

Ancient Indian Marriage Code or Practice

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ABSTRACT

The Rigveda is one of the oldest and most sacred texts of Hinduism, part of the Vedic literature. This veda is considered one of the most ancient Hindu scriptures dating back to around 1500-1200 BCE. It comprises over 1000 hymns (suktas) dedicated to various deities like Agni, Indra and Varuna, and also it is fundamental text in influencing Hindu philosophy, rituals and spirituality. The term code denotes a systematic set of laws. Law in India relates with Dharma or Rta. All the injunctions ordained by Dharmaśāstra are considered as lawful acts. And all unlawful acts are recognised as adharmā. In India law has close connection with morality. Hence all legal offences are also known as moral sins. And all moral deeds are regarded as lawful acts. Thus law has close relation with morality and ethics and they are known as the inseparable part of Dharma. Hence law has developed as a branch of Dharma in our country. All the sūtrakaras and smitikāras have accepted that the Vedas are important and primary sources of Dharma. But during the Vedic period the customs, the traditions and the conduct of good people were considered as the sources of law.

Keywords: Dharmaśāstra, sūtrakaras, smitikāras, scriptures, morality, spirituality

Marriage in the Vedic period was established as a social institution and a sacrament. It was a physical need, social necessity and religious duty. Hence the institution of marriage was fully developed. Many rituals and rites were performed at the time of marriage ceremony. The concept of family was well established. Therefore Bhagavat Sarana Upadhyā opines-The society of the Rigveda had advanced to a remarkable degree where marriage had already come to be regarded as an unavoidable social or even religious sacrament which every Arya had to undergo. The social and family ties of mother and father, brother and sister, son and daughter, mother-in-law and father-in-law, daughter-in-law and son-in-law, brothers-in-law, uncle and nephew and other cognate and agnate relationships had grown up to such an admirable degree that marriage was bound to become the basis of a permanent and an inseparable union and a sought after necessity". [Women in Rigveda-Nand Kishore & Bros. Benaras 1941 p. 43] The code makers of those days framed some laws in relation with marriage on the basis of local customs, family customs, community customs, well-established traditions and conduct of good people. Welfare of the society was the main goal of the law and lawmakers. There was no separate treatise on marriage code. We can trace some information from the Vedic literature regarding marriage code prevailed in Vedic India.

Importance and Purpose of Marriage:

Rearing the cattle and the agriculture were considered to be the main occupation of the Vedic people. Moreover they were afraid of their enemies known as dasyus. They used to fight against dasyus on and anon. Hence they were in need of good and healthy progeny. The material prayer of the Vedic people was in this way-" May the husband be the eleventh male member of the family the rest ten being his sons. (RVX-85-45)

दशास्यां पुत्रानां धेहि पतिमेकादशं कृधि

It seems that every man had taken a vow to add at least ten men to the existing number of males in his tribe or family. It could be possible only through a permanent wife alone. Another purpose of the marriage was to enable a man to become a householder to perform sacrifices to the Gods. The Rigveda shows that a man took a woman as a wife for garhapatya.

अस्मिन् गृहे गार्हपत्याय जागृहि । 10-85-28

१०८५२८ त्वा दुर्गार्हपत्याय जागृहि । 10-85-36

A man needs the help and cooperation of a wife to worship the Gods.

यद् दंपती समनसा कृणोषि । 5-2-2

संजास्पत्यं सुयममा कृणुष्व । 5-28-3

The marriage was compulsory both for men and women. The Sathapathabrāhmaṇa says that the wife is indeed half of one's self; therefore as long as a man does not secure a wife so long he does not beget a son and so he is till then not complete, but when he secures a wife he gets progeny and then he becomes complete. The Taittiriyaabrāhmaṇa states that an unmarried person is unholy.

अर्धा ह वा एषः आत्मनो यज्जाया तस्मात् यावज्जायां न विन्दते

नैव तावत् प्रजायते असर्वो हि तावद् भवति । अथ यदैव जायां विन्दतेऽथ

प्रजायते तर्हि हि सर्वो भवति । शत. ब्रा. Cent. Bra. 5-2-1-101.

अयज्ञियो वा एषः योऽपत्नीकः । तै. ब्रा. That's it. Bra. 2-2-61

The same idea is seen in the Avesta. It says oblations offered to Gods or ancestors by a maiden or a bachelor are unacceptable to them. [Ashi Yasta c.X.54] According to Avesta bachelors are spiritually inferior to married men. Among them childless are inferior to those who have children. [Far gar d IV. 130-3] Marriage is an important event in the life of a woman. It decides the fate of a woman to a much greater extent than it does the destiny of a man. The Rigveda considers that the wife herself is the home. [जायेदस्तं मघवन् R.V. III-53-4] The wife is called 'Jaya' because the husband was born in the wife as a son. पतिर्जायां प्रविशति गर्भो भूत्वेह मातरम् । तस्यां पुनर्नवो भूत्वा दशमे मासि जायते ॥ तज्जाया जाया भवति यदस्यां जायते पुनः । ऐ. ब्रा. A. Bra.33-1.

Freedom and Control of Marriage:

A The Rgvedic society was encouraging the institution of marriage. All young men and women were advised to marry to fulfil the needs of body, family and society. Young men and women were free to select their partners. Yet there were some exceptions. Some youths were maintaining celibacy, as they were not interested in worldly life. We find some references with spinsters growing old in their parents' home and they were called 'amajuh'.

अमाजूरिव पित्रोः स चा सती - - - - 12-18-8.

अमाजुरश्चिभवथो युवं भगो ---- 110-39-3.

The majority of youths were interested to be in wedlock. Young maidens were enjoying considerable freedom in those days. They had freedom to join in all social functions, which were called 'samanas'.

अभि प्रवन्त समनेव योषाः 4-57-7.

ते आचरन्ति समनेव योषाः - - - - | 6-85-4.

Maidens of all ages were participating in these 'samanas' decorating themselves to select, to talk with, to attract and to marry a proper person. Many young men would be there to woo their future wives.

पूर्वीं शिशुं न मातरा रिहाणे समयुवो न समनेष्वंजनम् । 7-2-5.

'Samanas' was an assembly where many young people mingled to search for their life partners. The elders in the society never objected for such samanass. Moreover they were encouraging their young daughters to participate in such samanass. We have a reference to the mothers decorating their daughters for attending them with a view to matrimony.

सुसंकाशा मात्रमृष्टेव योषाविस्तन्वं कृणुर्षे द्वशेकम् - - - । 1-123-11.

The above references show clearly that the maiden had full freedom in selecting the groom. But it should be noted that the parents should approve the selection made by maiden. It was the duty of a father or a brother to assist her to obtain a worthy husband. The mother of a maiden had more control over her daughter. Savasva was the son of a priest. He wanted to marry princess Rathavati. The king agreed to the proposal. But the queen objected to it because she wanted that her son-in-law should be a poet. Hence the marriage was stopped though the bride and bridegroom were to marry each other. [RV. V-61, V-81, V-52] Thus there was a control over the selection of a groom by the bride.

Qualifications and Disqualifications:

Progeny and performing sacrifices were the aims of marriage institution. The groom should have physical potentiality to beget progeny and financial stability to perform the sacrifices. Other qualifications like good family, character, age, financial condition, relatives etc. which were narrated by later Dharmaśāstrakāras, were considered by Vedic people. Poverty and impotency were dis-qualifications. Physical fitness and sound financial background were also necessary for bride. The richness of the bride was playing an important role in matrimonial affairs. The bride who had beauty and wealth had a demand.

भद्रा वधूर्भवति यत्सुपेशाः स्वयं सा मित्रं वनुते जने चित् । 10-27-12.

The Vedic seer expects that a bride should be free from anger and hatred, and be pious, be amiable, be kind to animals, be very glorious, be capable of becoming the mother of males, be the bestower of happiness and be the bringer of prosperity.

अघोरचक्षुरपतिघ्नेधि शिवा पशुभ्यः सुमनाः सुवर्चाः । वीरसूर्देवकामा स्योना शं नो भव द्विपदे शं चतुष्पदे ॥ 10-75-44.

Bride and groom suffering from infectious diseases were not preferred in the marriage. Ghosa was suffering from skin disease. Hence no body was ready to marry her. She remained in her father's house for a long time. Asvins cured her disease. Afterwards she married Kaksivan. [RV 1-117-7; II-17-7; X-39-3] Poverty was also considered as a disqualification by the society. Vimada was a sage and he wanted to marry a princess named Kamadyu or Sughnyu. She was also interested in him. Both loved each other. But the father of the bride was not ready to give his daughter to a moneyless man in marriage. Hence he refused. But both lovers eloped. [RV 1-112-19; 116-1; 117-20; X-39-7; 65-12] Thus poverty was an obstacle for the marriage. The bride who had no brothers was not preferred in matrimonial relations. Such brother less girl is referred in two mantras. [Rv 1-124-7; AV 1-17-1] Both these mantras have been explained by Yaska in his Nirukta अभ्रातर इव योषास्तिष्ठति हतवर्त्मनः। अभ्रातर इव योषाः तिष्ठति सन्तानकर्मणे पिन्धदानाय हतवर्त्मनः । [III.4.5.]

In Vedic India when a man had no son he could make his daughter do for a son. She was called 'putrika'. Her son belonged to the family of his mother's father and not of father's family. Such a son would not continue lineage of his father but of his mother. Hence brotherless girls were not chosen as brides. All the later texts on Dharma have showed their consent on this matter.

MARRIAGEABLE AGE:

The marriageable age of men and women during the Vedic period was proper and scientific. We do not find clear statements about exact age at which men and women were married. But there are indications that they were married at mature age. There is no single reference to child marriage in the Rigveda-samhita. Usually a man was used to marry after the completion of his education and gaining the capability of earning for livelihood. Economic condition of the groom was one of the important factors in matrimonial affairs. Hence the minimum age of man for marriage was twenty to twenty-five.

The marriageable age of the girls fell in the post puberty period. The Vivāhasūkta (x.85) clearly indicates many references, which display that the bride at the time other marriage was quite, grown up and fit for consummation and procreation. It further states that immediately after the marriage, the bride was advised to take the charge of bipeds and quadrupeds.

आ नः प्रजां जनयतु प्रजापति राजरसाय समनक्त्वयमा ।
अदुर् मंगली पतिलोकमा विश शं नो अस्तु द्विपदे शं चतुष्पदे ॥

The responsibility, which she had to take, clearly shows that she must be matured at the time of marriage. It is already mentioned that grown up girls were participating in 'samanas' to select their life partners. Marriage at old age was allowed. Kaksivan a great sage marries an old woman named Ghosha at his declining age. Such instances were very rare in Vedic India. Thus the bride and the groom were marrying when they were in a completely developed and youthful state.

INTER CLASS MARRIAGE:

The Rgvedic society was free from caste system. It had four varnas. The Purusasūkta refers to all varṇas prevailed in the society. The society had allowed inter varṇa marriages. There was no ban on inter-class-marriages. The marriages held between Cyavana and Sukanya [Śatapatha bra. YV. 1.5.; RV 1.116.10; 1.117.13; 1.48.6] Syavasva and Sasiyasi [V.61; V.52; V.81; VIII.35] Kaksivan and Romasa [1.126.3; 1.51.13] Vimada and Sughnyu [I. 112.19; I.I 16.1] were the best

Illustrations of marriage of brahmin grooms with kṣatriya bride. The Satapathabrāhmaṇa quotes a half verse from Vajasaneyi samhita and remarks- "Therefore he does not anoint as king the son of the Vaisya woman".

[शूद्रा यदर्यं जारा न पोषाय घनायति

तस्माद्वैशीपुत्रं नाभिषिचति । शतपथ . 100 1-9-7.]

This line suggests that the kings used to marry even vaiśya girls. All these instances indicate that anuloma form of marriage was in practice. Pratiloma form of marriage was not prohibited. Sasvati, the daughter of sage Angiras was married to king Asang. [VIII. 1.34] King Svanaya Bhavayavya was wedded to a brahmin girl belonging to the family of Angiras. [1.126] The Rigveda refers to Yayati [X.63.1] who married Devayani, the daughter of Sukracarya. These illustrations suggest that pratiloma form be in practice. Afterwards the authors on Dharma approved of anuloma form and censured pratiloma form. Inter-class-marriages were common during the Vedic period. After the conquests, a man was bringing his wife along with marriageable slave girls. Female slaves were called as vadhus.

Adanme Paurukutsya

अदान्मे पौरुकुत्स्यः पंचाशतं त्रसदस्युर्वधूनाम् ।

मंहिष्ठो अर्य सत्यतिः ॥ 7-19-36.

पळश्वां आतिथिग्व इन्द्रोते वधूमतः।

स चा पूतक्रतौ सनम् ॥ 7-67-18.

Most of the Rgvedic seers were sons of slave mothers. Kaksivan was born of a slave mother ब्रह्मणस्पते । कक्षीवंतं य औशिजः ॥१-१७-१. [सोमानं स्वरणं ऋणुहि ॥१ -१ ७-१ .] Ausija, Kavasa or Vatsa were also known as sons of female slaves. Inter marriage was the out come of circumstantial need and a choice. Free love and free choice of partner encouraged inter marriages. Afterwards the texts on Dharma gave stress on savarnavivāha.

DOWRY:

Dowry Prohibition Act 1961 section 2 defines dowry as any property or valuable security, given or agreed to be given between the parties to the marriage or by any person at, before or after the marriage as a consideration for the marriage. Today it has become a social problem and it is considered as well spread evil. Though the dowry system was in practice it was not in that of the present sense. It was neither a social evil nor did the law prohibit it. Many kings and princes were giving wealth to a groom with affection and love. Brahmin Kaksivan receives gold, numerous flocks of cattle, chariots and horses along with his wife as gift.

यो मे सहस्रममीत।

शतं राज्ञो नाधमानस्य निष्कान् छतमश्वान् प्रयतान् तस्य आदम् ।

शतं कक्षीवां असुरस्य गोनां दिवि श्रवोऽङ्गरमा ततान् ॥

.... वधूमन्तो दश रथासो अस्थुः। षष्ठिः सहस्रमनि गव्यमागात्... ॥ 1-126-3.

The brother of the bride used to give some gifts to his brother-in-law. [1.109.2] The Vivāhasūkta narrates that a bride was carrying treasury (कोशः), articles of toilet ((चक्षुरा अभ्यंजनम्), and other necessities like a couch and bed pillow (उपबर्हण). The Atharvaveda refers to royal brides bringing with them the gift of a hundred cows. (नास्य जाया शतवाही कल्याणी तल्पमाशये । 5-18-12) The epics records that Sita, Subhadra, Draupadi and Uttara brought with them rich presents of horses, elephants, jewels and so on at the time when they left their parents home after the marriage. Vedic people were neither expecting nor demanding such gifts at the time of marriage. It was not an impediment for marriage.

FORMS OF MARRIAGE:

All the Smitis and Sutras on Dharma have explained the eight forms of marriage i.e. ब्राह्म, प्राजापत्य, आर्प, दैव, गांधर्व, आसुर, राक्षस, पैशाच... All the forms of marriage have their roots deep in the Vedic society. All these names were not found in the Rigvedasamhita but these forms were in practice. We find some references to asuravivāha in which groom gives money to the father or brother of the bride.

अश्रवं हि भूरिदावत्तरा वां विजामातुरुत वा घा स्यालात् । 1-109-2.

अश्रीर इव जामाता । 8-2-20.

According to Nirukta, the term vijamata a husband who is purchased and who is deficient and not endowed with all good qualities.

विजामाता इति शश्वद् दाक्षिणाजाः क्रीतापतिमाचक्षते । असुसमाप्त इव वरः अभिप्रेतः। निरुक्त. 6-9.

The marriage of Sūrya with Soma described in the Rigveda (X.85) clearly indicates it was a popular form of marriage in those days and it had all the elements of brahma and prajapatya forms. The father adorns his daughter with ornaments. After the completion of rituals he gives his daughter to the groom. We find the references of kanyādāna and panigrahana in the brahma and prajāpatya forms and the same are indicated in Vivāhasūkta. In Vedic society svayamvara and gandharva forms were popular among rich families. Surya the father of Sūrya arranges a svayamvara in which Sūrya selects Soma as her life-partner. (X.85.14) In another hymn (1.119.5.) there is reference to selecting husband by a maiden.

आ वां पतित्वं सख्याय जग्मुषी योषावृणीत जेन्या युवां पती । 1-119-5.

It is already seen that the Rgvedic society has given freedom to girls to participate in "samanas." Maidens meet with their lovers at trysts. (X.34.5) The marriage of brahmin Vimada and princess Kamadyu was an example of gandharva marriage. They loved each other and wanted to elope. [1.112.19; 116.1; 117.20; X. 29.7; 65.12] We find a peculiar form of marriage in Vedic period, which was unknown to latter writers. That form of marriage was known as conditional marriage. The hymn addressed to Urvasi by Pururava indicates a marriage held on conditions. Urvasi puts forth three conditions to which Pururava agrees to them. [X.93] Thus we see various forms of marriage in Vedic society. It has approved all forms and they were considered as valid.

WIDOW REMARRIAGE:

The Rigvedasamhita refers to widows at many places. But it does not refer directly to her remarriage. The society neither prohibited nor encouraged the remarriage of widows.

There are two mantras in the tenth mandala, which are interpreted differently by the scholars.

इमा नारीरविधवाः सुपत्नी राजनेन सर्पिषा सं विशंतु ।

अनश्रवोऽनमीवाः सुरत्ना आ रोहन्तु जनयो योनिमग्रे ॥

उदीर्ध्व नार्यभि जीवलोकं गतासमेतमुप शेष एहि।

हस्तग्राभस्य दिधिपो स्तवेदं पत्युर्जनित्वमभि सं बभूथ ॥ 10-18-7-8.

Sayana, Yaska and Rgvidhana explain these mantras in favor of remarriage of a widow. Dr. A.S. Altekar in his book 'The Position of Women in Hindu Civilization' [The Culture Publication House, Benares Hindu University 1938 P. 177] expresses his surprise for such interpretation. These two mantras describe the custom of those days. Immediately after the death of the husband, his dead body was taken to the cremation ground for funeral rites. His widow was accompanying it with her family members. Then she was asked to lie down by the side of corpse of her husband. It seems that it was a rite of those days. Afterwards, according to Asvalāyana Grahyaśūtra her brother-in-law addresses her -

"Rise come unto the world of life. O, woman come, he is lifeless by whose side you have slept. Thy wife-hood to me, who has seized thy hand and who is thy lover has commenced." These words of brother of the deceased man hint the remarriage of the widow. It should be noted that the custom of levirate (niyoga) was in practice in those days. Hence Dr. Altekar opines that this mantra relates with niyoga and not with remarriage of a widow. We find many references regarding niyoga in the Vedic literature. [X.40.2; 85.44] There is another mantra (x.40.2) addressed to Asvins in which the seer states-

"Where are you Asvins by night? Where are you by day? Where do you sojourn? Where do you dwell? Who brings you into his presence in the same place of sacrifice as on her couch a widow brings her husband's brother as a woman her husband.

कुहस्विद् दोषा कुह वस्तोरश्विना कुहाभिपित्वं करतः कुहोपतुः।
को वा युत्रा विधवेव देवरं मर्यं न योषा कृ णुते सधस्थ आ।

The mantra reveals the custom prevalent in society. The simile informs that it was normal for the younger brother (devara) of the husband to make the widow of his brother, his wife. A bride (Vadhu) is called as lover of brother-in-law in Vivāhasūkta. [X.85.44] In the Atharvaveda it is said that the woman after her second marriage is called 'punarbhu'.

या पूर्व पतिं वित्त्वा अथान्यं विन्दते पतिम् ।
पंचौदनं च तौ अर्ज ददातो न वियोजतः ॥
समानलोको भवति पुनर्भवा अपरः पतिः।
योऽजं पंचौदनं दक्षिणा ज्योतिषं द्वाति ॥ 1-5-28-29.

This seldom references show that there were remarriages of widows. But in due course the authors of Dharmaśāstras did not approve such marriages. Thus it seems some widows were marrying their brother-in-law rarely. Hence it was not a law but it was an option.

DIVORCE:

It is observed that marriage, in the Vedic period, was considered as a sacrament and as an institution. The relation between husband and wife was indissoluble. Therefore we do not find a single reference to divorce in the Rigveda. The same tradition continued afterwards also. Manu states. -"Husband and wife should lead their life with mutual fidelity till their last breathe. In brief this is the highest Dharma of man and woman. [IX. 101]

अन्योन्यस्याव्यभिचारो भवेदामरणान्तिकः।
एष धर्मः समासेन ज्ञेयः स्त्रीपुंसयोःपरः ॥

Further he declares that neither by sale nor by desertion is the wife released from the husband; we understand that this is the law ordained by the Creator in former times.

न निष्क्रयुविसर्गाभ्याम् भर्तुर्भार्या विमुच्यते। एवं धर्मं विजानीमः
प्राक् प्रजापति निर्मितम् ॥ 1-46.

Indians, even today, have considered that the relation of husband and wife is inseparable and untearable. Therefore divorce was unknown to Vedic people.

MONOGAMY AND BIGAMY:

Monogamy prevailed in the Vedic society. It was considered ideal and it was probably the rule. The word dampati (two joint owners of the house) excludes a third person from the conjugal life. The rituals prescribed by the Vedas do not permit the third person. Most of the Vedic Gods were also monogamous. It shows monogamy was common in those days.

Bigamy includes both polygamy and polyandry. Polygamy was in practice. It was permitted by the religion as well as by the society. The Taittiriyaśamhita gives explanation of polygamy in this way -" On the sacrificial post he passes round two girdles, so one man secures two wives; that he does not pass one girdle round two posts; so one wife does not obtain two husbands. The Aitareyabrāhmaṇa narrates the same idea.

यदेकस्मिन् यूपे द्वे रशने परिव्ययति तस्मादेको द्वे जाये विन्दते यत्रैकां रशनां द्वयोर्युपयोः परिव्ययति तस्मान्नैको द्वौ पती विन्दते ।। तै.सं. 6-6-4-3.

तस्मादेको बह्वीर्जाया विन्दते ।

तस्मादेकस्य बह्वो जाया भवन्ति नैकस्यै बहव सह पतयः ।। ऐ.ब्रा.12-11.

We find several references regarding polygamy in the Rigvedasamhita. A Vedic seer, in a mantra, draws a simile from a man placed in a helpless and pitiable condition by his rival wives. Another mantra refers to wives loving a single husband.

सं मां तपन्त्यभितः सपत्नीरिव पर्शवः । 1-108-8.

उप प्र जिन्वन्नुशतीरुशन्तं पतिं न नित्यं जनयः सनीळाः । 1-81-1

In a mantra it is said that Indra takes and possesses all castles as one common husband does his spouses.

जनीरिव पतिरेकः समानो नि मामृजे पुर इन्द्रः सु सर्वाः । 8-23-6

The term 'sapatni' (co-wife) is mentioned frequently in the Rigveda. [III.1.10; 1.165.8; X.I 45.1,2,3] Indrani chants a hymn (X.I 45) which is known as "sapatnibadhanam".

The hymn clearly indicates that polygamy was in practice. It appears that it was common among kings, nobles and rich people. They found it a useful instrument in strengthening their political power by contracting numerous but judicious matrimonial alliances. The king Pururava and Harischandra had many wives. Sage Kaksivana and Yajnyavalkya had two wives. Thus polygamy was common in those days. Polyandry another type of bigamy was unknown to Vedic people. The passages of Taittiriyaśamhita and Aitareyaśamhita cited above clearly indicate that polyandry was prohibited. We do not find even a single reference in the Rigvedasamhita about this custom.

The following observations emerge from the survey of the Rigvedasamhita regarding Hindu Marriage Code.

- 1) Marriage was considered as a sacrament and as an institution.
- 2) The purpose of marriage was progeny and 'garhapatya'.
- 3) There was freedom in selecting the spouse and the elders should approve the selection.
- 4) Some qualifications were decided for entering in to the wedlock.
- 5) Inter marriages were allowed to some extent.
- 6) Dowry system was not there.
- 7) Various forms of marriage were there and all of them were approved by the society.
- 8) Remarriage of widow was neither prohibited nor encouraged. It was in practice.
- 9) Divorce was unknown.
- 10) Polygamy was in practice and polyandry was prohibited.

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