

for women. The children born of so-called Shudra-parents have been admitted to these educational institutions. With the result hundreds of **Dalitas** educated there have become scholars of Sanskrit, Vedas and other holy scriptures. Why do Dalitas forget that in order to abolish untouchability numerous followers of Manu and disciples of Rishi Dayanand themselves became untouchables in the eyes of the society, and yet they didn't yield, and carried on the struggle? Dalit writers who are ignorant of these developments see the Arya Samaj also with coloured glasses. Does it not amount to ingratitude on their part?

13. A Correct Appraisal of the System

Manu belongs to antiquity. Although the model values of life, ethical proprieties and true form of religion described by Manu are of universal nature some of the provisions made by him are alterable to suit place, time and situation. The social system which Manu took as a model and advocated for adoption was of the best kind during his times. This is why that system has been the most widely accepted one and has lasted for thousands of years. During the course of time some of the arrangements in that system lost their original nature and became deformed. Today political and social conditions have changed. Democracy has replaced monarchy. Many social systems and traditions have also changed with the passage of time. But this does not imply that our ancient values have become completely unacceptable things to look down upon. If that were our line of thinking every thing connected with our ancient magnificence such as our great men, heroic personages, poets, authors, cities, holy places, monuments, buildings, literature, history, etc. all would become detractable. To carry out a proper appraisal, a system, a person or a thing has to be evaluated in the context of the situations prevailing at the time to which it belongs.

B₂. MAHARSHI MANU AND DR. AMBEDKAR

14. Dr. Bhim Rao Ambedkar has been the chief carrier of the tradition of opposition to Manu, and also the main source of inspiration to anti-Manuism today. It is true that as a result of birth-based casteism, inequality and untouchability being practised in the society Dr. Ambedkar had been subjected to a series of acts of slights and injustice, inequitable treatment and some consequent nightmarish experiences. It is also true that any self-respecting educated person would have reacted along the

same lines as did Dr. Ambedkar. And yet it is also true that the treatment meted out to Manu at his hands on the basis of prejudices he had nursed against the former, and without a correct and complete understanding of his ideas, was also an act of extreme injustice and hence uncalled for. Being a legal luminary, he is all the more to be arraigned for this excess. He provided in the constitution that in no case should an innocent person be punished even if it leads to the acquittal of the culprit. But he himself did not observe this principle in respect of Manu in his pronouncements. He imputed to Manu a set of social systems based on birth and parentage which in fact, was the creation of a society subsequent to Manu's times, and kept on accusing Manu unjustifiably and even carried on a villification campaign against him. He also used extremely bitter and unpalatable words for a Maharshi who is held in high esteem in the Aryan (Hindu) society. Dr. Ambedkar's attention was repeatedly invited to the fact that he had several misconceptions and biased opinions about Manu and that he should clear them. But he persisted in his prejudices. There were several reasons for this insistence. Perhaps he did not want to retract on what he had already written on Manu. In his own words 'I may seem hard on Manu, but I am sure my force is not strong enough to kill his ghost'. And it is true that the 'ghost' was never shed and was in fact bequeathed to his followers on his death. But the big question is: Can the appraisal which flows out of a haunted mind be called normal, balanced, well-considered and correct?

That Dr. Ambedkar did not know Sanskrit language is also a fact of his life. He himself admits that he had acquired knowledge on Manu and the **Manusmṛiti** from the critiques and analyses of Manu written in English language. Naturally, therefore, he could not take into account some aspects of Manu such as the original text and the interpolations in the **Manusmṛiti**, the perspectives in which a verse has been written, etc. The learned Doctor acquired opinions and built his own views on the basis of his readings of biased commentaries in English. No research had been carried out on the interpolations in the **Manusmṛiti** till the times of Ambedkar. So he did not come across any man or material to guide him for telling the original from the subsequent motivated insertions. If these reasons had not existed he would have perhaps not spoken so ill of Manu and the **Manusmṛiti**.

15. A statement and discussion of some of the basic beliefs of Dr. Ambedkar on Manu's Vedic Varna system appear to be necessary so

as to carry out a critical appraisal of these beliefs and also to acquire a new proof to support the contentions made in this write-up. He writes:-

*One thing I want to impress upon you is that Manu did not give the law of caste and that he could not do so. Caste existed long before Manu.

(Caste in India, P.16)

*It is indisputable that the Vedas lay down the theory of Chaturvarnya in what is known as the Purushsukta. (**Philosophy of Hinduism**, P.25)

*Manu may not be responsible for the creation of caste. Manu preached the sanctity of the Varna and as I have shown varna is the parent of caste. In that sense Manu can be charged with being the progenitor if not the author of the caste system. (**Philosophy of Hinduism**, P.25)

*I must admit that the Vedic theory of varnas as interpreted by Swami Dayanand and some others is sensible and an inoffensive thing. It did not admit birth as a determining factor in fixing the place of an individual in society. It only recognised worth. (**Annihilation of Caste**, P.92-93)

*The essence of the Vedic conception of Varna is the pursuit of a calling which is appropriate to one's natural aptitude. (**Annihilation of Caste**, P.92)

*The Principle underlying caste is fundamentally different from the principle underlying varna. Not only are they fundamentally different but they are also fundamentally opposed. (**Annihilation of Caste**, P.59)

16. Dr. Ambedkar accepts unequivocally that varna system has its origin in the Vedas, that it has been handed down by the Vedas, that Manu is only an advocate of this system and not its creator, that the Vedic varna system is logical and not at all despicable in as much as it is based on an individual's merits, vocation and capabilities, that the Varna system and the caste system are contradictory in nature and that Manu is not the creator of the caste system. Thus as per Ambedkar's own admissions, Manu stands absolved of the charges of being the creator of either the caste system or even the varna system. He being an advocate of the varna system cannot be charged with being a supporter of birth-based caste system. If varna system is 'sensible' and 'inoffensive' Manu has done only the desirable and nothing wrong by supporting and strengthening the system. Manu, being a follower of Vedic faith, regards the Vedas and their postulates as axiomatic. Then it is no sin that he disseminates the good provisions and principles of his religion as

commanded by the holy scriptures upholding this faith. Followers of all faiths do likewise. After having converted to Buddhism Dr. Ambedkar also disseminated Buddhistic beliefs. If he is justified in doing so, Manu too is. It is surprising that even after having made admissions (which figure above in his own words) severally Dr. Ambedkar detracts Manu at every step by holding him responsible for the caste system. How far is it justified to impute to Manu the creation of social systems which came into being long after him, and speak bitterly of him on this basis?

About 80 amendments have been carried out in the Indian Constitution in the 46 years of its existence, some of which are violative of the spirit of the constitution such as the one prolonging the use of English as an official language, the one seeking removal of the provision of giving subsistence allowance to Muslim women, etc. Can Dr. Ambedkar be held responsible for these amendments and the amendments yet to come? If not, how can Manu be held responsible for the evil and depraved system which developed and came to be practised long after him.

17. Dr. Ambedkar believes that varna system has given rise to caste system and since Manu advocated the varna system he is to blame for the caste system. What an odd and offensive argument! Just in tune with the caste system itself! It amounts to saying that if someone does not observe **shraddha** he will go to hell alongwith his forefathers of six generations only because the latter have been the forefathers of the former. Also, if someone observes **shraddha** his six earlier generations will cross over to heaven as they are his begetters. Much on the same lines since the caste system is an evil system so the system immediately preceding it (i.e. the varna system), should also be an evil one.

What is surprising is that a legal luminary should be levelling serious charges against a law giver. Dr. Ambedkar has nowhere provided in the Constitution of India that while punishing a culprit his parents, grandparents and ancestors should also be declared guilty only because they have begotten him. Only if Dr. Ambedkar had made a provision in the constitution that people could also be declared guilty, punished and exterminated for their misdeeds of the past, if not in all cases, at least in the case of some matters relating to nationalism! It would have gratified at

* The references are to Govt. of Maharashtra publication of Dr. Ambedkar's writings and speeches, 1979.

least those nationalists who believe that on the attainment of freedom those people who had indulged in treason against the cause of freedom, who had collaborated with the imperialistic foreign rulers, who had indulged in acts of espionage and had sent the patriots to gallows should have been declared offenders and punished. The traitors to the national cause led a happy and bountiful life in the days of foreign rule by having been favoured with landed property, pelf and position. And they or their progeny even now continue to do so. On the other hand the freedom fighters are going about from pillar to post on the look out of even the basic amenities of life. Such charity towards treachery and such indifference towards patriotism have hardly ever been shown in any other case of transfer of power or change of government! If the treacherous people had been punished it would have taught them a lesson and in turn it would have been in the larger interests of national integrity, unity and freedom.

18. Manu is being held responsible for the varna system having degenerated later into caste system as if Manu had been in the foreknowledge of this degeneration, and had consciously advocated the varna system with a dubious design! Dr. Ambedkar is the creator of the present constitutional system of India. But, did he know at the time of the creation of this constitution what system of government might spring from it in future due to unforeseen developments? No, not at all. Similarly Manu also did not know what shape varna system would take in the times that were to come.

19. Dr. Ambedkar is the creator and a staunch advocate of the current constitutional provisions which are free from caste prejudices. If unfortunately, consequent upon some changes for some unforeseen reasons, the Indian constitution acquires a casteist bias hundreds of years hence will Dr. Ambedkar be responsible for that? At that time every reasonable person will say at the top of his voice, "No, No. Ambedkar is anti-casteist. Why should he be labelled as the author of the caste-based system?" When obviously the caste-system is at variance with the varna system how can Manu be dubbed as the creator of the caste system? So the charge that Manu was the father of the caste system cannot be sustained and hence stands rebutted. The fact of the matter is that a subsequent society is the creator of the evil caste system and that very society is to blame for its subsistence and sustenance.

20. Dr. Ambedkar states that Manu 'did not give the law of caste and that he could not do so. Caste existed long before Manu' (**Caste in India**, P.16). Thus Ambedkar himself admits that Manu is responsible neither for the creation of the caste system nor for the society practising it. This implies that varna system was already in vogue and the society had come to accept it before Manu. This system was after people's heart. It had universally been accepted as the best system at that time. It was not imposed by Manu on the society. How then is Manu responsible for the system which the society had already accepted and was practising? As Dr. Ambedkar had advocated a system acceptable to people so had Manu also promoted the varna system which had been liked by the people. Then there is hardly any justification left for holding Manu guilty.

21. No system in the world is fully flawless and acceptable without reservation. So there is no justification at all in subjecting the whole of Hindu religion to insulting criticism in the context of the evil caste system which developed long after Manu and other Hindu social philosophers. Are all the constitutional provisions of today which boast of being just and fair, really perfect? As a matter of fact they are highly controversial, modern sense of equitability notwithstanding. Reservation for the weaker section has been provided as warranted by the present day requirements, and yet it is being violently questioned. Hundreds of years hence when the working of the present system is recorded in history ignoring the current perspectives it is certain that the sections of the society enjoying privileges of reservation now will be painted in the same colour Brahmanas are being painted today in the context of ancient holy scriptures.

As per present constitutional provisions appointments to almost all public posts from the highest to the lowest have to be made on the basis of degrees and diplomas, and performance at competitive examinations and interviews. Nominations are made to certain posts. In only a few years of the coming into being of the current constitution things have come to such a pass that the yardstick of merit is ignored with impunity, and the relatives and recommendees of political leaders and officers in power alone are mostly nominated to administrative posts in utter disregard of an individual's merits. Interviews are supposed to be held to measure a job-seeker's worth. However, jobs go not to the worthy but to the recommendees or to those who can afford to purchase these positions. Selection lists

quashed by the courts bear a testimony to it. Merit is the first casualty in case of appointments to political posts. Nepotism and favouritism are the order of the day in this respect. Imagine a situation, which is a possibility, that some centuries hence the present constitutional arrangements get degenerated into arrangements the basis of which becomes birth and parentage rather than the deserts of an individual. Will Dr. Ambedkar and the constiuent assembly of which he was a member be responsible for that degenerated form of things? Will anybody be justified in calling the arrangements given by him and the constituent assembly responsible for that degraded and decayed system? If not, Manu can also not be called the father of the caste system and can't be held responsible for subsequent erosion of the social system he pleaded for.

22. A more thoughtless and dangerous statement by Dr. Ambedkar is: If you wish to bring about a breach in the system then you have got to apply dynamite to the Vedas and the Shastras (**Annihilation of Caste**).

On the one hand Dr. Ambedkar believes that Vedas do not advocate caste system, and instead plead only for the varna system which he believes to be logical and not despicable, it being a system based on an individual's merits and performance. On the other he makes a highly improper and provocative statement urging for the torching, nay dynamiting, of the Vedas. How paradoxical the statements are! He has given a call for the extermination of and a complete dissociation with the **Vedas**, the holy **Shastras**, the **Puranas**, the **Ramayana**, the **Mahabharata**, and the **Geeta**.

These holy scriptures provide a basis to and are a source of inspiration for all good values of life such as righteousness, inquisitiveness, literary and cultural excellences, civilized and good conduct. Extermination of holy scriptures amounts to demolition of Hindu (Aryan) civilization, culture, religion, et al.

Did Dr. Ambedkar have this as a target in mind? If Dr. Ambedkar had felt distressed and afflicted in the Hindu fold and had wanted to be out of it, he could jolly well renounce this faith, walk out of it and live on as a free man without joining any particular religious community. But he could not, infact, do without taking recourse to some religious faith either. Consequently he joined the Buddhist fold and came to regard Budhhist scriptures as the carriers of ultimate truth-- this all in constrast to his call for renunciation of Hinduism and Hindu scriptures! Here I would like to

refer to a question put by Mahatma Gandhi (to Dr. Ambedkar) who wanted to know how one could be a Hindu by disowning the **Vedas** and **Shastras** when nobody could be a Muslim by rejecting the **Quran**, and nobody could be a Christian by rejecting the **Bible**.

The thinking of Ambedkar can be compared with the thinking that suggests that instead of treating the boils of a diseased person the patient himself should be exterminated.

23. There is no even remotely suggestive mention of caste-system in the Vedas. Dr. Ambedkar admits this. Even so he has criticised the Vedas without justification on any other count. He has talked of exterminating the Vedas rather than acknowledging their worth. Even on having converted to Buddhism he continued to deprecate the Vedas and thus defied his preceptor, the Buddha and the Buddhist scriptures in as much as they speak very high of the Vedas and of those who are well-versed in the Vedas, and thus affirm their importance. Here are some quotes in support of this contention.

- (a) "विद्वा च वेदेहि समेच्च धम्मम् ।
न उच्चावचं गच्छति भूरिफज्जो ।"

(Suttanipata - 292)

Mahatma Buddha says 'The scholar who acquires the knowledge of righteousness from the Vedas never wavers in life.'

- (b) "विद्वा च सो वेदगू नरो इध, भवाभवे संगं इमं विसज्जा ।
सो वीतदण्हो अनिघो निरासो अतारि सो जाति जराति ब्रूमिती ॥

(Suttanipata - 1060)

The scholar who bears the knowledge of the Vedas gets disinterested in life and becomes indifferent to death, becomes devoid of desires and yearnings, and thus having become aimless gets disentangled from the vicious circle of life and death. (other verses supporting the idea in Suttanipata are: 322, 458, 503, 846, 1059, etc.)

24. Dr. Bhadanta Ananda Kausalayana, carrying forward the anti-Manu tradition promoted by Dr. Ambedkar detracts Manu only for the sake of detracting in his book entitled 'National Duty'. His thesis in this book is shallow in as much as there is neither any logic nor any appealing analysis. An attempt has been made here to prove bad even what is undoubtedly good through misinterpretation and lopsided presentation. Whereas he resents uncharitable remarks about women made by Manu

(as he believes) he also appears to be anguished at why the word **Pujarha**= 'worth worshipping' has been used for women. This amounts to taking the stand: 'Heads, I win; tails, you lose'. He presents himself as a great paradox. He is an admirer of Mahatma Gandhi and yet does not accept his precepts. He is a Buddhist and yet does not acknowledge the importance of the Vedas and those who possess the knowledge of the Vedas, as has been made out in the Buddhist literature. He took pride in proclaiming himself as a non-Hindu (non-Vedic).

25. All anti-Manu writers have made certain identical remarks which make a biased and lopsided appraisal of the **Manusmriti**. They have not quoted those verses which, being in consonance with the topic in the context, are, beyond any controversy, regarded as from the original text. These are the verses which carry charitable and amiable remarks about women and Shudras. On the other hand, these writers have decried and disparaged Manu by quoting those verses which are doubtlessly regarded as interpolations. These writers have not cared to resolve the question why there should be in the same context clearly self-contradictory statements. And another relevant question is: Why should they have quoted only the controversial statements ignoring others? In fact, if these writers had cared to discuss this issue they would have automatically come across the answer to the question. In that case there would have been left no reason for resentment and consequent protest. Instead, a number of misgivings could have been avoided.

C. THE POSITION OF THE SHUDRAS IN THE MANUSMRITI
Now let us address ourselves to the most discussed and the most controverted topic regarding the **Manusmriti**, viz., the position of the Shudras as described in the **Manusmriti**. If we glance even cursorily at the evidence available within the **Manusmriti** itself we arrive at some basic and important facts which indicate what Manu's attitude towards the Shudras was.

1. **The Dalitas and Backwards of Today not among the Shudras.**

Nowhere does the **Manusmriti** talk of the scheduled castes, scheduled tribes and backward classes of today as the Shudras. Manu has given the world the varna system, and he determines the varna of a man not on the basis of his parentage but on the basis of his merits, vocation and capabilities. This is the reason why no community or vocation as such has

been included in the Shudra category. It were the subsequent societies and later-day system- givers who named certain varnas and vocations as belonging to the Shudra category. Some people, out of unfounded misgivings, are imputing this later development to Manu. It is the subsequent societies which are responsible for degenerated systems but Manu is being lashed out! What a sense of justice on the part of the representatives of the Dalitas!

2. Manu's Deninition of Shudra not Applicable to Present-day Dalitas.

The present day Dalitas and Backwards cannot be included in the Shudra category as per definition of Shudra given by Manu. According to him those who have, besides their normal birth, also a second birth called **Brahma janma** {Which takes place on being initiated into receiving education at the feet of the teacher for acquiring awareness of the higher reality (**Brahma**)} are called **dvijas** (twice-born), i.e., the Brahmanas, Kshatriyas and Vaishyas. Those who do not have the **Brahma janma** and thus have only one birth are called Shudras. This means that a child who goes to his teacher at the time prescribed for receiving education in the Vedas and other lores (with all the formal religious ceremonies performed) and also for receiving training pertinent to his varna, is born a second time. This **Vidya janma** which has been called **Brahma janma** in holy scriptures is his second birth. However, a child who deliberately or on account of being a dullard or being incapacitated to acquire education and training in any of the three **dvija** varnas remains **ekjati** which means the one having only one birth, a mere natural or Shudra. Besides, the man who, inspite of having received education and training in any one of the three high varnas does not carry out the prescribed duties and obligations of that varna, also becomes a Shudra (See **Manusmriti**: 2-126, 169, 170, 172, 10-4, etc.)

A couple of quotes from the **Manusmriti** as evidence to this effect merit our attention:-

(a) ब्राह्मणः क्षत्रियो वैश्यः त्रयो वर्णाः द्विजातयः ।

चतुर्थ एकजातिस्तु शूद्रः नास्ति तु पञ्चमः ॥ (**Manu. 10.4**)

This means that the three varnas, i.e., the Brahmanas, the Kshatriyas and the Vaishyas are called **dvijatis** (**dvijas**, i.e., twice-born) because they have, through education, a second birth also. The fourth varna is

ekjati (once-born only) because members of this varna have only one birth, i.e., the normal birth and do not have a second birth named **Vidya janma**. There is no other varna than these four ones.

(b) शूद्रेण हि समस्तावद् यावद् वेदे न जायते (2-172)

It means that unless a man acquires the **Brahma janma** (a second birth by undertaking the studies of the Vedas) he continues to remain like a Shudra.

(c) न वेत्ति अभिवादस्य - - यथा शूद्रस्तथैव सः । (Manu. 2-126)

It means that one who is not possessed of the courtesy of doing obeisance to others is a Shudra.

(d) प्रत्यवायेन शूद्रताम् (Manu. 4-245)

It means: A Brahmana becomes a Shudra if he joins the company of depraved and evil-minded people and conducts himself at their level.

This definition of the Shudra continued to remain in operation even until later days.

(e) जन्मना जायते शूद्रः, संस्काराद् द्विज उच्यते (Skanda Purana)

Every person is born a Shudra. It is only on the performance of the **Upanayana** ceremony later that he becomes a **dvija** (twice-born).

This system upheld by Manu is practised in Bali island even until today. There **dvijati** and **ekjati** words are used to distinguish the **dvijas** from the Shudras. However, Shudras are not regarded as untouchables there.

3. Shudras are not Untouchables

A number of verses in the **Manusmriti** indicate that Manu had an attitude of humanity, feeling and goodwill towards Shudras and by no means did he regard them as untouchable, depraved and hateworthy. Manu has used for Shudras such epithets as 'best', 'highest' and 'cleanest'. And a person who is described so eulogistically can never be untouchable or hateworthy, (9-335). Manu has directed Shudras to carry out in the households of **dvijas** such domestic chores as cooking, and some other manual and labour-based services (1-91; 9-334, 335). If some Shudra comes as a guest to the house of a **dvija** the latter is directed to serve him meals, (3-112). He is also directed to take meals only after he has served meals to his servants who used to be Shudras in those times (3-116). Are the servants and domestic helps in a household in the present day varna-free 'civilized' society served meals in precedence over the employer? Are

they given so much of consideration? How humane, respectful and considerate an attitude Manu had!

As per Vedic Varna system Brahmanas, Kshatriyas, Vaishyas and Shudras have been metaphorically described to have emerged from the mouth, arms, thighs and feet of Brahma (the **pramatmapurusha**) respectively (1-31). This leads us to three conclusions. One, the members of all the four varnas are the progeny of God and enjoy equal status. Two, when they are all born of the same origin, one or the other of them cannot be untouchable or despicable. Three, the feet which are an organ of the same body cannot be untouchable or despicable **vis-a-vis** the other parts. With such verses in the **Manusmriti**, can any objective and unprejudiced reader make the observation that Manu regarded Shudras as untouchable and hateful?

4. Special Concessions to Shudras in the Order of Precedence

Manu has given exceptional regard to Shudras in matters of social recognition. In the order of precedence prescribed by Manu he accords respect and recognition to the first three varnas in proportion to their merits. And accordingly the learned is the most respectable (2-111, 112, 130). But Manu has shown extra consideration for Shudras and has provided that the members of the **dvija** varna should show prior respect to an aged Shudra, even though he be illiterate. Such respectfulness for age has not been extended to any of the first three varnas.

मानार्हः शूद्रोऽपि दशमीं गतः (2-137)

Meaning: An elderly Shudra should be shown respect in precedence over others who deserve to be respected only on the basis of the merits they possess-- the greater the merits the more the respect.

5. Freedom to Shudras in the Observance of Religious Rites and Duties

न धर्मात् प्रतिषेधनम् (10-126). It means that the Shudras are not barred from the observance of religious ceremonies and rites. In saying so Manu has allowed freedom to Shudras for the observance of religion. The same point is also made in the verse in which he says 'we must imitate good points of conduct found even in a Shudra (2-213). Vedas grant Shudras a clear right of performing **yajna**, and of reading Vedas and Shastras:

(a) यथेमां वाचं कल्याणीमावदानि जनेभ्यः ।

ब्रह्मराजन्याभ्यां शूद्राय चार्याय च स्वाय चारणाय ॥ (Yajurveda xxvi-2)

Meaning: I have given the benevolent Vedic sermon for all human beings, viz., Brahmanas, Kshatriyas, Vaishyas, Shudras, women, domestic helps and the Shudras of the lowest degree also.

(b) यज्ञियासः पञ्चजनाः मम होत्रं जुषध्वम् । (Rigveda 10-53-4)

पञ्चजनाः = चत्वारो वर्णाः, निषादः पञ्चमः । (Nirukta 3-8)

Meaning: Five classes of people who are entitled to perform **yajna** should carry out **agnihotra**. They are the people belonging to four varnas and the fifth are the Nishadas,

Manu proclaims that the postulates of the **Manusmriti** are in conformity with those of the Vedas. Naturally, therefore, Manu's beliefs and views are also the same as those of the Vedas. That is the reason why wearing of **upanayana** has not been barred for anyone in the discussion on this topic in the **Manusmriti**. It means that one becomes Shudra only when one does not undergo **upanayana** ceremony and remains uninitiated.

6. Shudras, the Least Liable to Punishment as per Manu's Penal Code.

Now let us have a look at the penal code propounded by Manu. It is highly improper to suggest that Manu has provided for the Shudras a more stringent code of punishment, and has extended privileges and prerogatives to Brahmanas. In Manu's code merits are the yardstick, and the level of intelligence, social status, post and position held and the likely social consequences of the crime are the fundamental criteria for determining the punishment to a wrong-doer. Manu's code of punishment is just and equitable which is also psychologically effective. If Manu has accorded greater respect and higher social status to higher varnas, he has also provided for more rigorous punishment in case the members of these varnas commit crimes. Accordingly the Shudra is the least and the Brahmana among all the varnas is the most liable to punishment. In case a king is involved in a crime he is liable to much more severe punishment.

अप्यपाद्यं तु शूद्रस्य स्तेये भवति किल्बिषम् ।

षोडशैव तु वैश्यस्य द्वात्रिंशत् क्षत्रियस्य च ॥

ब्राह्मणस्य चतुःषष्टिः पूर्णवाऽपि शतं भवेत् ।

द्विगुणा वा चतुःषष्टिः, तद्वेषगुणविद्धि सः ॥

(viii-337,338)

A convict in crimes like theft etc. has to be punished keeping in mind the principle that higher the varna to which he belongs the greater the

punishment be meted out to him as there is expected to be greater understanding on his part in respect of the seriousness of the crime, its consequences and social implications. Thus a Shudra is to be punished eight times severe, the Vaishya sixteen times, a Kashatriya thirty two times, a Brahmana sixty four times; nay, hundred times or even 128 times severe.

Besides, Manu has also ruled that no person--be it the preceptor, the priest or even the parents of the king-- should be exempted from the said punishment. The king should not let even a friend go scot-free. If some financially well-off convict seeks exemption on the payment of a large sum of money in lieu of the physical punishment due to him he too should not be let off without due punishment. (8.335,347)

See how just, practical, result oriented and psychologically effective Manu's penal code is ! If it is juxtaposed with the present day penal code the difference will become clear. The cardinal principle of today's code is: All are equal in the eyes of law. Its first point of difference with Manu is that whereas in it people enjoy social prestige as per their position and status in the public and the government, they are liable to only equal punishment. The second point of difference is that the modern system is not equitable. This inequity can be explained with an illustration. Suppose on trespassing into a field to graze, a lamb, a buffalo or an elephant is each struck with one blow of the same stick, what will be its effect on each of these animals? The poor lamb will break down and start bleating in pain, the buffalo will just feel the impact and the elephant won't even feel that it has been given a blow. But the question is: Does it really amount to a standard measure of punishment and equitable justice? Equitable justice is that which works in normal day-to-day life. A he-buffalo can be controlled with just a lathi blow whereas it requires an iron-hook or a goad to tame an elephant or a lion. Let us take another illustration. If it is a question of the payment of a fine of Rs. 1000/- a poor and penniless person will be able to pay it off with extreme hardship by borrowing the amount on exacting terms and will have to labour for a life time to repay the sum. A man belonging to middle class will feel the pinch of it but will easily pay it off. But a wealthy person will pay off the fine with a what-do-I-care attitude! It is the result of only this unrealistic and psychologically ineffective penal system that whereas the poor get entrapped in the clutches of law, the people with position, pelf and power easily get away with crimes or have

themselves let off on the payment of only monetary fines. It will be revealing to cast a glance at the statistics available as to how many of the poor and powerless on the one side and how many of the rich and resourceful on the other side have been effectively booked for offences. The latter, if at all they are sentenced, keep on paying off monetary fine for offences only to repeat them. There is no such imbalance in Manu's Penal Code which is extremely even-handed!

The severity of punishment is perfectly proportionate to the seriousness of crime in Manu's penal code. He provides for rigorous punishment for serious crimes, and for lighter punishment for less serious offences to all varnas without any discrimination, whatsoever. The provision for very harsh punishment specially for the Shudras is in sharp contrast to Manu's pronounced code. Such a provision is to be found only in the spurious verses which were never composed by Manu.

7. **Shudras are not Slaves**

The statement calling for engaging Shudras in slavery, or for not paying them their wages runs counter to Manu's well-known instructions. In fact Manu has called upon the kings to give wages to servants and domestic helps as per their status. He also emphasises that their wages should not be deducted without any sufficient and valid reasons. (7-125, 126, 8-216)

8. **Shudras are Savarnas**

If we refer to **the Manusmriti** in its present interpolated form we can see a number of provisions made by Manu which have been altered by the subsequent societies to suit their whims and requirements. Manu regards all the four varnas as **savarna** and any one other than the four as **non-savarna**. But the subsequent societies started putting the Shudras in the category of non-savarnas. (10-4,45)

Manu includes the artisans, sculptors, etc. among the Vaishyas (3-64,9-329; 10-99-120) but the subsequent society relegated them to the category of Shudras. Also, whereas Manu regards agriculture and animal husbandry as the job of the Vaishyas (1.90) the Brahmanas and Kshatriyas who have mostly been pursuing these professions have not been accepted as Vaishyas by the subsequent societies including the present. How can this categorising be accepted as prescribed by Manu?

Thus we see that the provisions which were really made by Manu are just and equitable. He has not been unfair to the Shudras or, for that

matter, to any other varna.

D. THE POSITION OF WOMEN IN THE MANUSMRITI

1. Women Held in Highest Esteem

It is clear from the internal evidence of the **Manusmriti** that the anti-women picture of Manu presented by some is baseless and contrary to facts. The provisions concerning women in Manu have been inspired by his sense of respect, justice and goodwill and his concern for their security and equality with men. Here are some facts of evidence in support:-

Maharshi Manu is the first great man of the world to have given the society the highest ideal about women which adds remarkably to the dignity, status and self-respect of women.

यत्र नार्यस्तु पूज्यन्ते रमन्ते तत्र देवताः ।

यत्रैताः तु न पूज्यन्ते सर्वाः तत्राफलाः क्रियाः ॥ (3-56)

The correct meaning of the verse is: Gods (who stand for divine qualities, good deeds, sweet nature and blessings for the family, for obedient children and other coveted possessions) make their abode in the household in which women are treated with respect. However, where they are not shown any respect, all ventures and undertakings end in a smoke. There can be no better proof to show the reverential attitude of Manu towards women than the extremely respectful and beautiful adjectives used for women by him. He says that women in the family are instrumental in bringing good luck to the household; they are respectable; they are illuminating by their very presence and decorative in appearance; they are a symbol of prosperity; they are the mistresses and the sole managers of the household; they are heavenly in influence; they are conducive to a smooth worldly journey (ix-11,26,28; v-150). He adds that people wishing for their welfare must respect women, and that those families and households in which women have to suffer slights, go to dogs. According to him the real happiness and welfare of a household lies in the happiness and welfare of the women in it (iii-55-62). So he instructs the husband and the wife in the household to remain happy and satisfied with each other, not to act against each other and not to indulge in any such activity as may lead to their separation (ix-101-102). Only one verse will suffice to bring out Manu's feelings.

प्रजनार्थं महाभागाः पूजार्हाः गृहदीप्तयः ।

स्त्रियः श्रियश्च गेहेषु न विशेषोऽस्ति कश्चन ॥ (Manu 1-26)

It means that women bring good luck to a household through procreation; they deserve respect and reverence; they irradiate the house with their presence. In fact there is no difference between the goddess of wealth and the woman.

2. Son and Daughter have Equal Status

Those unacquainted with Manu's code will be pleasantly surprised to be informed that Manu is the first law-giver to have ordained that son and daughter enjoy an equal status in the family. He has also given this concept a constitutional validity. He says : पुत्रेण दुहिता समा (9-130) which means that daughter is at par with son in every respect.

3. Son and Daughter : Equal Partners in Parental Property.

Manu regards both the son and the daughter as equal heirs to parental property. This opinion finds a mention in the **Manusmriti** in chapter ix-130,192. This very view has been quoted in the **Nirukta** as follows:-

अविशेषेण पुत्राणां दायो भवति धर्मतः

मिथुनानां विसर्गादौ मनुः स्वयम्भुवोऽब्रवीत् ॥ (iii-1-4)

Meaning : In the beginning of the creation **Svayambhu Manu** ordained and declared that there is equal right for son and daughter in the ancestral parental property. Manu has in fact enhanced the importance of girls in the house-hold by laying down that only daughters (and not sons) are entitled to inherit the personal property of the mother (ix-131).

4. Special Instructions for the Safety of Women's Property:

Manu has ensured that nobody usurps the property of women under the impression that they are weaklings. He has laid down that people making such attempts, howsoever close they may be to the concerned woman, should be given the same punishment as has been prescribed for thieves (ix-212; iii-52, viii-2,29).

5. Stringent Punishment for Crimes against Women

Manu has tried to ensure the security of women by laying down that the kidnappers and killers of women should be awarded capital punishment and the rapists be banished after being tortured (viii-323; ix-232, viii-352). Manu has given clear instructions for the redressal of all difficulties, big or small, facing women. Men have been instructed not to quarrel with mother, wife and daughter (iv-180). There is a provision for punishment to persons levelling false charges against them; to those deserting women even when they are innocent; to those who fail to fulfil conjugal obligations towards

women (viii-275, 389; ix-4).

6. Marital Freedom to Women :

Manu has an ideal approach on the subject of marriage of woman. He has conceded to her the freedom of marrying a man of her choice who in her opinion is the most suitable for her (ix-90, 91). He has allowed remarriage of a widow and has also sanctioned **Niyoga** (temporary attachment to a member of the opposite sex for a definite purpose such as procreation, etc.) (ix-176, 56-63). Marriage is a symbol of affection and respect for girls and, therefore, according to Manu dowry in any form is highly improper and hence forbidden (iii-51-54). Earnestly wishing for happiness to women he suggests that it is better to remain unmarried lifelong than to marry a wicked and vicious man (ix.89).

7. Joint Obligations and Woman's Indispensability in the Performance of Religious Rites

The participation which women get in every field of activities of men in India as sanctioned by Vedic religion is of unique nature and is not to be seen elsewhere. Here no religious rite, no social ceremony and no household venture can be accomplished without women being associated. Manu also has the same creed to propound. So he entrusts the job of accomplishing religious rites and ceremonies to women, and gives directions that such rites should not be carried out without their participation (ix-11, 28, 96). During the Vedic period women enjoyed all rights such as the right to study the Vedas, right to the wearing of **yajnopavita** (sacred thread), right to doing **yajna** (sacrificial ceremony), etc. They used to embellish the position of **Brahma** (the director) in the **yajna** ceremony. They would acquire the position of seers (exponents) of Vedic hymns after having received high education. Manu who regarded Vedas as of axiomatic authority in all religious matters was a great advocate of high education and all religious rights for women as ordained in the Vedas. That is why he rules that all the rights relating to women should be carried out under their own supervision with the chanting of Vedic hymns by them. (ii-4; iii.28)

8. Preference to Women

The admirers of 'Ladies first' culture will be gratified to learn that Manu has instructed that we should step aside to make way for women on a priority basis. He also rules that the newly married women, the