavni tulyamārge | dvayor grāmayoḥ | stenaprāyaś caurabahulaḥ | manunāradau |

sabhāprapāpūpaśālāveśamadyānnavikrayāḥ |

catuṣpathāś caityavṛkṣāḥ samājāḥ prekṣaṇāni ca ||

śīrṇodyānāny araṇyāni kārukāveśanāni ca |

śūnyāni vāpy agārāṇi vanāny upavanāni ca ||

evaṃvidhān nṛpo deśān gulmaiḥ sthāvarajaṅgamaiḥ |

taskarapratiṣedhārthaṃ cārair apy anucārayet ||

tathā |

tān sahāyair anugatair nānākarmapravādibhiḥ |

vidyād utsāhayec caiva nipuṇaiḥ pūrvataskaraiḥ ||

bhakṣyabhojyāpadeśaiś ca brāhmaṇānāṃ ca darśanaiḥ |

śauryakarmāpadeśaiś ca kuryus teṣāṃ samāgamam ||

ye tatra nopasarpeyuś cāraiḥ praṇihitair api |

te 'pi syuḥ saṃgrahītavyāḥ samitrajñātibāndhavāḥ ||

yāṃs tatra caurān gṛhṇīyus tān vitāḍya viḍambya ca |

avaghoṣya ca sarvatra hanyāc citravadhena tu ||

acaurā api dṛśyante cauraiḥ saha samāgatāḥ |

yadṛcchayā naiva tu tān nṛpo daṇḍena saṃspṛśet ||

kātyāyanaḥ |

anyahastāt paribhraṣṭam akāmād uddhṛtaṃ bhuvi |

caureṇa vā parikṣiptaṃ loptraṃ yatnāt parīkṣayet ||

asyārthaḥ — kim etad anyahastāt paribhraṣṭaṃ sadasya haste dṛśyate, kiṃ vā cauryakāmanayā vinānenoddhṛtam, yad vā caureṇa satanena parikṣiptam uddhṛtam iti saṃśayasya saṃdehasya saṃbhavād yatnato loptraṃ vicāryam iti || 2.268 ||

**[842]**

**gṛhītaḥ śaṅkayā caurya ātmānaṃ cen na śodhayet |**

**dāpayitvā hṛtaṃ dravyaṃ cauradaṇḍena daṇḍayet || 2.269 ||**

śaṅkayā saṃdehena cauryaviṣayeṇa mṛhīto 'bhiyukto yady ātmānaṃ divyena mānuṣeṇa vā pramāṇena na śodhayed vyapetacauryaśaṅkaṃ na kuryāt, tadāpahṛtaṃ dravyaṃ dāpayitvā vakṣyamāṇena cauradaṇḍena daṇḍanīyaḥ | na cātra vācyaṃ cauratvenāśaṅkitasya pramāṇānarhatā mithyāvāditvād iti | yato na mithyāvāditvamātraṃ sādhanānarhatve prayojakam | kiṃ tu prathamavādino 'vaṣṭambhābhiyoktṛtve sati | ato 'tra yuktaṃ yac chaṅkitaḥ pramāṇaṃ kuryād iti | na ca cauryādyabhāve pramāṇābhāvaḥ | tathā hi sati "mahābhiyogeṣv etāni," "rucyā vānyataraḥ kuryāt," rājabhiḥ śaṅkitānāṃ ca" ityādivacanāni naivārambhyeran | na ca vācyaṃ mānuṣapramāṇānām abhāvo na sādhyata(dhya) iti | yasmāc cauryādyābhāvāvyabhicāriṇaṃ bhāvaviśeṣaṃ sādhayatāṃ sidhyaty ev(vā)bhāvasādhakatvam api | yathā yatra kāle 'sya dravyaṃ kenāpy apahṛtaṃ tadā tato 'pahārapradeśād atidūre 'haṃ vyavasthito mahatā vyādhyādinā klānta ityādi bhāvayan sādhayaty evātmanaś cauryādyabhāvam iti | ata eva śaṅkhaḥ: "asākṣipraṇihite divyam" ity uktvā "atha vā mitraiḥ sajjanair ātmānaṃ nā śodhayed eva | sa ced daṇḍyo 'rthināṃ cārthaṃ dāpayet" ity uktavān || 2.269 ||

**cauraṃ pradāpyāpahṛtaṃ ghātayed vividhair vadhaiḥ |**

**sacihnaṃ brāhmaṇaṃ kṛtvā svarāṣṭrād vipravāsayet || 2.270 ||**

pramāṇato niścitaṃ cauram apahṛtaṃ dravyaṃ svarūpato mūlyato vā svāmine pradāpya vividhair vadhair vadhopāyair ghātayed dhiṃsyāt | brāhmaṇaṃ tu cauraṃ sacihnaṃ śvapadāṅkitaṃ kṛtvā svarāṣṭrād rājā vipravāsayet | na tu ghātayet | atra manuḥ |

na jātu brāhmaṇaṃ hanyāt sarvapāpeṣv api sthitam |

rāṣṭrād enaṃ bahiḥ kuryāt samagradhanam akṣatam ||

mahāpātakavyatiriktāparādhaviṣayam etat | tatra punas tenaivoktam |

gurutalpe bhagaḥ kāryaḥ surāpāne surādhvajaḥ |

steye tu śvapadaṃ kāryaṃ brahmahaṇy aśirāḥ pumān || **[843]**

te ca (?) |

asaṃbhojyās tv asaṃyājyā asaṃpāṭhyā vivāhikāḥ (?) |

careyuḥ pṛthivīṃ dīnāḥ sarvadharmabahiṣkṛtāḥ ||

aṅkanaṃ ca prāyaścittam anicchatāṃ kāryam, yata āha |

prāyaścittaṃ tu kurvāṇās trayo varṇā yathocitam |

nāṅkyā rājñā lalāṭe syur dāpyās tūttamasāhasam ||

ataś ca daṇḍaprāyaścittayoḥ samuccayo gamyate | prāyaścittākaraṇe tūttamasāhasaḥ śarīradaṇḍayoḥ samuccaya uktas tenaiva |

caturṇām api caiteṣāṃ prāyaścittam akurvatām |

śarīradhanasaṃyuktaṃ daṇḍaṃ dharmyaṃ prakalpitam ||

caturṇāṃ mahāpātakinām ity arthaḥ | nāradaḥ |

brāhmaṇasya vadho mauṇḍyaṃ purān nirvāsanaṃ tathā |

lalāṭe cāṅkakaraṇaṃ prayāṇaṃ gardabhena vā ||

gautamaḥ: "na śārīro brāhmaṇasya daṇḍaḥ karmaviyogavikhyāpananirvāsanādyaṅkakaraṇāni" | śārīro daṇḍo 'ṅgacchedādiḥ | āpastambaḥ: "puruṣavadhe steye bhūmyādāna iti svāny ādāya vadhyaś cakṣurnirodhas tu teṣu brāhmaṇasya" | bṛhaspatiḥ |

vṛttasvādhyāyavān steye bandhane kleśyate ciram |

svāmine tad dhanaṃ dāpyaḥ prāyaścittaṃ ca karyate || 2.270 ||

*gṛhīte caura uktam, agṛhīte yat kāryaṃ tad āha |*

**ghātite 'pahṛte doṣo grāmabhartur anirgate |**

**vivītabhartus tu pathi cauroddhartur avītake || 2.271 ||**

manuṣyādau hate gavāśvādau vāpahṛte hantari cādṛṣṭe grāmād bahir anirgate caurasya pathi mārge grāmasvāminaś cauryadoṣaḥ | tena cauro deyo 'pahṛtaṃ veti tātparyārthaḥ | vivīte tu ghātāpahārau cej jātau vivītāc ca bahir adṛṣṭe cauramārge vivītabhartur doṣaḥ | avītake vivītād anyatra tu ghāte 'pahāre ca kṛte cauroddharaṇaniyuktasya doṣaḥ | vivītaṃ tṛṇādiprayojanabhūḥ | nāradaḥ |

gocare yasya muṣyeta tena cauraḥ prayatnataḥ |

grāhyo dāpyo 'tha vā moṣaṃ padaṃ yadi na nirgatam ||

**[844]** nirgate tu pade tasmān na ced anyatra pātitam |

sāmantān mārgapālāṃś ca dikpālāṃś caiva dāpayet ||

pade cauramārge tasmād grāmān nirgate, tad yadi na grāmāntare pātitaṃ caureṇa tadā sāmantādīn dāpayet | kātyāyanaḥ |

gṛhe tu muṣitaṃ rājā cauragrāhāṃs tu dāpayet |

arakṣakāṃś ca dikpālān yadi cauro na labhate ||

grāmāntare hṛtaṃ dravyaṃ grāmādhyakṣaṃ pradāpayet |

vivīte svāminā deyaṃ cauroddhartā vivītake ||

tathā |

svadeśe yasya yat kiṃcid ghṛtaṃ deyaṃ nṛpeṇa tu |

gṛhṇīyāt tat svayaṃ naṣṭaṃ prāptam anviṣya pārthivaḥ ||

caurair hṛtaṃ prayatnena svarūpaṃ pratipādayet |

tadabhāve tu mūlyaṃ syād anyathā kilbiṣī nṛpaḥ ||

labdhe 'pi caure yadi tu moṣas tasmān na labhyate |

dadyāt tam atha vā cauraṃ dāpayet tu yatheṣṭataḥ ||

tasmiṃś ced dāpyamānānāṃ bhaved doṣe tu saṃśayaḥ |

muṣitaḥ śapathaṃ dāpyo bandhubhir vā viśodhayet ||

bandhubhiḥ sākṣibhūtair nikaṭavasibhir aduṣṭair ity arthaḥ |

yasmād apahṛtāl labdhaṃ dravyāt svalpaṃ tu svāminā |

taccheṣam āpnuyāt tasmāt pratyaye svāminā kṛte || 2.271 ||

**svasīmni dadyād grāmas tu padaṃ vā yatra gacchati |**

**pañcagrāmī bahiḥ krośād daśagrāmy atha vā punaḥ || 2.272 ||**

grāmasīmny eva yadi moṣo bhavati, tadā sa eva grāmo muṣitaṃ dadyāt | yadi tu padaṃ cauramārgo grāmasīmno bahiḥ kaṃcana grāmaṃ prati yāyāt tadā sa eva grāmo dadyāt | yadā tu krośamātravyavasthitānām anekeṣāṃ grāmāṇāṃ madhye cauryaṃ bhavati, tadā tulyādhvānaḥ pañca grāmāḥ samāhṛtā moṣaṃ dadyuḥ | yadā punar daś grāmā moṣasthānāt tulyāntarālā bhavanti tadā daśāpi samāhṛtā hṛtaṃ dadyuḥ || 2.272 ||

*cauraṃ vicitrair vadhair hanyad iti sāmānyenaivoktam | tatra cauryaviseṣam āha |*

**[845]** **bandigrāhāṃs tathā vājikuñjarāṇāṃ ca hāriṇaḥ |**

**prasahyaghātinaś caiva sūlam āropayen narān || 2.273 ||**

śūlaropaṇaṃ ca vadhaparyantam | manuḥ |

agnyāgārāyudhāgāradevatāgārabhedakān |

hastyaśvarathahartṝś ca hanyād evāvicārayan ||

prasahyaghātino janasamakṣaṃ manuṣyādihantāraḥ | vyāsaḥ |

aśvahartā hastapādau kaṭiṃ chittvā pramāpyate |

paśuhartuś cārdhapādaṃ tīkṣṇaśastreṇa kartayet ||

manuḥ |

saṃdhiṃ bhittvā tu ye cauryaṃ rātrau kurvanti taskarāḥ |

teṣāṃ chittvā nṛpo hastau tīkṣṇe śūle niveśayet ||

yato hastacchinnas tatra śūladvayaṃ niveśayed ity arthaḥ | bṛhaspatiḥ |

saṃdhichido hṛtaṃ tyājyāḥ śūlam āropayet tataḥ |

tathā pānthamuṣo vṛkṣe gale baddhvāvalambayet ||

kātyāyanaḥ |

svadeśaghātino ye syus tathā mārganirodhakāḥ |

teṣāṃ sarvasvam ādāya rājā śūle niveśayet || 2.273 ||

**utkṣepakagranthibhedo karasaṃdaṃśahīnakau |**

**kāryau dvitīyāparādhe karapādaikahīnakau || 2.274 ||**

yo 'ṅguṣṭhāṅgulibhyāṃ parasvam utkṣipaty apaharati, yaś ca granthiṃ bhinatti, tau karasaṃsaṃśenāṅguṣṭhāṅgulibhyām aparādhahetubhūtābhyāṃ hīnau kāryau | dvitīye 'parādha ekena kareṇaikena ca pādena hīnau hāryau | manuḥ |

aṅgulī granthibhedasya chedayet prathame grahe |

dvitīye hastacaraṇau tṛtīye vadham arhati ||

kātyāyanaḥ |

yena yena paradrohaṃ karoty aṃśena taskaraḥ |

chindyād aṅgaṃ nṛpas tasya na karoti yathā punaḥ || 2.274 ||

*uktam aviśeṣeṇa "cauraṃ pradāpyāpahṛtaṃ ghātayed vividhair vadhaiḥ" iti, tadviṣayaviśeṣam upasaṃhartum āha* |

**[846]** **kṣudramadhyamahādravyaharaṇe sārato damaḥ |**

**deśakālavayaḥśakti saṃcintyaṃ daṇḍakarmaṇi || 2.275 ||**

kṣudradravyāṇi mṛdbhāṇḍādīni, madhyamāni vastrādīni, mahādravyāṇi hiraṇyādīni, teṣāṃ sārato yathāsāraṃ damo dhanāpahārāṅkanagātracchedavadhātmā caurāṇāṃ kalpyaḥ | deśaś ca kālaś ca vayaś c śaktiś ca deśakālavayaḥśakti | etat sarvaṃ daṇḍe kārye brāhmaṇaiḥ saha nṛpeṇa cintanīyam | tatra dravyatraividhyam āha nāradaḥ |

mṛdbhāṇḍāsanakhaḍgādi cārucarmatṛṇādi yat |

śamīdhānyaṃ kṛtānnaṃ ca kṣudradravyam udāhṛtam ||

śamīdhānyaṃ śimbidhānyaṃ māṣamudgādi | kṛtānnaṃ siddhānnam |

vāsaḥ kauśeyavarjaṃ ca govarjaṃ paśavas tathā |

hiraṇyavarjaṃ lohaṃ ca madhyaṃ vrīhiyavaṃ tathā ||

hiraṇyaratnakauśeyastrīguñjo(puṃgo)gajavājinaḥ |

devabrāhmaṇarājñāṃ ca dravyaṃ vijñeyam uttamam ||

kauśeyam astasīmayam | hiraṇyaṃ suvarṇaṃ rajataṃ ca | atra trividhasyāpahāre trividhasāhasadaṇḍātideśaṃ sa evāha |

sāhaseṣu ya evoktas triṣu daṇḍo manīṣibhiḥ |

sa eva daṇḍaḥ steye 'pi triṣu dravyeṣv anukramāt ||

tatra dhānye viśeṣam āha manuḥ |

dhānyaṃ daśabhyaḥ kumbhebhyo harato 'bhyadhikaṃ vadhaḥ |

śeṣe 'py ekādaśaguṇaṃ dāpyas tasya ca tad dhanam ||

kumbho droṇadvayam | tad uktam |

paladvayaṃ tu prasṛtaṃ dviguṇaṃ kuḍavaṃ matam |

caturbhiḥ kuḍavaiḥ prasthaḥ prasthāś catvāra āḍhakaḥ ||

āḍhakais taiś cuturbhiś ca droṇas tu kathito budhaiḥ |

kumbho droṇadvayaṃ śūrpaḥ khārī droṇās tu ṣoḍaśa || iti |

daśabhyaḥ kumbhebhyo 'dhikadhānyahāriṇo vadhaḥ | śeṣe 'nadhike hṛte yatra dānyāpahāre yo daṇḍas tam ekādaśaguṇaṃ daṇḍaṃ dāpyaḥ | yāvad apahṛtaṃ tāvac ca svāmine |

**[847]** tathā dharimameyānāṃ śatād abhyadhike vadhaḥ |

suvarṇarajatādīnām uttamānāṃ ca vāsasām ||

dharimeṇa tulayā mīyanta iti dharmameyāni, tāny eva suvarṇarajatādīnām ity anena viśeṣitāni | yadi suvarṇarajatādīnām ity etāvanmātram ucyate tato lohānām eva grahaṇaṃ syāt | atha dharimameyānām ity evocyeta, tadā guḍādīny api gṛhyeran | ubhayopādāne tu lohavyatiriktānām api muktāpravālādīnāṃ tulāmeyānāṃ parigrahaḥ | mahārghatvena suvarṇarajataprakāratvāt | prakāravacanaś cāyam ādiśabdaḥ | ata eva guḍādīnāṃ dharimameyatve 'pi nivṛttiḥ | amahārghatvena suvarṇatulyatāvirahāt | tena lohānām api trapusīsādīnām asārāṇāṃ neha grahaṇam | uttamāni ca vāsāṃsi pattro(tro)rṇanetrapaṭīprabhṛtīni | tathā |

pañcāśatas tv abhyadhike hastacchedanam iṣyate |

śeṣe tv ekādaśaguṇaṃ mūlyād daṇḍaṃ prakalpayet ||

puruṣāṇāṃ kulīnānāṃ nārīṇāṃ ca viśeṣataḥ |

mukhyānāṃ caiva ratnānāṃ haraṇe vadham arhati ||

mahāpaśūnāṃ haraṇe śastrāṇām auṣadhasya ca |

kālam āsādya kāryaṃ ca rājā daṇḍaṃ prakalpayet ||

mahāpaśavo gavādayaḥ |

sūtrakārpāsakiṇvānāṃ gomayasya guḍasya ca |

daghnaḥ kṣīrasya takrasya pānīyasya tṛṇasya ca ||

veṇuvaiṇavabhāṇḍānāṃ lavaṇānāṃ tathaiva ca |

mṛnmayānāṃ ca haraṇe mṛdo bhasmana eva ca ||

matsyānāṃ pakṣiṇāṃ caiva tailasya ca ghṛtasya ca |

māṃsasya madhunaś caiva yac cānyat paśusaṃbhavam ||

anyeṣāṃ caivamādīnāṃ madyānām odanasya ca |

pakvānnānāṃ ca sarveṣāṃ tanmūlyād dviguṇo damaḥ ||

kārṣāpaṇaṃ bhaved daṇḍo yatrānyaḥ prākṛto janaḥ |

tatra vipro bhaved daṇḍyaḥ sahasram iti dhāraṇā ||

aṣṭāpādyaṃ tu śūdrasya steye bhavati kilbiṣam |

ṣoḍaśaiva tu vaiśyasya dvātriṃśat kṣatriyasya tu ||

**[848]** brāhmaṇasya catuḥṣaṣṭiḥ pūrṇaṃ vāpi śataṃ bhavet |

dviguṇā vā catuḥṣaṣṭis taddoṣaguṇavid (?) dhi saḥ ||

vidvadviṣayam idaṃ vākyam | taddoṣaguṇavid dhi sa iti hetvabhidhānāt | tena yaḥ steyāsteyayor guṇadoṣāv aihikāmuṣmikau bālādir na jānāti tasya ste[ye] yo daṇḍaḥ so 'ṣṭaguṇas tadviduṣaḥ śūdrasya bhaveti | tad uktam — aṣṭāpādyaṃ tu śūdrasya kilbiṣam iti | aṣṭa daṇḍā āpādyā yena kilbiṣeṇa steyena tad aṣṭāpādyam |

yajñārthāy upakḷptāni dravyāṇi stenayen naraḥ |

taṃ śataṃ daṇḍayed rājā yaś cāgniṃ corayed gṛhāt ||

yas tu rajjuṃ ghaṭaṃ kūpād dhared bhindyāc ca ya prapām |

daṇḍaṃ sa prāpnuyān māṣaṃ tac ca tasmin samāharet ||

mahāpaśūn stenayato daṇḍa uttamasāhasaḥ |

madhyamo madhyamapaśūn pūrvaḥ kṣudrapaśau hṛte ||

puruṣaṃ harato hastau daṇḍa uttamasāhasaḥ |

sarvasvaṃ harato nārīṃ kanyāṃ tu harato vadhaḥ ||

tulādharimameyānāṃ gaṇimānāṃ ca sarvaśaḥ |

ebhyas tūtkṛṣṭamūlyānāṃ mūlyād daśaguṇo damaḥ ||

kāṣṭhabhāṇḍatṛṇādīnāṃ mṛnmayānāṃ tathaiva ca |

veṇuvaiṇavabhāṇḍānāṃ tathā snāyvasthicarmaṇām ||

śākānāṃ sārdramūlānāṃ haraṇe phalapuṣpayoḥ |

gorasekṣuvikārāṇāṃ tathā lavaṇatailayoḥ ||

pakvānnānāṃ kṛtānnānāṃ madhūnām āmiṣasya ca |

sarveṣām alpamūlyānāṃ mūlyāt pañcaguṇo damaḥ ||

smṛtiḥ |

tṛṇaṃ vā yadi vā kāṣṭhaṃ puṣpaṃ vā yadi vā phalam |

anāpṛcchaṃs tu gṛhṇāno hastacchedanam arhati ||

śaṅkhalikhitau: "abrāhmaṇo brāhmaṇasya samidājyedhmāgnikāṣṭhatṛṇolapaśaṣpapuṣpadhūpaphalāny apahared valād avijñāto vā hastacchedanam āpnuyāt | kuśacarmabhāṇḍaṃ karakāgnihotradravyāṇy apahārataḥ pratyakṣo 'ṅgacchedaḥ syād apratyakṣaṃ yadā vidito 'yaṃ kilbiṣīti brāhmaṇaḥ kharayānam āpnuyāt | sūtramauṇḍyam | itareṣāṃ kharayānam eva" | **[849]** viṣṇuḥ: "stenāḥ sarva evāpahṛtaṃ dhanikasya dāpyās tatas teṣām abhihitadaṇḍaprayogaḥ" | manuḥ |

na hoḍhena vinā cauraṃ ghāteyed dhārmiko nṛpaḥ |

sahoḍhaṃ sopakaraṇaṃ ghātayed avicārayan ||

hoḍhaṃ loptram | upakaraṇaṃ cauryopakaraṇam | kātyāyanaḥ |

sahoḍham asohoḍhaṃ vā tattvāgamitasāhasam |

pragṛhyācchinnam āvedya sarvasvair viprayojayet ||

tattvataḥ pramāṇataḥ sāhasakartṛkatayā niśñitaṃ hoḍhaṃ vināpi sāhasiko 'yam iti sarvajanaviditaṃ kṛtvā yathāvidhi sarvasvaharaṇāṅgacchedādikaṃ vadhaṃ kuryād ity arthaḥ |

ayaḥsaṃdhānaguptās tu mandbhaktā balānvitāḥ |

kuryuḥ karmāṇi nṛpater ā mṛtyor iti kauśikaḥ ||

ayaḥsaṃdhānam ayonigaḍaḥ | mandabhaktā alpabhaktāḥ |

paradeśād dhṛtaṃ dravyaṃ vaideśyena yadā bhavet |

gṛhītvā tasya tad darvyam adaṇḍaṃ taṃ visarjayet ||

vaideśyaḥ pravāsī || 2.275 ||

*steyaprasaṅgād anyad apy āha* |

**bhaktāvakāśāgnyudakamantropakaraṇavyayam |**

**datvā caurasya hartur vā jānato dama uttamaḥ || 2.276 ||**

cauro 'yaṃ sāsasiko 'yam ity avagacchann api tasya bhaktam annam avakāśaṃ nivāsaṃ pākādisiddhaye 'gniṃ śītāpanodāya vā snānapānādyartham udakaṃ mantraṃ steyaharaṇopāyakathanam upakaraṇaṃ khanitraśastrādi vyayaṃ pātheyādikam evamādikaṃ caurasāhasikayor anukūlaṃ kurvata uttamamo damaḥ syāt | manur āha |

grāmeṣv api ca ye kecic caurāṇāṃ bhaktadāyakāḥ |

bhāṇḍāvakāśadāṃś caiva sarvāṃs tān api ghātayet ||

agnidān bhaktadāṃś caiva tathā śatrāvakāśadān |

saṃnidhātṝṃś ca moṣasya hanyāc caurān iveśvaraḥ ||

nāradaḥ |

kretāraś caiva bhāṇḍānāṃ pratigrāhiṇa eva ca |

samadaṇḍāḥ smṛtāḥ sarve ye ca pracchādayanti tān || **[850]**

gautamaḥ: "caurasamaḥ sacivo matipūrvaṃ pratigrahītāpy adharmasaṃyuktāt" | atraiva brāhmaṇaṃ pray āha manuḥ |

adattādāyino hastāl lipseta brāhmaṇo dhanam |

yājanādhyāpanenāpi yathā stenas tathaiva saḥ ||

rāṣṭreṣu rāṣṭrādhikṛtān sāmantāṃś caiva coditān |

abhyāghāteṣu madhyasthāñ śiṣyāṃś caurān iva drutam ||

grāmaghāte hiḍābhaṅge pathi moṣābhidarśane |

śaktito 'nabhidāvanto nirvāsyāḥ sapricchadāḥ ||

prakṣetroptasasyasya nāśanaṃ hiḍābhaṅgaḥ | nāradaḥ |

utkrośatāṃ janānāṃ ca hriyamāṇe jane tathā |

śrutvā ye nābhidhāvanti te 'pi taddoṣabhāginaḥ || 2.276 ||

**śastrāvapāte garbhasya pātane cottamo damaḥ |**

**uttamo vādhamo vāpi puruṣastrīpramāpaṇe || 2.277 ||**

śastrāvapātaḥ śastraghātaḥ, paraṃ prati tasmin kṛte garbhapātane cottamasāhaso daṇḍaḥ | dāsīgarbhapātane tu paṇaśatasyoktatvāt tato 'nyad atra garbhapātanaṃ draṣṭavyam | brāhmaṇīgarbhapātane tu,

hatvā garbham avijñātam etad eva vrataṃ caret |

iti prāyaścittamātrātideśād aprāpto daṇḍo 'nena vidhīyata eva | puruṣasya striyāś caiva vadhe yathāsaṃkhyam uttamādhamau jñeyau | adhamaḥ prathamasāhasaḥ | vāśabdadvayād daṇḍāntaram api guṇādyapekṣayā veditavyam | uśanā |

parikleśena pūrvaḥ syād bhaiṣajyena tu madhyamaḥ |

prahāreṇa tu garbhasya pātane dama uttamaḥ ||

baudhāyanaḥ: "kṣatriyādīnāṃ brāhmaṇavadhe vadhaḥ sarvasvaharaṇaṃ ca teṣām eva tulyāvakṛṣṭavadhe gosahasram ṛṣabhādhikaṃ rājña utsṛjet | vairaniryātanārthaṃ śataśataṃ vaiśye, daśa śūdre vṛṣabhaś cātrādhikaḥ | śūdravadhena strīvadho govadhaś ca vyākhyātau | anyatrātreyyā dhenvanaḍuhoś cānte cāndrāyaṇaṃ caret | ātreyyā vadhaḥ kṣatriyavadhena vyākhyātaḥ" | **[851]** ātreyī rajasvalā | "haṃsabhāsabarhiṇacakravākabalākākākolūkanakula-maṇḍūkahiṇḍikābherīkaśvababhrunakulādīnāṃ vadhe śūdravat" | bṛhaspatiḥ |

prakāśaghātakā ye tu tathā copāṃśughātakāḥ |

jñātvā samyag dhanaṃ hṛtvā hantavyā vividhair vadhaiḥ ||

mitraprāptyarthalābhe vā rājñā lokahitaiṣiṇā |

na moktavyāḥ sāhasikāḥ sarvalokabhayāvahāḥ ||

lobhād bhayād vā yo rājā na hanty anyāyyakāriṇaḥ |

tasya prakṣubhyate rāṣṭraṃ rājyāc ca parihīyate ||

ekasya bahavo yatra praharanti ruṣānvitāḥ |

marmaprahārado yas tu ghātakaḥ sa udāhṛtaḥ ||

samaghātī tu yas teṣāṃ yathoktaṃ dāpayed damam |

ārambhakṛt sahāyaś ca doṣabhājas tadardhataḥ ||

kṣatasyālpamahattvaṃ ca marmasthānaṃ yatnataḥ |

sāmarthyaṃ cānubandhaṃ ca jñātvā cihnaiḥ prasādayet ||

nāradaḥ |

aviśeṣeṇa sarveṣām eṣa daṇḍavidhiḥ smṛtaḥ |

vadhād ṛte brāhmaṇasya na vadhaṃ brāhmaṇo 'rhati ||

śiraso muṇḍanaṃ daṇḍas tasya nirvāsanaṃ purāt |

lalāṭe cābhiśastāṅkaḥ prayāṇaṃ gardabhena ca ||

sāhasavauryayor yamaḥ |

na brāhmaṇasya śārīro daṇḍo bhavati karhicit |

gupte tu bandhane baddhvā rājā bhaktaṃ pradāpayet ||

atha vā bandhanaṃ rajjvā karma vā kārayen nṛpaḥ |

māsārdhamāsaṃ kurvīta kāryaṃ vijñāya tattvataḥ ||

yathāparādhaṃ vipraṃ tu vikarmāṇy api kārayet || 2.277 ||

**vipraduṣṭāṃ striyaṃ bhrūṇapuruṣaghnīm agarbhiṇīm |**

**setubhedakarīṃ cāpsu śilāṃ baddhvā praveśayet || 2.278 ||**

vividhaṃ prakarṣeṇa duṣṭām enasvinīm, tathā bhrūṇasya garbhasya puruṣasya hantrīm, bahūnāṃ lokānām upakārakasya setor bhettrīm agarbhiṇīṃ striyaṃ śilāṃ baddhvā jale nimajjayet || 2.278 ||

**[852]**

**viṣāgnidāṃ patigurunijāpatyapramāpaṇīm |**

**vikarṇakaranāsauṣṭhīṃ kṛtvā gobhiḥ pravāsayet || 2.279 ||**

yā tu manuṣyamṛtyave viṣaṃ grāmādidāhāya cāgniṃ dadāti, tathā patiṃ guruṃ pitaraṃ śvaśuraṃ vā nijam apatyaṃ vā hanti, tasyāḥ karṇau hastau nāsām oṣṭhau ca chittvā tāṃ balīvardam āropya deśād bahiḥ kuryāt | pramāpayed iti pāṭhe tāṃ pādayor varatrayā yuge baddhvā balīvardā yathākṛṣya pramāpayanti tathā kuryāt || 2.279 ||

*ghātakāvijñāne tatparijñānopāyam āha |*

**avijñātahatasyāśu kalahaṃ sutabāndhavāḥ |**

**praṣṭavyā yoṣitaś cāsya parapuṃsi ratāḥ pṛthak || 2.280 ||**

**strīdravyavṛttikāmo vā kena vāyaṃ gataḥ saha |**

**tatpradeśasamāsannaṃ pṛcched vāpi janaṃ śanaiḥ || 2.281 ||**

avijñātena viśeṣato na jñātena hastasya putrā bāndhavāś ca kenāsya kalaho bhaved iti śrīghraṃ praṣṭavyāḥ | tathāyaṃ kasya striyaṃ dravyaṃ vṛttiṃ vā kamayeta, tathāyaṃ kena saha ca gata iti tadīyāḥ striyo yāḥ puṃścalyas tāḥ pratyekaṃ pṛcchet | tathā yatrāsau mṛtas taṃ pradeśaṃ prati samāsannaṃ janaṃ pūrvoktaprakāreṇa śanaiḥ pṛcchet | bṛhaspatiḥ |

hatas tu dṛśyate yatra ghātakaś ca na dṛśyate |

pūrvavairānusāreṇa jñātavyaḥ sa mahībhujā ||

prativeśyānuveśyau ca tasya mitrāribāndhavāḥ |

praṣṭavyā rājapuruṣaiḥ māsādibhir upakramaiḥ ||

vijñeyo 'sādhusaṃsargāc cihnahoḍhena vā naraiḥ |

vyāsaḥ |

jñātvā tu ghātakaṃ samyak sasahāyaṃ sabāndhavam |

hanyāc citrair vadhopāyair udvejanakarair nṛpaḥ ||

bṛhaspatiḥ |

divyair viśuddho medhyaḥ syād aśuddho vadham arhati |

nigrahānugrahai rājñaḥ kīrtir dharmaś ca vardhate || 2.280,281 ||

**kṣetraveśmavanagrāmavivītakhaladāhakāḥ |**

**rājapatnyabhigāmī ca dagdhavyās tu kaṭāgninā || 2.282 ||**

**[853]**

kṣetrasya sasyavato veśmano mahato rājakīyāder vanasyārāmasya grāmasya gṛhasamūhasya vivītasya tṛṇādyādhārāyā bhuvaḥ khalasya dhānyasādhanasthānasya ca dāhakāḥ, rājapatnyabhigāmī ca, pratyekam ete kaṭāginā kaṭasyānalena dagdhavyāḥ | vīraṇamya upaveśanārtho dravyaviseṣaḥ kaṭaḥ | manuḥ |

prākārasya ca bhettāraṃ parikhānāṃ(ṇāṃ) ca pūrakam |

dvārāṇāṃ caiva bhettāraṃ kṣipram eva pramāpayet ||

rājñaḥ kośāpahartṝṃś ca pratikūleṣu ca sthitān |

ghātayed vividhair daṇḍair arīṇāṃ copajāpakān ||

rājña iti pratyekaṃ saṃbadhyate | tena daṇḍena vidhīyamānena prasaṅgāt sāhasikānām api vadho 'traiva prakaraṇe vihitaḥ | iti steyaprakaraṇam || 2.282 ||

**iti śrīvidyādharavaṃśaprabhavaśrīśilāhāranarendrajīmūtavāhanānvayaprasūta-**

**śrīmadaparādityadevaviracite yājñavalkyadharmāstranibandhe 'parārke**

**steyaprakaraṇam || 23 ||**

**atha saṭīkayājñavalkyasmṛtau**

**strīsaṃgrahaṇaprakaraṇam | (24)**

*atha parastrīsaṃbhogātmake saṃgrahaṇe nimitte puruṣasya grāhyatāyāṃ kāraṇam āha |*

**pumān saṃgrahaṇe grāhyaḥ keśākeśi parastriyā |**

**sadyo vā kāmajaiś cihnaiḥ pratipattau dvayos tathā || 2.283 ||**

saṃgrahaṇe parastriyā saha mithunībhāve nimitte daṇḍayituṃ pumān grāhyaḥ | kena hetunety apekṣita uktam — keśākeśi, parastriyā saha parasparakeśagrahanavatyā krīḍayā pumān grāhya ity anvayaḥ | bahuvrīhisamāsātmakaṃ tṛtīyāntā(nta)vṛttīcsamāsāntaṃ keśākeśīty avyayam | na kevalam ayam eva hetuḥ, kiṃ tu sadyaḥ saṃbhūtāni parasparamithunībhāvābhilāṣād utpannāni dantanakhakṣatādīni cihnāni surata(tā)vyabhicārīṇīti, tair api hetubhir grāhyaḥ | uktahetvabhāve 'pi dvayoḥ strīpuṃsayoḥ siddho mithunībhāva āvayor ity evaṃrūpāyāṃ saṃpratipattau satyām api grāhyaḥ | manuḥ |

paradārābhimarśeṣu pravṛtteṣu mahīpatiḥ |

udvejanakarair daṇḍaiś cihnayitvā pravāsayet ||

**[854]** tatsamuttho hi lokasya jāyate varṇasaṃkaraḥ |

yena mūlaharo 'dharmaḥ sarvanāśāya kalpate ||

bṛhaspatiḥ |

pāruṣyaṃ dvividhaṃ proktaṃ sāhasaṃ ca dvilakṣaṇam |

pāpamūlaṃ saṃgrahaṇaṃ triprakāraṃ nibodhata ||

balopādhikṛte dve tu tṛtīyam anurāgajam |

tat punas trividhaṃ proktaṃ prathamaṃ madhyamottamam ||

anicchantyā yat kriyate suptonmattapramattayā |

pralapantyā vā rahasi balātkārakṛtaṃ tu tat ||

chadmanā gṛham ānīya datvā vā madyakārmaṇam |

saṃyogaḥ kriyate yasyās tatd upādhikṛtaṃ viduḥ ||

anyonyacakṣūrāgeṇa dūrīsaṃpreṣaṇena ca |

kṛtaṃ rūpārthalobhena jñeyaṃ tadanurāgajam ||

rūpārthayor lobho rūpārthalobhaḥ | kārmaṇaṃ vaśīkaraṇam || 2.283 ||

**nīvīstanaprāvaraṇasakthikeśāvamarśanam |**

**adeśakālasaṃbhāṣaṃ sahaikasthānam eva ca || 2.284 ||**

saṃgrahaṇe grāhya ity anuvartate | yaḥ parastrīṇāṃ nīvyādisparśaṃ karoti, yatra deśe ca kāle ca parastriyā saha bāṣamāṇaḥ śiṣṭair na garhyate tato 'nyo deśaḥ kālaś cādeśakālam | tatra yaḥ parastrīsaṃbhāṣaṇaṃ kurute, yaś caikatra śayana āsane vā parastryā sahāvatiṣṭhate, sa pumān saṃgrahaṇe grāhyaḥ | nīvī paridhānagranthiḥ | kucayor āvaraṇaṃ stanaprāvaraṇam | sakthi jaghanam | vyāsaḥ |

saṃgrahas trividho jñeyaḥ prathamo madhyamas tathā |

uttamaś ceti śāstreṣu tasyoktaṃ lakṣaṇaṃ pṛthak ||

adeśakālasaṃbhāṣā araṇye ca parastriyā |

apāṅgaprekṣaṇaṃ hāsyaṃ pūrvasaṃgrahaṇaṃ smṛtam ||

manuḥ |

parasya patnyā saṃbhāṣaṃ puruṣo yojayan saha |

pūrvam ākṣārito doṣaiḥ prāpnuyāt pūrvasāhasam ||

(yas tv anākṣārito doṣair abhibhāṣeta kāraṇāt |

na doṣaṃ prāpnuyāt kiṃcin na hi tasya vyatikramaḥ || **[855]**

doṣais tatstrīprārthanādibhir aśastaiḥ |

preṣaṇaṃ gandhamālyānāṃ dhūpabhūṣaṇavāsasām | )

pralobhanaṃ cānnapānair madhyamaḥ saṃgrahaḥ smṛtaḥ ||

śayyāsane vivikte tu parasparasamāśrayaḥ |

keśākeśigrahaś caiva jñeya uttamasaṃgrahaḥ ||

viviktaṃ vijanam | bṛhaspatiḥ |

trayāṇām api caiteṣāṃ prathamo madhya uttamaḥ |

vinayaḥ kalpanīyaḥ syād adhiko draviṇādhike ||

vyāsaḥ |

upakāraḥ kriyā keliḥ sparśo bhūṣaṇavasasām |

saha śayyāsanaṃ caiva sarvaṃ saṃgrahaṇaṃ smṛtam ||

striyaṃ spṛśed adeśe yaḥ spṛṣṭo vā marṣayet tathā |

parasparasyānumataṃ sarvaṃ saṃgrahaṇaṃ smṛtam ||

nāradaḥ |

darpād vā yadi vā mohāc chlāghayā vā svayaṃ vadet |

pūrvaṃ mayeyaṃ bhukteti tac ca saṃgrahaṇaṃ smṛtam ||)

pāṇau yaś ca nigṛhṇīyād veṇyāṃ vastrāñcale 'pi vā |

tiṣṭha tiṣṭheti vā brūyāt sarvaṃ saṃgrahaṇaṃ smṛtam ||

śaṅkhalikhitau: "abuddhipūrvam alaṃkṛto yuvā paradāram anupraviśan kumārīṃ vāvacyaḥ | buddhipūrvaṃ tu duṣṭabhāvo daṇḍyaḥ" || 2.284 ||

**strī niṣedhe śataṃ dadyād dviśataṃ tu damaṃ pumān |**

**pratiṣedhe tayor daṇḍo yathā saṃgrahaṇe tathā || 2.285 ||**

yena puruṣeṇā saha striyāḥ saṃbhāṣaṇaṃ bhartrādibhiḥ pratiṣiddhaṃ tat tena saha samācarantī paṇaśataṃ daṇḍyā | evaṃ puruṣo 'pi paṇaśatadvayam | ubhayoḥ pratiṣiddham anyonyasaṃbhāṣaṇam ācarator yo vakṣyate saṃgrahaṇe daṇḍaḥ sa eva veditavyaḥ | manuḥ |

caturṇām api varṇānāṃ dārā rakṣyatamāḥ sadā |

bhikṣukā bandinaś caiva dīkṣitāḥ kāravas tathā ||

saṃbhāṣaṇaṃ saha strībhiḥ kuryur aprativāritaḥ |

na saṃbhāṣaṃ saha strībhiḥ pratiṣiddhaḥ samācaret ||

**[856]** niṣiddho bhāṣamāṇas tu suvarṇaṃ daṇḍam arhati |

naiṣa cāraṇadāreṣu vidhir nātmopajīviṣu ||

sajjayanti hi te nārīṃ nigūḍhāś cārayanti ca |

kiṃcid eva hi dāpyaḥ syāt saṃbhāṣaṃ tābhir ācaran ||

preṣyāsu caikabhaktās tu rahaḥ pravrajitāsu ca ||

bhikṣukādayo 'prativāritā aniṣiddhabhāṣaṇāḥ strībhiḥ saha saṃbhāṣeran | pratiṣiddhā na saṃbhāṣerann ity arthasiddham | tataś ca "na saṃbhāṣaṃ saha strībhiḥ" iti bhikṣukādivyatiriktapuruṣaviṣayo niṣedhaḥ | tadviṣaya eva ca suvarṇaṃ daṇḍam arhatīti daṇḍavidhiḥ | suvarṇaśabdo 'yaṃ parimāṇavacanaḥ | tathā hi sati jātiparimāṇayor uktiḥ | anyathā tu jāter eva | na cāparimāṇā jātir upāsīnāṅgaṃ bhavati | tataś ca paṇaśatadvayasya suvarṇasya ca daṇḍatvaṃ śaktyapekṣayā vyavasthāpyam | preṣyā dāsyādayaḥ | ekabhaktā avyabhicāriṇyaḥ | pravratijāsu ca naiṣa vidhir ity anvayaḥ | matsyapurāṇam |

bhikṣuko 'py atha vā nārī yo 'pi syāt tu kuśīlavaḥ |

praviśet pratiṣiddhas tu prāpnuyād dviśataṃ damam ||

yas tu saṃcārakas tatra puruṣaḥ sa tathā bhavet |

pāradārikavad daṇḍyo yaś ca syād avakāśadaḥ || 2.285 ||

**sajātāv uttamo daṇḍa ānulomye tu madhyamaḥ |**

**prātilomye vadhaḥ puṃso nāryāḥ karṇādikartanam || 2.286 ||**

sarveṣāṃ varṇānāṃ sajātau savarṇe yat saṃgrahaṇaṃ tatrottamasāhaso daṇḍaḥ | ānulomye brāhmaṇādeḥ kṣatriyādistryabhigamane tu madhyamsāhaso daṇḍaḥ | guptāṃ balād gacchataḥ etat | yad āha manuḥ,

sahasraṃ brāhmaṇo daṇḍaṃ dāpyo gupte tu te vrajan |

śūdrāyāṃ kṣatriyaviśoḥ sāhasro vai bhaved damaḥ ||

te kṣatriyāvaiśye | tathā |

agupte vaiśyarājanye śūdrāṃ vā brāhmaṇo vrajan |

śatāni pañca dāpyaḥ syāt sahasraṃ tv antyajastriyam ||

prātilomye hīnavarṇaḥ puruṣa uttamavarṇā strīty evaṃrūpe saṃgrahaṇe puṃso vadhaḥ | striyās tu karṇakaranāsauṣṭhacchedanaṃ kāryam | guptāyāṃ striyām etat | yad āha manuḥ |

**[857]** brāhmaṇīm yady aguptāṃ tu gacchetāṃ vaiśyapārthivau |

vaiśyaṃ pañcaśataṃ kuryāt kṣatriyaṃ tu sahasriṇam ||

ubhāv api tu tāv eva brāhmaṇyā guptayā saha |

viplutau śūdravad daṇḍyau dagdhavyau vā kaṭāgninā ||

śūdro guptam aguptaṃ vā dvaijātaṃ sarṇam āvasan |

aguptaikāṅgasarvasvī gupte sarveṇa hīyate ||

ekāṅgaṃ liṅgam, sarvena jīvitadhanenety arthaḥ | tathā ca śūdrasyānuvṛttau gautamaḥ: "āryastryabhigamane liṅgoddhāraḥ sarvaharaṇaṃ ca" | manuḥ |

vaiśyaś cet kṣatriyāṃ guptāṃ vaiśyāṃ vā kṣatriyo vrajet |

yo brāhmaṇyām aguptāyāṃ tāv ubhau daṇḍam arhataḥ ||

atyantaviplutāyām aguptāyāṃ kṣatriyāyāṃ vaiśyasya pañcaśatiko daṇḍo 'yam | aviplutāyāṃ guptāyāṃ vadhaḥ "prātolomye vadhaḥ" iti viśeṣavacanād uktaḥ | sajātau sāmānyenottamasāhaso daṇḍaḥ | tadapavādāya strīviśeṣe daṇḍāntaram āha nāradaḥ |

mātā mātṛṣvasā śvaśrūr mātulānī pitṛṣvasā |

pitṛvyasakhiśiṣyastrī bhaginī tatsakhī snuṣā ||

duhitācāryabhāryā ca sagotrā śaraṇāgatā |

rājñī pravrajitā dhātrī sādhvī varṇottamā ca yā ||

āsām anyatamāṃ gatvā gurutalpaga ucyate |

śiśnasyotkartanāt tatra nanyo daṇḍo vidhīyate ||

manuḥ |

pumān saṃdāhayet pāpaṃ śayane tapta āyase |

abhyādadyuś ca kāṣṭhāni tatra dahyeta pāpakṛt ||

brāhmaṇavyatiriktagurutalpagaviṣayam etat | tathāvidhaṃ brāhmaṇaṃ prati bṛhaspatir āha |

chadmanā kāmayed yas tu tasya sarvaharo damaḥ |

aṅkayitvā bhagāṅkena parān nirvāseyat tataḥ ||

sahamāyaḥ kāmayate dhanaṃ tasyākhilaṃ haret |

utkṛtya liṅgavṛṣaṇau bhrāmayed gardabhena tu || 2.286 ||

**[858]**

*prasaṅgāt kumārīviṣayam āha* |

**alaṃkṛtāṃ haran kanyām uttamaṃ tv anyathādhamam |**

**daṇḍaṃ dadyāt savarṇāṃ tu prātilomye vadhaḥ smṛtaḥ || 2.287 ||**

**samākāsv anulomāsu na doṣas tv anyathādhamaḥ |**

savarṇāṃ kumārīm alaṃkṛtāṃ harann uttamasāhasaṃ daṇḍaṃ dadyāt | analaṃkṛtāṃ tu prathamasāhasam | hīnavarṇasyottamavarṇāṃ kanyāṃ harato vadho daṇḍaḥ | uttamavarṇena hīnavarṇāsu sakāmāsu kanyāsv apahṛtāsu nāsty apahartur doṣaḥ | anyathā tv akāmāsv adhamaḥ prathamasāhasaḥ | etac cāpahāramātre daṇḍavidhānam || 2.287 ||

*kanyāṃ dūṣayato 'dhunā daṇḍam āha |*

**dūṣaṇe tu karaccheda uttamāyāṃ vadhas tathā || 2.288 ||**

yas tu kanyāyā aṅgulyā yonikṣataṃ kṛtvā dūṣaṇaṃ karoti, tasya karacchedo daṇḍaḥ | asmin doṣa uttamavarṇakanyāviṣaye dūṣayitur vadhaḥ | karaśabdo 'trāṅgulyāṃ vartate | ata eva manuḥ |

abhiṣahya tu yaḥ kanyāṃ kuryād darpeṇa mānavaḥ |

tasyāśu kartye aṅguḷyau daṇḍaṃ cārhati ṣaṭśatam ||

abhiṣahya prasahya, kanyāṃ ṣatayonitvena duṣṭāṃ kuryād ity arthaḥ | tasyāvilambenāṅgulyau kanyādūṣaṇahetubhūte karte chedye | tathā |

sakāmāṃ dūṣayaṃs tulyo nāṅgulīchedam arhati |

dviśataṃ tu damaṃ dāpyaḥ prasaṅgavinivṛttaye ||

tulyaḥ savarṇaḥ | prasaṅgo 'tiprasaṅgaḥ | yas tu maithunena kanyāṃ dūṣayati, taṃ praty āha manur eva |

yo 'kāmāṃ dūṣayet kanyāṃ sa sadyo vadham arhati |

sakāmāṃ dūṣayaṃs tulyo na vadhaṃ prāpnuyān naraḥ ||

akāmām anicchantīṃ kanyām akṛtavivāhāṃ cākṣatayoniṃ dūṣayati, sa brāhmaṇavyatiriktaḥ savarṇo 'savarṇo vā vadham arhati | brāhmaṇasya tu daṇḍaḥ kalpyaḥ | sakāmāṃ yadi tulyaḥ savarṇo 'bhigacchet tato 'sya na vadhaḥ | kiṃ tūttamasāhaso daṇḍaḥ |

kanyāṃ bhajantīm utkṛṣṭaṃ na kiṃcid api dāpayet |

jaghanyaṃ sevamānāṃ tu saṃyatāṃ vāsayed gṛhe || **[859]**

utkṛṣṭam utkṛṣṭavarṇam, jaghanyaṃ hīnavarṇam | savarṇa uttamagrahaṇena lakṣyate |

uttamāṃ sevamānas tu jaghanyo vadham arhati |

śulkaṃ dadyāt sevamānaḥ samām icchet pitā yadi ||

samāṃ savarṇāṃ sevamāna icchate tatpitre śulkaṃ dadyāt | nāradaḥ |

sakāmāyāṃ tu kanyāyāṃ savarṇe nāsty atikramaḥ |

kiṃ tv alaṃkṛtya saṃskṛtya sa evaināṃ samudvahet ||

śaṅkhalikhitau: "kanyāyām asakāmāyāṃ dvyaṅgulacchedo daṇḍaś cottamāyāṃ vadho jaghanyasya, samāyāṃ sakāmāyāṃ ca śulkam ābharaṇaṃ dviguṇaṃ ca strīdhanaṃ datvā pratipadyeta sva(sa)kanyām" | manuḥ |

kanyaiva kanyāṃ yā kuryāt tasyāḥ syād dviśato damaḥ |

śulkaṃ ca triguṇaṃ dadyāc chipāś caivāpnuyād daśa ||

ayam arthaḥ — yā kanyā kenāpi hetunāṅgulyādinā kanyāṃ kṣatayoniṃ kuryāt sā paṇaśatadvayaṃ rājñe dadyāt | tathā yac chulkaṃ mūlyaṃ kanyārhati, tattriguṇaṃ tasyai dūṣitāyai datvā daśa śiphāś cāpnuyāt | rajjuprahāro latāprahāro vā śiphā |

yā tu kanyā prakuryāt strī sā sadyo mauṇḍyam arhati |

aṅgulyor eva chedaṃ khareṇodvahanaṃ tathā ||

strī cātra kanyāvyatiriktā veditavyā | kanyāyāḥ pūrvam uktatvāt || 2.288 ||

*kiṃ ca* |

**śataṃ strīdūṣaṇe dadyād dve tu mithyābhiśaṃsitā |**

**paśuṃ gacchañ śataṃ dāpyo hīnastrīṃ gāṃ ca madhyamam || 2.289 ||**

striyāḥ kanyāyā dūṣaṇaṃ kṣatayonitvādikenākanyātvābhidhānam | tatkartuḥ paṇaśataṃ daṇḍaḥ | tad eva cen mithyā brūyāt paṇaśatadvayaṃ daṇḍyāḥ | govyatiriktaṃ paśuṃ gacchan paṇaśataṃ dāpyaḥ | antyajāṃ strīṃ gāṃ ca gacchato madhyamasāhaso daṇḍaḥ | hīnastrīṃ gacchato brāhmaṇavyatiriktasyāyaṃ daṇḍaḥ | brāhmaṇasya tu sahastram, "sahasraṃ tv antyajastriyam" itivacanāt | kanyādoṣān āha nāradaḥ |

dīrthakutsitarogārtā vyaṅgā sāsṛṣṭamaithunā |

dhṛṣṭānyagatabhāvā ca kanyādoṣāḥ prakīrtitāḥ || **[860]**

yat tu "dūṣayaṃs tu mṛṣā śatam" ity uktam, tad alpadhanaviṣayam || 2.289 ||

**avaruddhāsu dāsīṣu bhujiṣyāsu tathaiva ca |**

**gamyāsv api pumān dāpyaḥ pañcāśat paṇikaṃ damam || 2.290 ||**

yā dāsyaḥ svāmināvaruddhā niṣiddhapuruṣasevā yāś ca bhujiṣyāḥ svāminaivopabhujyante, tā yady api dāsatve saty ānulomyena gamyās tathāpi tadabhigantā pumān pañcāśatpaṇaṃ dāpyaḥ | gamyatvābhidhānaṃ cedaṃ na pratyavāyābhāvābhiprāyam | kiṃ tu daṇḍabhāvābhiprāyam | tena bhujiṣyām anavaruddhāṃ ca dāsīṃ gacchato nāsti daṇḍaḥ | nāradaḥ |

svairiṇy abrāhmaṇī veśyā dāsī niṣkāsinī ca yā |

gamyāḥ syur ānulomyena striyo na pratilomataḥ ||

āsv eva tu bhujiṣyāsu doṣaḥ syāt paradāravat |

gamyā api hi nopeyā yatas tāḥ saparigrahāḥ ||

vyāsaḥ |

paroparuddhāgamane pañcāśatpaṇiko damaḥ |

prasahya veśyāgamane daṇḍo daśapaṇaḥ smṛtaḥ ||

dvādaśako dvādaśapaṇaḥ | vyāsaḥ |

bahubhir bhuktapūrvā yā gacched yas tāṃ narādhamaḥ |

tasya veśyāvad icchanti daṇḍanaṃ na tu dāravat ||

kātyāyanaḥ |

kāmārtā svairiṇī yā tu svayam eva prakāmayet |

rājādeśena bhoktavyā vikhyāpya janasaṃnidhau || 2.290 ||

**prasahya dāsyabhigame daṇḍo daśapaṇaḥ smṛtaḥ |**

**bahūnāṃ yady akāmāsau caturviṃśatikaḥ pṛthak || 2.291 ||**

paradāsīṃ haṭhād abhigacchato daśapaṇo daṇḍaḥ | anicchantīṃ bahūnām abhigacchatāṃ pratyekaṃ caturviṃśatipaṇaḥ || 2.291 ||

**[861]**

**ayonau gacchato yoṣāṃ puruṣaṃ cādhi mehataḥ |**

**caturviṃśatiko daṇḍas tathā pravrajitāgame || 2.292 ||**

yaḥ punar ayonau mukhādau yoṣāṃ yoṣitaṃ gacchati, yaś ca puruṣam adhi puruṣasyopari mehaṃ mūtrapurīṣaṃ cotsṛjati, yaś ca pravrajitāṃ śramaṇikādikām upaiti, tasya caturviṃśatipaṇo daṇḍaḥ | catvāriṃśatpaṇo daṇḍa iti vā pāṭhe catvāriṃśatpaṇarūpaḥ || 2.292 ||

**antyābhigamane tv aṅkya kabandhena pravāsayet |**

**śūdras tathāṅkya eva syād antyasyāryāgame vadhaḥ || 2.293 ||**

iti strīsaṃgrahaṇaprakaraṇam || 24 ||

antyāś caṇḍālakṣatrāyogavastriyaḥ | tadabhigantāraṃ dvijātiṃ prāyaścittam akurvāṇaṃ kabandhena śirorahitena puṃsā lalāṭe 'ṅkayitvā svarāṣṭrāt pravāsayet | śūdras tu prāyaścittam kurvāṇo 'py aṅkya eva | antyasya candālāder uttamavarṇāṃ gacchato vadha eva | iti strīsaṃgrahaṇam || 2.293 ||

**iti śrīvidyādharavaṃśaprabhavaśrīśilāhāranarendrajīmūtavāhanānvayaprasūta-**

**śrīmadaparādityadevaviracite yājñavalkyadharmāstranibandhe 'parārke**

**strīsaṃgrahaṇaprakaraṇam || 24 ||**

**atha saṭīkayājñavalkyasmṛtau**

**prakīrṇakaprakaraṇam | (25)**

*adhunā prakīrṇākhyaṃ vivādapadaṃ prastauti |*

**ūnaṃ vāpy adhikaṃ vāpi yo likhed rājaśāsanam |**

**pāradārikacaurau vā muñcato daṇḍa uttamaḥ || 2.294 ||**

dattasya bhūmyāde rājanirdiṣṭaṃ yat parimāṇaṃ tac chāsane na likhati | kiṃ tu tato nyūnam adhikaṃ vā yaḥ śāsanalekhane 'dhikṛtaḥ sa likhet | yac (yaś) caurādigrahaṇe 'dhikārī cauraṃ pāradārikam anyaṃ vā daṇḍanīyaṃ gṛhītvā rājājñām antareṇa muñcet sa uttamasāhasaṃ daṇḍanīyaḥ | **[862]** śaṅkhalikhitau: "kūṭaśāsanaprayoge rājaśāsanapratiṣedhe kūṭatulāmānapratimānavyavahāre śārīro 'ṅgacchedo vā" | kātyāyanaḥ |

pramāṇena tu kūṭena mudrayā vāpi kūṭayā |

kāryaṃ tu sādhayed yo vai sa dāpyo dama uttamam ||

manuḥ |

kūṭaśāsanakartṝṃś ca prakṛtīnāṃ ca dūṣakān |

strībālabrāhmaṇaghnāṃś ca hanyād dviṭsevinas tathā ||

prakṛtayaḥ svāmyādirājyāṅgāni, dviṭsevino rājadveṣisevinaḥ | viṣṇuḥ: "kūṭaśāsanakṛtṝṃś ca rājanyāt kūṭalekhyakarāṃś ca" || 2.294 ||

**dvijaṃ pradūṣyābhakṣyeṇa daṇḍya uttamasāhasam |**

**kṣatriyaṃ madhyamaṃ vaiśyaṃ prathamaṃ śūdram ardhikam || 2.295 ||**

abhakṣyeṇa laśunādinā brāhmaṇaṃ dūṣayitvottamasāhasaṃ daṇḍyaḥ | kṣatriyaṃ dūṣayitvā madhyamasāhasam | vaiśyaṃ dūṣayitvā prathamasāhasam | śūdraṃ tu tadartham | daṇḍya ity anuvṛttau viṣṇuḥ: "abhakṣyeṇa brāhmaṇasya dūṣayitā ṣoḍaśa suvarṇān | jātyapahāriṇā śatam | surayā vadhyaḥ | kṣatriyaṃ dūṣayitus tadardham, vaiśyaṃ dūṣayitus tadardham api śūdraṃ dūṣayituḥ prathamasāhasam | jātibhraṃśakarasyābhakṣyasya bhakṣayitā vivāsyaḥ" || 2.295 ||

**kūṭasvarṇavyavahārī vimāṃsasya ca vikrayī |**

**tryaṅgahīnas tu kartavyo dāpyaś cottamasāhasam || 2.296 ||**

asuvarṇe suvarṇabuddhiṃ parasyotpādya yo vyavaharati, yaś ca viruddhaṃ viḍvarāhādimāṃsaṃ samīcīnamāṃsabuddhim utpādya vikrīṇīte, sa tribhir aṅgair nāsākarṇahastair hīnaḥ kāryaḥ | uttamasāhasaṃ ca daṇḍyaḥ | yatu tu manunoktam,

sarvakaṇṭakapāpiṣṭhaṃ hemakāraṃ tu pārthivaḥ |

pravartamānam anyāye chedayel lavaśaḥ kṣuraiḥ ||

tad brāhmaṇasuvarṇāpahārisuvarṇakāravixayam || 2.296 ||

*viṣayaviśeṣe daṇḍāpavādam āha* |

**catuṣpādakṛto doṣo nāpehīti prajalpataḥ |**

**kāṣṭhaloṣṭeṣu pāṣāṇavāhyayugyakṛtas tathā || 2.297 ||**

**[863]**

catuṣpādair yo'jāśvādibhiḥ kṛto manuṣyamāraṇādir aparādhas tadvāhakasya daṇḍanimittaṃ bhavati | yady asāv uccair apehīti paraṃ prati brūyāt, kāṣṭhādi vyāpārayataś cāpehīty uccair bhāṣamāṇasya kāṣṭhādikrto 'parādho daṇḍanimittaṃ na bhavati | loṣṭo mṛtpiṇḍaḥ | iṣur bāṇaḥ | yugyaṃ yānam || 2.297 ||

**chinnanasyena yānena tathā bhagnayugādinā |**

**paścāc caivāpasaratā hiṃsane svāmyadoṣabhāk || 2.298 ||**

balīvardanāsikārpitā rajjur nasyā, sā chinnā yatra yāne tac chinnanasyaṃ yānam | tathā bhagnaṃ yugādi yasya tat tathoktam | ādiśabdena cakrākṣādīni yānāṅgāni gṛhyante | tenoktaprakāreṇa yānena paścād apasaratā kṛte prāṇihiṃsane svāmī na doṣabhāg bhavati | cakārāt paścād apasaraṇavyatiriktā ap yānasya gatayaḥ parigṛhyante | svāmigrahaṇaṃ pradarśanārtham | tena sārathyādir api na doṣabhāk | manuḥ |

chinnanasye bhagnayuge tiryakpratimukhāgate |

akṣābhāve ca yānasya cakrābhāve tathaiva ca ||

chedane caiva yantrāṇāṃ yoktṛraśmyos tathaiva ca |

ākrande cāpy apehīti na daṇḍaṃ manur abravīt ||

yatrāpavartate yugyaṃ vaiguṇyāt prājakasya tu |

tatra svāmī bhaved daṇḍyo hiṃsāyāṃ dviśataṃ damam ||

prājakaḥ sārathiḥ | svāmī rathī |

prājakaś ced bhaved āptaḥ prājako daṇḍam arhati |

yugyasthāḥ prājake 'nāpte sarve daṇḍyāḥ śataṃ śatam ||

āpto nivāraṇasamarthaḥ | anāpte tu tasmin yugasthā yānasthāḥ sarve pratyekaṃ śataṃ daṇḍyāḥ | tathā |

sa cet tu pratisaṃruddhaḥ paśubhir vā rathena vā |

pramāpayet prāṇabhṛtas tatra daṇḍo vicārataḥ ||

manuṣyamāraṇe kṣipraṃ cauravat kilbiṣaṃ bhavet |

prāṇabhṛtsu mahatsv ardhaṃ gogajoṣṭrahayādiṣu ||

**[864]** kṣudrakāṇāṃ paśūnāṃ tu hiṃsāyāṃ dviśato damaḥ |

pañcāśat tu bhaved daṇḍaḥ śubheṣu mṛgapakṣiṣu ||

gardabhājāvikānāṃ tu daṇḍaḥ syāt pañcamāṣakaḥ |

māṣakas tu bhaved daṇḍaḥ śvasūkaranipātane || 2.298 ||

**śakto 'py amokṣayan svāmī daṃṣṭriṇāṃ śṛṅgiṇāṃ tathā |**

**prathamaṃ sāhasaṃ dadyād vikruṣṭe dviguṇaṃ tathā || 2.299 ||**

daṃṣtriṇāṃ gajādīnāṃ śṛṅgiṇāṃ balīvardādīnāṃ svāmī prāṇivyāpādane pravartamānānāṃ tannivāraṇe śaktaḥ san yo na nivārayati, tasya prathamasāhaso daṇḍaḥ | yas tu vyāpādyamānena trāyasveti vikruṣṭe 'pi na nivārayati tasya pūrvoktād dviguṇo daṇḍaḥ || 2.299 ||

**jāraṃ caurety abhivadan dāpyaḥ pañcaśataṃ damam |**

**upajīvya dhanaṃ muñcaṃs tad evāṣṭaguṇīkṛtam || 2.300 ||**

yas tu svakīyastrīṇāṃ doṣaṃ pracchādayitukāmas tajjāraṃ cauratvenābhivadati, tasya pañca śatāni yaasya sa pañcaśataḥ [daṇḍaḥ] | yas tu jārād dravyaṃ gṛhītvā taṃ rājany anivedya muñcati, sa gṛhītaṃ dhanam aṣṭaguṇaṃ dāpyaḥ || 2.300 ||

*kiṃ ca* |

**rājño 'niṣtapravaktāraṃ tasyaivākrośakāriṇam |**

**tanmantrasya ca bhettāraṃ chittvā jihvāṃ pravāsayet || 2.301 ||**

rājño janapadādipālakasya yad aniṣṭam apriyaṃ śatrupraśaṃsādi tasyātiśayena vaktāram, tathā rājaviṣayasyākrośasya śapathasya kartāram, tadīyamantrasya ca saṃdhivigrahādiviṣayasya bhettāraṃ prakāśayitāraṃ chinnajihvaṃ kṛtvā pravāsayet | manuḥ |

rājñaḥ kośāpahartṝṃś ca pratikūleṣu ca sthitān |

ghātayed vividhair daṇḍair arīṇāṃ copajāpakān ||

upajāpakā upodbalakāḥ | vividhair daṇḍair iti | yathāparādhaṃ sarve 'pi daṇḍāḥ prayoktavyā ity arthaḥ | tatra sarvasvāpahāre jīvikāsādhanaṃ nāpahāryam ity āha nāradaḥ |

āyudhāny āyudhīyānāṃ bāhyādīn bāhyajīvinām |

veśastrīṇām alaṃkārān ātodyādīni tadvidām ||

**[865]** yaś (yac) ca yasyopakaraṇaṃ yena jīvanti kāravaḥ |

sarvasvaharaṇe 'py etan na rājā hartum arhati || 2.301 ||

**mṛtāṅgalagnavikretur guros tāḍayitus tathā |**

**rājayānāsanāroḍhur daṇḍo madhyamasāhasaḥ || 2.302 ||**

śavālaṃkaraṇāya tadaṅgalagnaṃ vastrādi vikrīṇānasya gurumuktalakṣaṇaṃ tāḍayataḥ (pa)harato (?) rājño yānāsanayos tadājñām antareṇāroḍhur madhyamasāhaso daṇḍaḥ || 2.302 ||

**dvinetrabhedino rājadviṣṭādeśakṛtas tathā |**

**vipratvena tu śūdrasya jīvato 'ṣṭaśato damaḥ || 2.303 ||**

yo dve api netre roṣāt parasya bhinatti, yaś ca rājadviṣṭasyājñākārī, yaś ca śūdro vipraliṅgena jīvati, tasyāṣṭau śatāni daṇḍaḥ | vipratvena jīvatā śūdreṇa yadi dvijātibhiḥ saha brāhmo yonau vā saṃbandha ācaritas tadāsau vadhya eva |

tān sarvān ghātayed rājā śūdrāṃś ca dvijaliṅginaḥ |

iti manuvacanam | yat tu "śūdrasya vipraveśadhāriṇas taptaśalākayā yajñopavītaṃ dadyād vapuṣy api likhet" iti smṛtyantaravacanam, tac chrāddhabhojanavaiśvadevādikaṃ smārtaṃ karma parārthaṃ kurvato draṣṭavyam | manuḥ |

yo lobhād adhamo jātyā jīved utkṛṣṭakarmabhiḥ |

taṃ rājā nirdhanaṃ kṛtvā kṣipram eva pravāsayet ||

kṣatriyavaiśyaviṣayam etat || 2.303 ||

*sarvavyavahāraśeṣatayā kiṃcid āha* |

**samyag dṛṣṭvā tu durdṛṣṭān vyavahārān nṛpeṇa tu |**

**sabhyāḥ sajayino daṇḍyā vivādād dviguṇaṃ pṛthak || 2.304 ||**

ye durdṛṣṭā lobhādivaśād ayathāśāstraṃ dṛṣṭā vyavahārās tān punaḥ samyag dṛṣṭvā rājñā pūrvasabhāś tatra ca yo jayī vādī tena sahitāḥ pratyekaṃ parājitasya yo daṇḍas tato dviguṇaṃ daṇḍaṃ daṇḍanīyāḥ | **[866]**

sabhyāḥ pṛthak pṛthag daṇḍyā vivādād dviguṇaṃ damam |

ity uktam, tad danavivādaviṣayam | idaṃ tu tadvyatiriktaviṣayam iti na paunaruktyam | yadā tu sākṣidoṣākruṣṭaduṣṭo vyavahāraḥ syān na tadā sabhyadaṇḍas teṣāṃ tatrāhetutvāt | yadā tu vivādādisabhyasabhāpatisākṣivaśād asamīcīno vyavahāraḥ syāt tadā sarveṣāṃ leśataḥ pratyavāyasamavāyaḥ syāt | tad uktam |

pādo 'dharmasya kartāraṃ pādaḥ sākṣiṇam ṛcchati |

pādaḥ sabhāsadaḥ sarvān pādo rājānam ṛcchati || 2.304 ||

*nyāyataḥ parājitasya vādino nyāyadarśanopāyam āha* |

**yo manyetājito 'smīti nyāyenāpi parājitaḥ |**

**tam āyāntaṃ punar jitvā dāpayed dviguṇaṃ damam || 2.305 ||**

yo vādī śāstrataḥ parājito 'pi nāhaṃ parājito 'smīti manyate, taṃ punar vyavahāradarśanāyāyāntam āgataṃ punar vyavahāradarśanena jitvā dviguṇaṃ damam dāpayet | dviguṇadamāṅgīkāre saty eva tadīyo vyavahāraḥ punar draṣṭavyo nānyatheti tātparyārthaḥ | ata eva nāradaḥ |

tīritaṃ cānuśiṣṭaṃ ca yo manyeta vidharmataḥ |

dviguṇaṃ daṇḍam āsthāya tat kāryaṃ punar uddharet ||

ayam arthaḥ — yat tasya parājayahetulikhitaṃ tīritaṃ yaś (yac) ca tasya daṇḍanaṃ tad anuśiṣṭaṃ tad ubhayaṃ vidharmato dharmaśāstravirodhato jātam iti yo manyate, sa dviguṇaṃ daṇḍam aṅgīkṛtya vyavahāradaeśanaṃ punaḥ kārayed iti | yadi punar dviguṇadaṇḍā[na]ṅgīkāro vādina 'sti, tadā pūrvadṛṣṭaṃ naiva cālanīyam ity āha |

tīritaṃ cāniśiṣṭaṃ ca yatra kvacana vidyate |

kṛtaṃ tad dharmato jñeyaṃ na tat prājño nivartayet || iti || 2.305 ||

**rājñānyāyena yo daṇḍo gṛhīto varuṇāya tam |**

**nivedya dadyād viprebhyaḥ svayaṃ triṃśadguṇīkṛtam || 2.306 ||**

iti prakīrṇaprakaraṇam || 25 ||

yadā tu rājñānyāyena nyāyātikrameṇa kuto 'pi daṇḍo gṛhītas taddaṇḍadhanaṃ **[867]** tasmai datvā tatas triṃśadguṇaṃ varuṇāya nivedya varuṇam uddiśya svayaṃ tyaktvā brāhmaṇebhyo dadyat | brāhmaṇeṣu pratipādayed ity arthaḥ || 2.306 ||

**iti śrīvidyādharavaṃśaprabhavaśrīśilāhāranarendrajīmūtavāhanānvayaprasūta-**

**śrīmadaparādityadevaviracite yājñavalkyadharmāstranibandhe 'parārke**

**prakīrṇaprakaraṇam || 25 ||**

**samāpto 'yaṃ vyavahārādhyāyo dvitīyaḥ \\**