

Apastamba Prasna 2, Patala 6, Khanda 13

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1. Sons begotten by a man who approaches in the proper season a woman of equal caste, who has

[13. 1. 'Sastravihita (translated by "who has been married to him legally") means either "married according to the rites prescribed in the Sutras," or "possessed of the qualities (which have been described) by (the rule of) the Satras, He shall not give his daughter to a man of the same Gotra," and in similar (passages). Haradatta. See also Colebrooke, Digest, Book V, Text cxcix.]

not belonged to another man, and who has been married legally, have a right to (follow) the occupations (of their castes),

2. And to (inherit the) estate,

3. If they do not sin against either (of their parents).

4. If a man approaches a woman who had been married before, or was not legally married to him, or, belongs to a different caste, they both commit a sin.

5. Through their (sin) their son also becomes sinful.

6. A Brahmana (says), 'The son belongs to the begetter.'

7. Now they quote also (the following Gatha from the Veda): '(Having considered myself) formerly a father, I shall not now allow (any longer) my wives (to be approached by other men), since they have declared that a son belongs to the begetter in the world of Yama. The giver of the seed carries off the son after death in Yama's world; therefore they guard

[3. Another (commentator) says, 'Neither of the parents shall pass them over at (the distribution of) the heritage. Both (parents) must leave their property to them.'--Haradatta. The text of the Sutra admits of either explanation.

6. See also Manu IX, 32 seq., where the same difference of opinion occurs.

7. According to Haradatta this Gatha gives the sentiments of a husband who neglected to watch his wives, and who had heard from those learned in the law that the sons or his unfaithful wives would in the next world belong to their natural fathers, and that he would not derive any spiritual benefit from their oblations. He adds that this verse does not refer to or prevent the appointment of a eunuch's wife or of a childless widow to a relation. He also quotes a passage from the Sruta-sutra 1, 9, 7, in which the dvipiti, 'the son of two fathers,' is mentioned. But Haradatta's view cannot be reconciled with the statements made below, II, 10, 27, 2-7, where the Niyoga, is plainly forbidden. Baudhiyana, who (II, 2, 3, 34) quotes the same Gatha, reads in the first line the vocative 'ganaka' instead of the nominative 'ganakah,' and in the fifth line 'pare bigani' instead of 'parabigani.' The commentator Govindasvamin adds that the verses are addressed by the Rishi Aupaganghani to king Ganaka of Videha. The translation of the first line must therefore run thus: 'O Ganaka, now I am jealous of my wives, (though I was) not so formerly,' &c. Baudhayana's

readings are probably the older ones, and Govindasvamin's explanation the right one. See also Colebrooke, Digest, Book V, Text ccli.]

their wives, fearing the seed of strangers. Carefully watch over (the procreation of) your children, lest stranger seed be sown on your soil. In the next world the son belongs to the begetter, an (imprudent) husband makes the (begetting of) children vain (for himself).'

8. Transgression of the law and violence are found amongst the ancient (sages).

9. They committed no sin on account of the greatness of their lustre.

10. A man of later times who seeing their (deeds) follows them, falls.

11. The gift (or acceptance of a child) and the right to sell (or buy) a child are not recognised.

12. It is declared in the Veda that at the time of marriage a gift, for (the fulfilment of) his wishes, should be made (by the bridegroom) to the father [11. Haradatta thinks that, as most other Smritis enumerate the adopted son, and 'the son bought' in their lists of substitutes for lawful sons of the body, Apastamba's rule can refer only to the gift or sale of an eldest son, or to the gift or sale of a child effected by a woman. Though it is possible that he may be right in his interpretation, it remains a remarkable fact that Apastamba does not mention the 'twelve kinds of sons,' which are known to other Smritis.

12. This Sutra seems to be directed against Vasishtha I, 36.]

of the bride, in order to fulfil the law. 'Therefore he should give a hundred (cows) besides a chariot; that (gift) he should make bootless (by returning it to the giver).' In reference to those (marriage-rites), the word 'sale' (which occurs in some Smritis is only used as) a metaphorical expression; for the union (of the husband and wife) is effected through the law.

13. After having gladdened the eldest son by some (choice portion of his) wealth,