

APASTAMBA PRASNA I, PATALA 9, KHANDA 24.

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1. He who has killed a Kshatriya shall give a thousand cows (to Brahmanas) for the expiation of his sin.

[24. 1. Manu XI, 128; Yagn. III, 266. Others explain the phrase vairayatanartham, 'for the expiation of his sin,' thus: 'He, who is slain by anybody, becomes, in dying, an enemy of his slayer (and thinks), "O that I might slay him in another life," for the removal of this enmity!'--Haradatta. I am strongly inclined to agree with the other commentator, and to translate vairayatanartham, 'in order to remove the enmity.' I recognise in this fine a remnant of the law permitting compositions for murder which was in force in ancient Greece and among the Teutonic nations. With the explanation adopted by Haradatta, it is impossible to find a reasonable interpretation for prayaskittirthah, Sutra 4. Haradatta, seduced by the parallel passage of Manu, takes it to be identical with vairayatanartham. I propose to translate our Sutra thus: 'He who has killed a Kshatriya shall give a thousand cows (to the relations of the murdered man) in order to remove the enmity.' According to Baudhayana I, 10. 19. 1 (compare Zeitschr. d. D. Morg. Ges., vol. 41, pp. 672-76; Festgruss an Roth, pp. 44-52), the cows are to be given to the king.]

2. (He shall give) a hundred cows for a Vaisya,

3. Ten for a Sudra,

4. And in every one (of these cases) one bull (must be given) in excess (of the number of cows) for the sake of expiation.

5. And if women of the (three castes mentioned have been slain) the same (composition must be paid).

6. He who has slain a man belonging to the two (first-mentioned castes) who has studied the Veda, or had been initiated for the performance of a Soma-sacrifice, becomes an Abhisasta.

7. And (he is called an Abhisasta) who has slain a man belonging merely to the Brahmana caste (though he has not studied the Veda or been initiated for a Soma-sacrifice),

[2. Manu XI, 130. Yagn. III, 267.

3. Manu XI, 131. Yagn. III, 267.

6. Manu XI, 87. Abhisasta means literally 'accused, accursed,' and corresponds in Apastamba's terminology to the mahapatakin of Manu and Yagnavalkya, instead of which latter word Manu uses it occasionally, e.g. II, 185.]

8. Likewise he who has destroyed an embryo of a (Brahmana, even though its sex be) undistinguishable,

9. Or a woman (of the Brahmana caste) during her courses.

10. (Now follows) the penance for him (who is an Abhisasta).

11. He (himself) shall erect a hut in the forest, restrain his speech, carry (on his stick) the skull (of the person slain) like a flag, and cover the space

from his navel to his knees with a quarter of a piece of hempen cloth.

12. The path for him when he goes to a village, is the space between the tracks (of the wheels).

13. And if he sees another (Arya), he shall step out of the road (to the distance of two yards).

14. He shall go to the village, carrying a broken tray of metal of an inferior quality.

15. He may go to seven houses only, (crying,) 'Who will give alms to an Abhisasta?'

16. That is (the way in which he must gain) his livelihood.

17. If he does not obtain anything (at the seven houses), he must fast.

18. And (whilst performing this penance) he must tend cows.

19. When they leave and enter the village, that is the second occasion (on which he may enter) the village.

[9. 'Others interpret atreyi, "during her courses," by "belonging to the race of Atri."--Haradatta.

11. Others say that he may carry the skull of any corpse. This Sutra is to be construed with Sutra 114, Sutras 12 and 13 being inserted parenthetically.--Haradatta. Manu XI, 72-78; Yagn. III, 243.]

20. After having performed (this penance) for twelve years, he must perform the ceremony known (by custom), through which he is re-admitted into the society of the good.

21. Or (after having performed the twelve years' penance), he may build a hut on the path of robbers, and live there, trying to take from them the cows of Brahmanas. He is free (from his sin), when thrice he has been defeated by them, or when he has vanquished them.

22. Or he is freed (from his sin), if (after the twelve years' penance) he bathes (with the priests) at the end of a horse-sacrifice.

23. This very same (penance is ordained) for him who, when his duty and love of gain come into conflict, chooses the gain.

24. If he has slain a Guru or a Brahmana, who has studied the Veda and finished the ceremonies of a Soma-sacrifice, he shall live according to this very same rule until his last breath.

25. He cannot be purified in this life. But his sin is removed (after death).

[20. 'I.e. after having performed the penance, he shall take grass and offer it to a cow. If the cow approaches and confidently eats, then one should know that he has performed the penance properly not otherwise.'--Haradatta. Manu XI, 195 and 196.

21. Manu XI, 81.--Thus Haradatta, better, 'when-thrice he has fought with them,' see the Pet. Dict. s. v. radh.

22. Manu XI, 83; Weber, Ind. Stud. X, 67.

23. 'Or the Sutra may have reference to unrighteous gain acquired by false testimony and the like.'--Haradatta.

24. 'Guru means "the father and the rest."--Haradatta.

25. 'His sin is removed after death. Hence the meaning is that his sons or other (relations) may perform the funeral ceremonies and the like. But others think that the first part of the Sutra forbids this, and that the meaning of

pratvapattih (can be purified) is "connection by being received as a son or other relation."--Haradatta.]

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