

CHAPTER 7

WHY LAWLESSNESS IS LAWFUL?

The foregoing discussion must have made clear two things which must be borne in mind. One is the sharp division between the touchables and untouchables, the other is the deep antagonism between the two.

Every village has two parts, the quarters of the touchables and the quarters of the untouchables. Geographically the two are separate. There is always appreciable distance between the two. At any rate there is no contiguity or proximity between them. The untouchables quarters have a distinct name such as Maharwada, Mangwada, Chamrotti, Khatkana, etc. *De jure* for the purposes of Revenue Administration or Postal Communication, the quarters of the untouchables are included in the village. But *de-facto* it is separate from the village. When the Hindu resident of a village speaks of the village he means to include in it only the caste Hindu residents and the locality occupied by them. Similarly when the untouchable speaks of the village he means to exclude from it the untouchables and the quarters they occupy. Thus in every village the touchables and untouchables form two separate groups. There is nothing common between them. They do not constitute a folk. This is the first thing which must be noted.

The second thing to note with regard to this division of the village into two groups is that these groups are real corporations which no one included within them can escape. As has been well said the American or European belongs to groups of various kinds, but he “joins” most of them. He of course is born into a family, but he does not stay in it all his life unless he pleases. He may choose his own occupation, residence, wife, political party, and is responsible generally speaking for no one’s acts but his own. He is an “individual” in

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a much fuller sense because all his relationships are settled by himself for himself. The touchables or untouchables are in no sense individuals because all or nearly all of his relationship are fixed when he is born in a certain group. His occupation, his dwelling, his gods and his politics are all determined for him by the group to which he belongs. When the touchables and untouchables meet they meet not as man to man, individual to individual but as members of groups or as nationals of two different States.

This fact has an important effect upon the mutual relationship between the touchables and untouchables in a village. The relationship resembles the relationship between different clans in primitive society. In primitive society the member of the clan has a claim, but the stranger has no standing. He may be treated kindly, as a guest, but he cannot demand "justice" at the hands of any clan but his own. The dealing of clan with clan is a matter of war or negotiation, not of law; and the clanless man is an 'outlaw', in fact as well as in name and lawlessness against the strangers is therefore lawful. The untouchable not being a member of the group of touchables is a stranger. He is not a kindred. He is an outlaw. He cannot claim justice. He cannot claim rights which the touchable is bound to respect.

The third thing to note is that the relationship between the two, the touchables and the untouchables, has been fixed. It has become a matter of status. This status has unmistakably given the untouchables a position of inferiority vis-a-vis the touchables. This inferiority is embodied in a Code of Social conduct to which the untouchables must conform. What kind of a code it is, has already been stated. The untouchable is not willing to conform to that Code. He is not prepared to render unto Ceasar what belongs to Ceasar. The untouchable wants to have his relationship with the touchables by contract. The touchable wants the untouchables to live in accordance with the rules of status and not rise above it. Thus the two halves of the village, the touchables and the untouchables are now struggling for resettling what the touchable thinks is settled for ever. The conflict is centered round one question—What is to be the basis of this relationship? Shall it be contract or shall it be status?

This raises some very interesting questions. How did the untouchables come to have the status of the lowliest and the low? Why has the Hindu cultivated this hostility and contempt for the untouchables? Why does the Hindu indulge in lawlessness in suppressing the untouchables as though such lawlessness is lawful?

To give an adequate answer to these questions one has to go to the law of the Hindus. Without a working knowledge of the rules of the

Hindu Law, it would be impossible to give any satisfactory answer to this question. For our purpose, it is not necessary to cover the whole field of Hindu Law in all its branches. It is enough to know that branch of the Hindu law which may be called the law of persons—or to put it in non-technical language—that part of the Hindu law which deals with differences of right, duty or capacity which result from differences of status.

It is therefore proposed to give a catalogue of the rules of the Hindu Law which relate to the law of persons. These rules are collected from the Law Books of Manu, Yajnavalkya, Narada, Vishnu, Katyayana etc. who are some of the principal law givers recognised by the Hindus as persons having authority to lay down the law. A mere reproduction of the rules however interesting cannot be helpful in enabling a person who goes through them to have an idea of the basic conceptions which underlie the Hindu Law of Persons. For that purpose mere reproduction of the rules will not do. Some order is evidently necessary. What is therefore done is to group these rules under certain heads. The whole thing is cast in the form of a digest divided into sections, each section being an assembly of rules dealing with one definite matter.

DIFFERENT CLASSES : THEIR ORIGIN AND THEIR DUTIES

1. This (Universe) existed in the shape of Darkness, unperceived destitute of distinctive marks, untenable by reasoning, unknowable, wholly immersed, as it were in a deep sleep.”
2. Then the divine self existent (Svayambhu, himself) indiscernible (but) making (all) this, the great elements and the rest, discernible, appeared with irresistible (creative) power, dispelling the darkness.
3. But for the sake of the prosperity of the worlds, he caused the Brahmana, the Kshatriya, the Vaishya, and the Shudra to proceed from his mouth, his arms, his thighs and his feet.
4. But in order to protect this Universe He, the most resplendant one, assigned separate (duties and) occupations to those who sprang from his mouth, arms, thighs and feet.
5. To the Brahmans he assigned teaching and studying (the veda), sacrificing (performing sacrificial ceremonies) for their own benefit and for others, giving and accepting (of alms).
6. The Kshatriya he commanded to protect the people, to bestow gifts, to offer sacrifices, to study (the Veda), and to abstain from attaching himself to sensual pleasures.

(I) Manu 1.5; (2) *Ibid.*, 1.6; (3) *Ibid.*, 1.31; (4) *Ibid.*, 87; (5) *Ibid.*, 1.88; (6) *Ibid.*, 1.89.

7. The Vaishya to tend cattle, to bestow gifts, to offer sacrifices, to study (the Veda), to trade, to lend money and to cultivate the land.
8. One occupation only the lord prescribed to the Shudra, to serve meekly even these (other) three castes.
9. A student, an apprentice, a hired servant, and fourthly, an official: these must be regarded as labourers. Slaves are those who are born in the house and the rest.
10. The Sages have distinguished five sorts of attendants according to law. Among these are four sorts of labourers (mentioned above). The slaves (are the fifth category, of which there are) fifteen species.
11. One born at (his master's) house; one purchased; one received (by gift); one obtained by inheritance; one maintained during a general famine; one pledged by his rightful owner.
12. One released from a heavy debt; one made captive in a fight; one won through a wager; one who has come forward declaring 'I am thine' an apostate from asceticism; one enslaved for a stipulated period.
13. One who has become a slave in order to get a maintenance; one enslaved on account of his connection with a female slave; and oneself sold. These are fifteen classes of slaves as declared in law.
14. Among these the four named first cannot be released from bondage, except by the favour of their owners. Their bondage is hereditary.
15. The Sages have declared that the state of dependence is common to all these; but that their respective position and an income depends on their particular caste & occupation.

EQUALITY BEFORE LAW

1. When two persons abuse each other, their punishment shall be equal if they are equals in caste; if one is inferior to the other, his punishment shall be double; for a superior, half (of the ordinary punishment) is ordained.
2. When persons equal in caste and qualities abuse one another, the punishment ordained for them in the system of law is thirteen Panas and a half.
3. For a Brahman abusing a Kshatriya, the fine shall be half a hundred (Fifty Panas); for abusing a Vaishya, half of fifty (twenty-five Panas); for abusing a Shudra, twelve & a half.

(7) *Manu* 1.90; (8) *Ibid.*, 1.91; (9) *Narad* V. 3; (10) *Ibid.*, V.2; (11) *Ibid.*, V.26; (12) *Ibid.*, V.27; (13) *Ibid.*, V.28; (14) *Ibid.*, V. 29; (15) *Ibid.* V. 4.

(1) *Brihaspati* XX.5; (2) *Ibid.*, XX.6; (3) *Ibid.*, XX.7.

4. This punishment has been declared for (abusing) a virtuous Shudra who has committed no wrong; no offence is imputable to a Brahman for abusing (a Shudra) devoid of virtue.
5. A Vaishya shall be fined a hundred (Panas) for reviling a Kshatriya, a Kshatriya reviling a Vaishya shall have to pay half of that amount as a fine.
6. In the case of a Kshatriya reviling a Shudra, the fine shall be twenty Panas; in the case of a Vaishya, the double amount is declared to be the proper fine by persons learned in law.
7. A Shudra shall be compelled to pay the first fine for abusing a Vaishya; the middling fine (for abusing) a Kshatriya; the highest fine (for abusing) a Brahman.
8. A Kshatriya having defamed a Brahmana shall be fined one hundred (panas); a Vaishya one hundred and fifty or two hundred; a Shudra shall suffer corporal punishment.
9. A Brahmana shall be fined fifty (panas) for defaming a Kshatriya; in (the case of) a Vaishya the fine shall be twenty-five panas; in (the case of) a Shudra twelve.
10. A once born man (a Shudra), who insults a twice born man with gross invective, shall have his tongue cut out; for he is of low origin.
11. If he mentions the names and castes (Jati) of the (twice-born) with contumely an iron nail, ten fingers long, shall be thrust red hot into his mouth.
12. If he arrogantly teaches Brahmans their duty, the King shall cause hot oil to be poured into his mouth and into his ears.
13. For mutual abuse by a Brahmana and a Kshatriya a fine must be imposed by a discerning (King), on the Brahmana the lowest amercement, but on the Kshatriya the middle most.
14. With whatever limb a man of a low caste does hurt to (a man of three) highest (castes) even that limb shall be cut off; that is the teaching of Manu.
15. He (low caste man) who raises his hand or a stick, shall have his hand cut off; he who in anger kicks with his foot, shall have his foot cut off.
16. A low caste man who tries to place himself on the same seat with a man of a high caste, shall be branded on his hip and be banished, or (the King) shall cause his buttock to be gashed.

(4) Brahaspati XX.8: (5) *Ibid.*, XX.9: (6) *Ibid.*, XX. 10: (7) *Ibid.*, XX.11: (8) Manu VIII.267: (9) *Ibid.* 268: (10) *Ibid.*, VIII.270: (II) *Ibid.*, VIII.271: (12) *Ibid.*, VIII.272: (13) *Ibid.*, VIII.276: (14) *Ibid.*, VIII.279: (15) *Ibid.*, VIII.280: (16) *Ibid.*, VIII.281.

17. If out of arrogance he spits (on a superior) the King shall cause both his lips to be cut off, if he urinates (on him), the penis; if he breaks wind (against him) the anus.
18. If he lays hold of the hair (of a superior), let the (King) unhesitatingly cut off his hands, likewise (if he takes him by the feet) the beard, the neck or the scrotum.

STATUS, DIGNITY AND POSITION OF EACH CLASS

1. Man is stated to be purer above the navel (than below); hence the self existent (Swayambhu) has declared the purest (part) of him to be his mouth.
2. As the Brahmana sprang from the mouth, as he was the first-born and as he possesses the Veda, he is by right the lord of his whole creation.
3. For the self existent (Swayambhu) having performed austerities, produced him first from his own mouth, in order that the offerings might be conveyed to the gods and manes and that this universe might be preserved.
4. What created being can surpass him, through whose mouth the gods continually consume the sacrificial viands and the manes the offerings of the dead.
5. Of created beings the most excellent are said to be those who are animated; of the animated, those who subsist by intelligence; of the intelligent mankind, and of men the Brahmanas.
6. A Brahmana coming into existence is born as the highest on earth, the lord of all created things.
7. Whatever exists in the world is the property of the Brahmana; on account of the excellence of his origin the Brahmana is indeed, entitled to all.
8. A Brahmana be he ignorant or learned is a great divinity, just as the fire, whether carried forth (for the performance of a burnt oblation) or not carried forth, is a great divinity.
9. Thus though Brahmans employ themselves in all (sorts of) mean occupations, they must be honoured in every way; for (each of) them is a great divinity.
10. But let (the father perform or) cause to be performed the Namadheya (the right of naming the child) on the tenth or twelfth (day after birth), or on a lucky lunar day, in a lucky Muhurta, under an auspicious constellation.

(17) Manu V111.282: (18) *Ibid.*, VIII.283.

(1) Manu 1.92: (2) *Ibid.*, 1.93: (3) *Ibid.*, 1.94: (4) *Ibid.*, 1.95: (5) *Ibid.*, 1.96: (6) *Ibid.*, 1.99: (7) *Ibid.*, 1.100: (8) *Ibid.*, IX.317: (9) *Ibid.*, IX.319: (10) *Ibid.* 11.30.

11. Let (the first part of) a Brahman's name (denote something) auspicious, a Kshatriya's be connected with power, and a Vaishya's with wealth, but a Shudra's (express something) contemptible.
12. (The second part of) a Brahmana's (name) shall be (a word) implying happiness, of a Kshatriya's (a word) implying protection, of a Vaishya's (a term) expressive of thriving and of a Shudra's (an expression) denoting service.
13. Let him (a Brahmana) not dwell in a country where the rulers are Shudras, nor in one which is surrounded by unrighteous men, nor in one which has become subject to heretics, nor in one swarming with men of the lowest castes.
14. When the King cannot himself decide the causes (of litigants) then he should appoint thereto a Brahmana learned in the various Shastras.
15. Where a Brahmana (endowed with the qualities enumerated) cannot be had (the King) should appoint a Kshatriya or a Vaishya, proficient in the Sacred law, but the (the King) should carefully avoid a Shudra as a Judge.
16. Whatever is done by others (as Judges) than these must be regarded as done wrongly, even if they be officers (of the King) and even if by chance the decision is according to the Sacred texts.
17. A Brahmana who subsists only by the name of his caste (Jati), or one who merely calls himself a Brahmana (though his origin be uncertain), may, at the King's pleasure interpret the law to him, but never a Shudra.
18. The Kingdom of that Monarch, who looks on while a Shudra settles the law, will sink (low), like a cow in a morass.
19. A Brahmana who knows the law need not bring any (offence) to the notice of the King, by his own power alone he can punish those men who injure him.
20. His own power is greater than the power of the King; the Brahmana therefore, may punish his foes by his own power alone.
21. The Brahmana is declared (to be) the creator (of the world), the punisher, the teacher, (and hence) a benefactor (of all created beings); to him let no man say anything unpropitious, nor use any harsh words.

INTER-RELATIONSHIP BETWEEN THE CLASSES

I

1. In the inverse order of the four castes slavery is not ordained.

(11) Manu 11.31; (12) *Ibid.*, 11.32; (13) *Ibid.*, IV.61; (14) Katyayana 63; (15) *Ibid.*, 67; (16) *Ibid.*, 68; (17) Manu VII.20; (18) *Ibid.*, VIII.21; (19) *Ibid.*, XI.31; (20) *Ibid.*, XI.32; (21) *Ibid.*, XI.35.

(1) Narada V.39.

2. Members of three Varnas can become slaves but a Brahman can never become a slave. Slavery in the case of the (three) Varnas viz., Kshatriyas, Vaishyas and Shudras is in their direct order and not in their inverse order. A Shudra could be the slave of any master of the four castes, a Vaishya of any master of the first three castes but not of a Shudra Master, a Kshatriya could be the slave of a Brahman or Kshatriya Master but not of a Vaishya or Shudra Master.
3. Even one of the same caste (i.e. a Brahman) should not make a Brahmana work as a Slave A man who is Kshatriya, Vaishya or Shudra may occasionally do the work of slave for a man of the same caste (as his own) but a Brahman should never be made to do the work of a slave.

II

4. For the first marriage of twice born men (wives) of equal caste are recommended; but for those who through desire proceed (to marry again) the following females (chosen) according to the (direct) order (of the castes), are most approved.
5. It is declared that a Shudra woman alone (can be) the wife of a Shudra, she and one of his own caste (the wives) of a Vaishya, those two and one of his own caste (the wives) of a Kshatriya, those three and one of his own caste (the wives) of a Brahmana.
6. If twice born men wed women of their own and of other (lower castes), the seniority, honour and habitation of those (wives) must be (settled) according to the order of the castes (Varna).
7. Among all (twice born men) the wife of equal caste alone, not a wife of a different caste by any means, shall personally attend her husband and assist him in his daily sacred rights.
8. A Shudra who has inter-course with a woman of a twice born caste, guarded or unguarded (shall be punished in the following manner); if she was unguarded, he loses the part (offending) and all his property; if she was guarded, everything (even his life).
9. (For inter-course with a guarded Brahmani) a Vaishya shall forfeit all his property after imprisonment for a year; a Kshatriya shall be fined one thousand (panas) and be shaved with the urine (of an ass).
10. If a Vaishya or a Kshatriya has connexion with an unguarded Brahmani, let him fine the Vaishya five hundred (panas) and the Kshatriya one thousand.

(2) Katyayana 715-716: (3) *Ibid.*, 717-718: (4) Manu 111.12: (5) *Ibid.*, 111.13: (6) *Ibid.*, IX.85: (7) *Ibid.*, IX.86: (8) *Ibid.*, VIII.374: (9) *Ibid.*, VIII.375: (10) *Ibid.*, VIII.376.

11. If a Vaishya approaches a guarded female of the Kshatriya caste, or a Kshatriya a (guarded) Vaishya woman, they both deserve the same punishment as in the case of an unguarded Brahmana female.
12. A Brahmana shall be compelled to pay a fine of one thousand (panas) if he has inter-course with guarded (females of) those two (castes); for (offending with) a (guarded) Shudra female a fine of one thousand (panas shall be inflicted) on a Kshatriya or a Vaishya.
13. For (intercourse with) an unguarded Kshatriya (female) a fine of five hundred (panas shall fall) on a Vaishya; but (for the same offence) a Kshatriya shall be shaved with the urine (of a donkey) or (pay) the same fine.
14. A Brahmana who approaches unguarded females (of the) Kshatriya or Vaishya (castes), or a Shudra female, shall be fined five hundred (panas); but (for intercourse with) a female (of the) lowest (castes), one thousand.

III

15. But let (a house holder) offer, in accordance with the rule, to a guest who has come (of his own accord) a seat and water, as well as food, garnished (with seasoning) according to his ability.
16. But a Kshatriya (who comes) to the house of a Brahman is not called a guest (atithi), nor a Vaishya, nor a Shudra, nor a personal friend, nor a relative, nor the teacher.
17. But if a Kshatriya comes to the house of a Brahman in the manner of a guest, (the householder) may feed him according to his desire, after the Brahmans have eaten.
18. Even a Vaishya and a Shudra who have approached his house in the manner of guests, he may allow to eat with his servants, showing (thereby) his compassionate disposition.

DUTIES—PRIVILEGES—IMMUNITIES—DISABILITIES

(I)

1. Brahmans who are intent on the means (of gaining union with) Brahman and firm in (discharging) their duties, shall live by duly performing the following six acts, (which are enumerated) in their (proper) order.

(11) Manu VIII.382: (12) *Ibid.*, VIII.383: (13) *Ibid.*, VIII.384: (14) *Ibid.*, VIII.385: (15) *Ibid.*, 111.99: (16) *Ibid.*, III.110: (17) *Ibid.*, III.111: (18) *Ibid.*, 111.112.

(1) Manu X.74.

2. Teaching, studying, sacrificing for himself, sacrificing for others, making gifts and receiving them are the six acts (prescribed) for a Brahmana.
3. But among the six acts (ordained) for him three are his means of subsistence, (viz.) sacrificing for others, teaching and accepting gifts from pure men.
4. (Passing) from the Brahman to the Kshatriya, three acts (incumbent on the former) are forbidden (viz.,) teaching, sacrificing for others, and thereby, the acceptance of gifts.
5. The same are likewise forbidden to a Vaishya that is a settled rule; for Manu, the lord of creatures (Prajapati), has not prescribed them for (men of) those two (castes).
6. To carry arms for striking and for throwing (is prescribed) for Kshatriyas as a means of subsistence; to trade, (to rear) cattle, and agriculture for Vaishyas; but their duties are liberality, the study of the Veda and the performance of sacrifices.
7. Among the several occupations the most commendable are, teaching the Veda for a Brahmana, protecting the people for a Kshatriya and trade for a Vaishya.
8. The service of Brahmanas alone is declared (to be) an excellent occupation for a Shudra; for whatever else besides this he may perform will bear him no fruit.

(II)

9. But a Brahmana unable to subsist by his peculiar occupations just mentioned, may live according to the law applicable to the Kshatriyas; for the latter is next to him in rank.
10. If it be asked "How shall it be, if he cannot maintain himself by either (of these occupations? the answer is) he may adopt a Vaishya's mode of life, employing himself in agriculture, and rearing cattle.
11. A Kshatriya who has fallen into distress may subsist by these means (open to the Vaishya).
12. A Vaishya who is unable to subsist by his own duties, may even maintain himself by a Shudra's mode of life, avoiding (however) acts forbidden (to him), and he should give it up, when he is able to do so.
13. But a Shudra being unable to find service with the twice-born and threatened with the loss of his sons and wife (through hunger), may maintain himself by handicrafts.

(2) Manu X.75; (3) *Ibid.*, X.76; (4) *Ibid.*, X.77; (5) *Ibid.*, X.78; (6) *Ibid.*, X.79; (7) *Ibid.*, X.80; (8) *Ibid.*, X.123; (9) *Ibid.*, X.81; (10) *Ibid.* X.82; (11) *Ibid.*, X.95; (12) *Ibid.*, X.98; (13) *Ibid.*, X.99.

(III)

14. A Kshatriya must never arrogantly adopt the mode of life (prescribed for his) betters (that is for the Brahmanas).
15. (The King) should order a Vaishya to trade, to lend money, to cultivate the land, to lend cattle and the Shudra to serve the twice born castes.
16. (The King) should carefully compel Vaishyas and Shudras to perform the work (prescribed) for them; for if these two (castes) swerved from their duties, they would throw this (whole) world into confusion.

(IV)

1. A blind man, an idiot, (a cripple) who moves with the help of a board, a man full seventy years old, and he who confers benefits on Srotriyas, shall not be compelled by any (king) to pay a tax.
2. Though dying (with want) a King must not levy a tax on Srotriyas, and no Srotriya residing in his kingdom must perish from hunger.
3. Let the King make the common inhabitants of his realm who live by traffic, pay annually some trifle, which is called a tax.
4. Mechanics and artisans, as well as Shudras who subsist by manual labour, he (the king) may cause to work (for himself) one (day) in each month.
5. Tonsure (of the head) is ordained for a Brahmana (instead of capital punishment); but men of other castes shall suffer capital punishment.
6. Let him (the King) never slay a Brahmana though he have committed all (possible) crimes; let him banish such an (offender) leaving all his property (to him) and (his body) unhurt.
7. No greater crime is known on the earth than slaying a Brahmana: a King, therefore, must not even conceive in his mind the thought of killing a Brahmana.
8. When a learned Brahmana has found treasure deposited in former (times), he may take even the whole (of it); for he is master for everything.
9. When the King finds treasure of old concealed in the ground, let him give one half to the Brahmanas and place the (other) half in his treasury.

(14) Manu X.95; (15) *Ibid.*, VIII.410; (16) *Ibid.*, V111.418.

(1) Manu VIII.394; (2) *Ibid.*, VII.133; (3) *Ibid.*, VII. 137; (4) *Ibid.*, VII.138; (5) *Ibid.*, VIII.379; (6) *Ibid.*, VIII.380; (7) *Ibid.*, VIII.381; (8) *Ibid.*, VIII.37; (9) *Ibid.*, VIII.38.

MODE OF LIFE

1. (A Shudra who is) pure, the servant of his betters, gentle in his speech, and free from pride, and always seeks a refuge with Brahmanas, attains (in the next life) a higher caste.
2. But let a Shudra serve Brahmanas, either for the sake of heaven, or with a view to both (this life and the next); for he who is called the servant of a Brahmana thereby gains all his ends.
3. If a Shudra (unable to subsist by serving Brahmanas) seeks a livelihood, he may serve Kshatriyas, or he may also seek to maintain himself by attending on a wealthy Vaishya.
4. They must allot to him out of their own family (property) a suitable maintenance, after considering his ability, his industry, and the number of those whom he is bound to support.
5. The remnants of their food must be given to him, as well as, their old clothes, the refuse of their grain and their old household furniture.
6. No collection of wealth must be made by a Shudra, even though he be able (to do it); for a Shudra who has acquired wealth, gives pain to the Brahmana.
7. Shudras who live according to the law, shall each month shave (their heads); their mode of purification (shall be) the same as that of Vaishyas and their food the fragments of an Aryan's meal. As has been said the society for which the ancient law givers laid down their ordinances consisted of two parts—one part consisted of those who were comprised *within* the system of Chaturvarna. The other part consisted of those who were without the pale of Chaturvarna. They are spoken of in Manu as Bahyas i.e. outside the pale of Chaturvarna. They are spoken of as low castes. The origin of these low castes is a subject with which I am not concerned for the moment. It is enough to say that according to these ancient law givers of Hindus these low castes are the result of the progeny of intermarriages between those four classes—the Brahmanas-Kshatriyas-Vaishyas-Shudras—who are included within the system of Chaturvarna. How far this is true will be examined at another time. We are primarily concerned with social relationship and not with origin. So far the ordinances relating to those who were within the Chaturvarna have been given. It now remains to give the ordinances which relate to those who were outside the Chaturvarna or who were called the low castes. The ordinances which regulate the life of the low castes are strange to say very few. Few though they be they give them such a short shrift that one does not find any necessity for more detailed code of ordinances. They are as follows :

(1) Manu IX.335; (2) *Ibid.*, X.122; (3) *Ibid.*, X.121; (4) *Ibid.*, X.124; (5) *Ibid.*, X.125; (6) *Ibid.*, X.129; (7) *Ibid.*, V.140.

1. All those tribes in this world, which are excluded from (the community of) those born from the mouth, the arms, the thighs, and the feet (of Brahman), are called Dasyus, whether they speak the language of the Mlenchhas (barbarians) or that of the Aryans.
2. Near well-known trees and burial ground, on mountains and in groves, let these (tribes) dwell, known (by certain marks), and subsisting by their peculiar occupations.
3. But the dwelling of the Chandalas and Shwapakas shall be outside the village, they must be made Apapatras and their wealth (shall be) dogs and donkeys.
4. Their dress (shall be) the garments of the dead, (they shall eat) their food from broken dishes, black iron (shall be) their ornaments, they must always wander from place to place.
5. A man who fulfils a religious duty, shall not seek intercourse with them; their transactions (shall be) among themselves, and their marriages with their equals.
6. Their food shall be given to them by others (than an Aryan giver) in a broken dish; at night they shall not walk about in villages and in towns.
7. By day they must go about for the purpose of their work, distinguished by marks at the King's command, and they shall carry out the corpses (of persons) who have no relatives, that is a settled rule.
8. By the King's order they shall always execute the Criminals in accordance with the law, and they shall take for themselves the clothes, the beds and the ornaments of (such) criminals.
9. He who has had connection with a woman of one of the lowest castes shall be put to death.
10. If one who (being a member of the Chandala or some other low caste) must not be touched, intentionally defiles by his touch one who (as a member of a twice born caste) may be touched (by other twice born persons only) he shall be put to death.

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(1) Manu X.45 (2) *Ibid.*, X.50; (3) *Ibid.*, X.51; (4) *Ibid.*, X.52; (5) *Ibid.*, X.53; (6) *Ibid.*, X.54; (7) *Ibid.*, X.55. (8) *Ibid.*, X.56; (9) Vishnu V.43; (10) Vishnu V.104.