

## CHAPTER - VII

### INSTITUTION OF ORDEAL IN INDIA

In the foregoing chapters, we have gone through the detailed information about the ordeal available in the Dh. works. The information reveals to us the fact that these writers gave a very thoughtful consideration to the various aspects of the method. They recognised its merits. At the same time, they were aware of its drawbacks. They curbed these drawbacks by framing various prohibitive rules and developed the method in a perfect system so that it could be used as an efficient legal instrument of great practical utility. Ordeal was already in use as a deep-rooted custom of the people. Dh. writers channelised and moulded it in a definite system. They sanctioned authority for it. We find a happy co-relation between the system of ordeals developed by the Dh. writers and its practice by the people.

Ordeal was a living institution in India. It was found practised through all the centuries of the Indian History. Instances of ordeal are known through various epigraphic and historical records. It is also found reflected through the literary works of the various ages. We may take here a review of these instances and see how they agree with the Dh. details.

We have seen above that the Dh. writers have shown great respect for the ordeal as an antique method of the people.

Manu speaks of the Sapatha taken by Vasistha before King Sudāsa, son of King Pijavana, when the sage was charged by Viśvāmitra with the offence of devouring his own hundred sons (Manu 8.110). The example is found described in RV VII. 104.15. He also refers to the example of Vatsa who underwent the ordeal of fire and came out successful in the trial. (Manu 8.116). This example is also found described in the Pañcaviṃśa (Tāndya) Brāhmaṇa (14.6.6) according to which we find that Vatsa and Medhātithi were cousin brothers of the Kāva Gotra. Medhātithi defamed Vatsa as a son of a Sūdra mother and Vatsa cleared his caste by undergoing the fire ordeal.

There are many Vedic passages in which scholars have doubted references to some sort of ordeal. RV.I.158.4-5 wherein the sage Dīrghatamas, son of Ucatha prays that the fire of faggots heaped tenfold may not burn him and that the rivers in which he was thrown bound hand and foot may not engulf him, are regarded by some as a reference to the ordeal of fire and water. In his notes on the passage referred to, Griffith makes following observation : 'From this and the following verse it would appear that Dīrghatamas had been subjected to the ordeals of Fire, Water and single combat with a man called Tritma and preserved in all three by Asvins'.<sup>545</sup> Yet in these verses there is probably no reference to ordeals but to cruel treatment of Dīrghatamas by Dāsas headed by Traitana. Similarly RV.III.53.22, where

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545. Griffith, Hymns of the Rgveda, Vol.I.p.210.

it is said, 'he heats the axe' does not contain a clear or certain reference to the ordeal of holding heated axe.

AV.II.12 is held by several Western scholars to contain a reference to the fire ordeal. Schlagintweit, Weber, Ludwig, Zimmer and others consider it as a description of the fire ordeal. This view has been however disproved by Grill, Bloomfield and Whitney.<sup>546</sup>

Ait.Br.(25.5) refers to a story in which a person is said to have undertaken an oath before the presence of many sages for clearing the charge of stealing lotus fibres. The story appears in its divergent versions in the Mahābhārata XIII.93.111-143 (and in Jātaka No.488) in which the Ṛṣis in order to release themselves of the accusation of being guilty of the theft of the lotus fibres swore various oaths. The instance is referred to by Manu in 8.110 [Medhātithi in his commentary explains that the Ṛṣis who took such oaths were Saptarṣis. Indra also took various oaths for clearing the charge of adulterating Ahilyā].<sup>547</sup>

Fire ordeal is described in the Chāndogya Up(6.16) in which it is pointed out that the person suspected of theft should hold heated axe in his hand. He is thus brought by the royal person. The person is burnt by the Fire if he is guilty and left unburnt, if he is innocent. This is the

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546. Macdonell and Keith, 'Vedic Index of names and subject'. p.364

547. महर्षिभिः सप्तर्षिप्रभृतिभिः संदिग्धकार्यनिर्णयार्थं शपथाः कृताः । दैवैरिन्द्रप्रभृतिभिः । इन्द्रो ह्यहिल्यां प्रत्याभिः शस्तः शपथमाह बहुविधं शपथं चकार ।

Medhātithi on Manu 8.110

first clear example of ordeal available in the Vedic literature which establishes a direct link with the Dh. ordeals.

In epics also, we find references to the system of trial by ordeal. Sita's trial by fire ordeal in Rāmāyana is famous indeed.<sup>548</sup> It may be noted that these references indicate that the system of ordeal was prevalent from the very ancient times.<sup>549</sup>

We have seen above that Arthasāstra makes no references to the ordeal, but the Cambridge History says that that during the Mauryan period trials by Wager and ordeal were also common.<sup>550</sup>

In Mrcchakatika, we get the court-scene. Cārudatta, convicted for murder, complained that, had ordeals been used in his case, he would have proved his innocence. Thus the use of and the faith in ordeals is indicated from this drama (IX.43).

Ordeal has been abundantly referred to in Sanskrit literature. It is not possible to take here note of all such references. References to ordeal in Pāncatantra<sup>551</sup> Kādambarī,<sup>552</sup> Uttararāmacarita<sup>553</sup> Gāthāsaptasatī,<sup>554</sup>

548. Vālmīkirāmāyana, VI.119.6-7, 17-29, 121.2-7.

549. Compare the views of Mr Gustave Glotz regarding the ordeal as depicted in Gk. mythology (f.n. 606)

550. Cambridge History of India, Vol. I. p. 438.

551. Pāncatantra, Mitrabheda vv. 436-37.

552. वनकहरिणां वारिप्रवेशः -- वृत्तिनामानिधारणं, ग्रहाणां सुखारोहणं, अगस्त्योदये विषयशुद्धिः । Kādambarī Para 47.

553. Vide f.n. 217.

554. Gāthas 185, 211, 448 etc.

*Rājatarāṅginī*<sup>555</sup> and *Naiṣadhiyacaritam*<sup>556</sup> may be noted as illustrative. Casual references to the ordeal by these writers help us in deciding the general position of these methods in the society and could be studied in a historical perspective since they co-relate with the parallel discussion of ordeal in the Dh. works of the respective times. We have already seen how the *Pūrvapakṣa* posed by *Medhātithi* questioning the validity of the ordeal is nicely reflected in a speech of Janaka in the *Uttara-rāmacarita*. *Kaḥana* describes an ordeal of rice-flour which is not known to us through any other source, but must be regarded as prevalent in Kashmir. A Brahmin murderer was found guilty by taking recourse to this ordeal. A Brahmin was alleged to have murdered another Brahmin. No other evidence was available hence an ordeal was resorted. Rice flour was scattered round a temple and the alleged offender was asked to walk round the temple. If the foot-prints of *Brahmahatyā* were to be seen after those of the accused brahmin, then he was to be adjudged guilty, and in this case, foot-prints were visible, so the accused was convicted and was punished.<sup>557</sup>

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555. *Rājatarāṅginī*, IV.102-5, V.326, VI.211, VII.8, 75, 459, 492, 747 etc.

556. *Naiṣadhiyacaritam*, II.27, IV.31, IX.55, XVII.86, 88 and XXII.130.

557. इदं न युज्यते राजन् सत्यस्यान्वेषणे कलौ । निधीये कस्य सामर्थ्यं कर्तुं दिवि विकर्तनम् ॥  
भवन्त्यनुरोधेन सकृदेतत्प्रवर्तते । मत्प्रासादाऽनेन मुष्मिन् शांतिपूर्णां विकीर्यताम् ॥  
प्रदक्षिणं कुर्वतोऽस्य । त्रिरत्र यदि दृश्यते । बलहत्यापादमुद्रा पादमुद्रानुयायिनी ॥  
तदैव वधको भूत्वा सदृशं दण्डमर्हति । राजान्वेष विधिः कार्यः दिने पापहृदयिना ॥

*Rājatarāṅginī* IV.102-105.

King Mādhavavarman of Viśvakundin(575 A.D. to 600 A.D.) is said to have administered various ordeals. He is described as 'Avasita-vividhadvyah'. [ Vide Pulomburu plates of Viśvakundin Mādhavavarman in the Journal of the Andhra historical research society -Vol.VI pp.17-24).

The existence of trial by ordeals in Indian courts in the 7th century A.D. is evidenced through the accounts of Yuan Chwang's travels in India. Yuan Chwang(629-645 A.D.) describes four ordeals by which the innocence or guilt of an accused person is determined. 'These are by water, by fire, by weighing and by poison. In the water ordeal the accused is put in one sack and a stone in another. Then the two sacks are connected and thrown into a deep stream, if the sack containing the stone floats and the other sinks, the man's guilt is proven. The Fire ordeal requires the accused to kneel and tread on hot iron, to take it in his hand and lick it, if he is innocent he is not burnt, but he is burnt if he is guilty. In the weighing ordeal, the accused is weighed against a stone and if the latter is lighter, the charge is false, if otherwise, it is true. The Poison ordeal requires that the right hind leg of a ram be cut off and according to the portion assigned to the accused to eat, poisons are put into the leg and if the man is innocent, he survives, and if not, the poison takes effect.'<sup>558</sup>

It must be pointed out that none of the ordeal described by Yuan Chwang is confirmed by any other writer. The account does not tally with any of the Indian document and therefore cannot be

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558. Watters : 'On Yuan Chwang's travels in India'.p.172.

taken as reliable. Watters, editor of 'Hsüan Yuan Chwang's travels in India' adds - 'our authors account of these trials by ordeal in India differs greatly as the actual ordeals and the modes of procedure with them from the descriptions to be found in other works'.

Suleman Soudagar(851 A.D.)mentioned two ordeals of hot iron and boiling fluid.<sup>559</sup>

From 11th Century onwards we find that ordeals were getting very popular and wide-spread. From Al-beruni's (1050 A.D.) account of India we find that in his times law was severe and ordeals were frequently resorted to. He describes six principal ordeals viz. Poison, Water, Sacred-libation, Balance, Hot coin and hot-iron which agree with the details available in the Dh. works. He gives following account of these methods.

\*There are many kinds of oath in accordance with the value of the object of the claim. If the object is of no great importance and the suiter agrees that the accused person shall swear, the latter simply swears before five learned brahmins.

A higher sort of oath is this : The accused person is invited to drink the Visa called Brāhamana. It is one of the worst kinds, but if he speaks the truth, the drink does not do him any harm.

A still higher sort of ordeal is this: They bring the man to a deep and rapidly flowing river or to a deep well with

much water. Then he speaks to the water, 'since thou belongest to the pure angels and knowest both what is secret and the public, kill me if I lie and preserve me if I speak the truth'. Then five men take him between them and throw him into the water. If he has spoken the truth he will not down and die.

A still higher sort is the following : the Judge sends both claimant and defendant to the temple of the most venerated idol of the town. There the defendant has to fast during that day. On the following day he dresses in new garments and posts himself together with the claimant in that temple. Then the priests pour water over the idol and give it him to drink. If he then has not spoken truth, he at once vomits blood.

A still higher sort is the following : The defendant is placed on the scale of a balance and is weighed, whereupon he is taken off the scale and the scale is left as it is. Then he invokes as witness for the truth of his deposition, the spiritual beings one after another and the heavenly beings one after other and all which he speaks he writes down on a piece of a paper and fastens it to the head. He is second time placed in the scale of the balance. In case, he has spoken the truth, he now weighs more than the first time.

There is also a still higher sort. It is following : They take butter and sesame oil in equal quantity and boil them in a kettle. Then they throw a leaf into it which by getting flaccid and burned is to them a sign of the boiling of the mixture. When the boiling is at its ~~highest~~ height they throw a piece of gold into the kettle and order the defendant



to fetch it out with his hand. If he has spoken the truth, he fetches out.

The highest kind of ordeal is the following : They make a piece of iron so hot that it is near melting and put it with a pair of tongs on the hand of the defendant, there being nothing between his hand and the iron save a broad leaf of some plant and under it some few scattered corn of rice in the husks. They order him to carry it seven paces and then he may throw it to the ground.<sup>560</sup>

We find many epigraphic references which show that the ordeals prevailed very largely during this period.

- (1) The Gadag inscription of Vikramāditya VI dated 1098 A.D. contained reference to the ordeals of boiling water, of snake in a jar and of balance.<sup>561</sup>
- (2) In the Silimpur stone slab-inscription of the time of Jayapāladeva (round about 1200 A.D.) we find a reference to the ordeal by balance.<sup>562</sup>
- (3) The Kittur inscription (J.B.B.R.A.S. Vol. IX. pp. 307-9) contains an interesting account of the Phāla (= Agni) divya.

Sivasakti, the Ācārya (Priest) of God Srikaṣṭhavaradeva of the well-called Attibai at Kittur and Kalyāṇasakti, the Ācārya

560. Sachau : 'Alberunis' India 'pp. 158-160.

561. गृहीतस्तप्तमपि घटगतमहिषं पाणिना ताडयामः । स्वरोक्ष्यामस्तु लोना परमपि विषमं सर्वमथान कुर्मः ॥ Gadag Inscription Verse 49, Epigraphia Indica Vol. XV. p. 360.

562. सदिग्धानिर्णयं युक्ता कुर्वतोऽपि सहस्रशः । यस्य धर्मतुला नासीदनालं वित्तचुंबका ॥ Silimpur-stone-inscription, Verse 21, Epigraphia Indica Vol. XIII. p. 291-92

of the original deity of that place opened a subject of dispute, the former asserting that a plot of ground in that place called Ālakolanakeyi belonged to Kāleśvaradeva, while the latter claimed it for the original deity. The ordeal was conducted in the presence of the fortunate prime-minister Īśvarārya Dandanāyaka in the 15th year of the Goa-Kadamba king Vīra Jayakesideva III, on Sunday the 7th day of the dark fortnight of the month Āshāḍha in the Kaliyuga year 4289 corresponding to Sunday 24th June 1201 A.D.

\* The agreement that they both of their own free will entered into at the presence of the same Īśvara Dandanāyaka was this : Sivasakti said, 'where as this plot of ground called Ālakolanakeyi belonged of old to Kāleśvaradeva, Devarṣi the father of Kalyāṇasakti unauthorisedly brought it under cultivation under the Candē state and had a grant written in his own favour and I am now prepared to undergo the Phāla divya in favour of my statement that it had belonged from ancient times to Kāleśvaradeva. (on the other hand) the agreement of Kalyāṇasakti under the oath with the sacred symbols on his head was, 'if the candē saṁsthāna gave this plot of ground (called) Ālakolanakeyi to my father Devarṣi and to myself on behalf of the original local deity (Mulasthāna deva), it has not been unauthorisedly brought under cultivation. '

Īśvara Dandanāyaka then said ', go both of you before the assemblage of the bankers of the village Degave which has been granted in perpetuity to Brāhmanas and on their assenting

to this, on Sunday the 7th day of the dark fortnight of Āshāḍha in the same year in the presence of all bankers of the agrahāra village Degave and in front of the temple of Mallikārjunadeva of that place, Śivasakti undergoing the order of the Phāla-divya made oath that the pie-ce of land called Ālakolanakeyi belonged of old to the god Kāleśvara of Attibai, while Kalyāṇasakti, taking the sacred symbols on his head declared that it was the property of the original local deity. After this, on monday, the 8th day of the same dark fortnight, all the bankers of the Agrahāra village Degave having convened themselves in the assembly hall and having examined the hands of Śivasakti decided that he had won his case and that Kalyāṇasakti who had taken sacred symbols on his head had lost it and that the plot of ground called Ālakolanakeyi belongs to god Kāleśvara of Attibai and gave a certificate of success to Śivasakti.<sup>563</sup>

(4) Māṇḍyā Taluka Inscription No.79(Epigraphica Carnataka Vol.III p.47) records a dispute having arisen about the boundaries of land bestowed by means of a copper-plate grant by the Hoyasala king Vīranarasimhadeva one Kannaya a descendant of the original donee performed an ordeal by holding consecrated food in the presence of King Hoyasalesvara in the capital Dorasamudra and came out successful.<sup>564</sup>

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563. Sircar D.C. : 'Successors of Śātavāhanas ', pp.370-71.

564. Dr.Kane : 'History of Dharmasāstra', Vol.III p.377.

(5) Yelandur Jagir Inscription No.2(Epigraphica Karnataka Vol.IV p.27) is a charter to potters whose headmen underwent the ordeal of dipping their hands in boiling ghee as against barbars and washermen who denied that potters could pare their toe-nails and tie on upper cloth at the time of marriage.<sup>565</sup>

The instances recorded in (4) and (5) have occurred in about 1275 and 1580 A.D.

Lewis Rice points out that 'the earliest method consisted in making an oath in the presence of god, holding at the same time the consecrated food. If guilty, it would choke him on partaking of it. Instances of this ordeal appear in 1241 and 1275. In the first, payment of some money was in question, the second was a boundary case. The ordeal of grasping a red-hot iron rod or bar in the presence of God Hoyasalesvara is recorded in 1309. A later form of ordeal was perhaps a severer and consisted in making oath as before and then plunging the hand into boiling ghee. If no injury resulted the defendant won his cause. Such instances occurred in 1550 and 1677 A.D.<sup>566</sup>

(6) Of the time of Lakṣmīdeva I, the Ratta king of Saudatti, we have one record, a stone inscription at Hannikeri near Sampagaon in which it is pointed out that the wife of Lakṣmīdeva I was Cāṇḍāladevi(also called Candrike or Candrikādevī), daughter of a person named Rājā belonging to a family of Mahāmandlesvaras

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565. Ibid : p.377.

566. S.N.Sen, 'The Administrative system of Marathas' pp.574-75.

with the hereditary title of the Supreme lord of Kapanpura, the best of towns. She was a Pativrata and attained victory over a number of serpents in an earthen water-jar.<sup>567</sup>

It is evidenced by some old Bengali works that in Bengal, the purity of wives was sometimes examined by ordeals. Thus, Khullana, the heroine of Kavikankana Mukundarama's Candikavya (about Saka 1499=1577 A.D.) is reported to have undergone successfully four ordeals, the first three of which are in reality the water, poison and spear-head ordeals. It is stated that Khullana was put into Jātagrha made specially for the purpose of testing her chastity and then it was set fire to. This form of ordeal is however unknown to the Smṛti literature....Behulā the famous heroine of the Manasamangala story is also said to have proved her purity by undergoing with success several of the ordeals - points out D.C.Sircar.<sup>568</sup>

The administration of Hindu law in the Muslim period was not very much affected as far as the civil law was concerned. Hindu law was allowed to be reserved for the Hindus and Mohammedan rulers did not interfere with their system. But the administration of the criminal law was strictly regarded as a special responsibility of the state. During the Mohammedan rule, practically speaking, only the criminal law was largely common to the Hindus and the Muslims with the exception of the application of the oaths and ordeals. Muslim law did not recognise ordeals and the Muslim rulers did not apply them because they implied a

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567. Bombay Gazetteer Vol.I part-II p.556.

also vide Dr.Kane, Hist.of Dh.Vol.III p.366 f.n.580.

568. D.C.Sircar, 'The successors of Sātavāhanas' p.369.

Hindu institution connected more or less with Hindu religion. Ordeals were never encouraged by the Sultans or the Emperors of Delhi though they did not object to their being applied to non-Muslim states. Under their protection, when both the parties were, of course, Hindus, the cases between the Hindus were decided by the learned Brahmins and not the Muslim Quazis.<sup>569</sup> So if it was necessary to have recourse to ordeals, they would put heated irons into the hands of the accused person who was guilty, if his hand burnt, but innocent if not, or they would put the hands of the accused in hot liquid butter, or the accused would jump into the waters and if he came to the surface before an arrow had returned to the ground which had been shot off when he jumped into the water, he was guilty.<sup>570</sup>

The earliest attempt to introduce such form of trial was made by Sultan Jalaluddin Khilji (1290 to 1296). Sultan Jalaluddin Khilji wanted to apply an ordeal in the trial of Sidi Maula who was prosecuted for sedition and whom the court was disinclined to convict on the strength of the evidence of solitary witness. The Sultan wanted to test the innocence of the accused by asking him to walk through the fire, but the Sadar Jahan and other judges vehemently opposed this proposal.

They argued quite logically that fire did not distinguish between the innocent and the guilty.<sup>571</sup>

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569. U.C.Sarkar, 'Epochs in Hindu legal History', p.215-ff. 200ff.

570. Ain-e-Akbari(Translated by Blochmann) p.205.

571. Mohammad Ahmed, 'Administration of justice in medieval India'. pp. 194-195.

Akbar encouraged the use of trial by ordeal in the Hindu fashion. Ordeal by heated metal was commonly resorted to by the people of Sind even after Mohammedan conquest of that province. Ali Ghar Kani, the author of Tuh-fatu-l-Kiram writes, 'An ordeal, still practices among the most ignorant, is that of taking a red-hot spade. Green leaves of a tree are tied on to the hand of the suspected person with raw thread and an iron spade, heated to redness, being then placed on his palm, he must carry it for several spaces quickly, and it has often been seen that neither the thread nor the leaves have been in the slightest degree affected by the heat of the red-hot iron although when cast to the ground it scorched it like the sand in the oven of a parcher of grain'.<sup>572</sup>

Capt<sup>n</sup> Hamilton who visited India in the reign of Aurangzeb has recorded a trial by ordeal in South India where the accused person was asked to prove his innocence by putting his hand in boiling oil.

James Forbes, an intelligent observer of Indian customs and manners says that trial by ordeal was followed under Mohammedan governments.<sup>573</sup>

We have seen above that trial by ordeal is distinctly opposed to the principles of Islam. The method however did not die during the Muslim period. Muslim rulers had to recognise

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572. S.N.Sen : 'Administrative system of the Marathas' pp. 453

573. Vide f.n. 571.

and adopt it owing to its influence on Indian society. Maratha documents show that trial by ordeal was very common under southern Mohammedan potentates. The practice however, as it has been observed above, appears to have been confined amongst Hindus and was not resorted to if the parties concerned were Mohammedan. The only logical conclusion possible under circumstances is that the Southern Mohammedan rulers had simply helped the survival of trial by ordeal in the Deccan and were in no way responsible for its introduction.

Maratha rulers revived the traditions of the Hindu legal system. Evidence is one of those topics in the judicial system of the Marathas which will at once reflect the unmistakable influence of the Smṛti literature. Maratha records give us a very clear idea regarding the types and the administration of ordeals of the day. In the *Trītiya* and *Caturtha Sammelana Vṛtta* of the *Bhārata-Itihāsa-Saṃsodhaka Maṇḍala* quarterly, we find two articles written by Mr. B. V. Bhat in which he discusses the administration of justice in the times of Marathas and the part played by ordeals is described at length. Dr. V. T. Gune also gives detailed information about the ordeals of the Maratha period in 'The Judicial system of Marathas'.

In the absence of documentary evidence and witnesses, the device of getting divine proof was resorted to. Sometimes if the parties were not satisfied with the evidence brought forth and as an alternative requested for trial by ordeal, their request was generally granted.



General procedure in a trial by ordeal -

If the Majalis of the place of origination thought it necessary to try the suit by means of divine proofs, the litigents were sent to the place (thala) known for ordeals, with a letter (chirapatra) to the public officer of the place and to the local gota. After the proper performance of an ordeal, a 'Thalapatra' containing the details of the ordeal and concluding remarks of the Gota was given in favour of the party who had gone through it successfully. On their return, the Majalis of Mayathal issued its Mazhar on the basis of the Thalapatra. The presence of the Government officer was absolutely necessary in the cases of trial by an ordeal.

Classification of ordeals - ordeals known through the Maratha records can be classified as follows :-

D I V Y A S -

(A) - Agni-divya (Fire as a means of proof)-

- (1) Rava-divya (by heated piece of metal)
- (2) Agni-divya (by heated-ball of metal)
- (3) Airani-divya (by heated Anvil).

(B) - Divine intervention within a fixed period

Kriya-divya

- (4) Nadicī kriyā (by plunging into holy river)
- (5) Vaticī kriyā (by burning lamps)
- (6) Other kriyas.

- §7) Satya or Bela-bhāndār.

- (8) Sāpatha or oath.

(1) Ravā-divya - From the documentary evidence on record it seems that the Ravā divya was in practice in Maharashtra from 13th to 18th Century. It resembles greatly with the Taptamāsa divya described by Nārada.

The Ravā divya was generally performed at some well known holy place, and in most cases, in front of the temple of god Śiva. Following places were famous for the Ravā or-deal.

Śrīdeva(Khatav), Bhairava(Sonori), Kedāresvara(Shiraval), Nāgesa(Poona), Śrīdeva(Kasba Savad), Śrīdeva(Doulata mangala) Śrīhanumant(Bamanoli), Jumma-masjid (Near Kasba Chipalun), Mārtanda Bhairava(Pali) - (There are five examples of Ravā ordeal performed at Pali) - 'Sri Amṛtesvara(Mohari Budrk), Sri Vajrayoginī (near Kalyana), Śrīdeva-Somesvara(Pasana-Poona).

A fixed period of four days from Saturday to Tuesday was usually selected for the performance of the ordeal. Following things took place on Saturday - A written agreement binding both the parties to abide by the decision of the ordeal was taken down which was known as Rājināma or Takrira or Jabāni. The hands of the person who had to undergo the ordeal were washed by lemon(limbu) and soap(sabun). Signs of his hands, if any, were noted. Afterwards the hands were bandaged and sealed and both the parties were kept underguard. (Adabakhana). Sometimes, litigents observed fast on the same day. Next day(Sunday), the ordeal took place at an astrological auspicious time and very early in the morning. A fixed quantity of oil and ghee mixed together and heated in a vessel of metal. In the meanwhile the

parties took bath in the holy river or well near the temple and performed some religious rites and worshipped god. Then a piece of paper generally known as Bhāṣāpatra, Bhākhāpatra, Shiropatra, Chīrapatra or Bhālapatra recording the object of the ordeal was put on the forehead of the person who had to go through the ordeal. Then the plaintiff(Agravādi) had to go over the seven concentric circles drawn before the temple 'being followed by the defendant(Sāvalī karane). He then recited the contents of the Bhālapatra placed on his head and took out the piece of metal(Ravā) thrown in the ~~gas~~ boiling mixture of oil and ghee poured in a pot(Ravāpatra) in the presence of the assembly. Sometimes with a view to testing the purity of this boiling mixture a leaf of betel creeper (Nāgavelī) or some quantity of corn was thrown into it, the former remained unfaded while the latter blossomed into what they called Lāhī.

Then the palms of the person who took out the Ravā from the oil were examined by the assembly and bandaged and sealed by the government clerk after which both the litigents were kept in custody.

On Tuesday, the bandage was taken off and seals were broken. in the presence of the Majalis and if there was no new mark on the palm, he was declared successful and a Thalapatra was granted in his favour.

If a person suffered from cold(Jalavāta) his nearest relative was to perform the ordeal for him. This method of testing the truth continued during the Peshwa period. Of some 16 examples

of Ravā divya spread over a period of 500 years, the procedure described above was followed verbatim in almost all of them. Of these, 13 cases were undertaken for Watan suits and remaining 3 were gone through for boundary disputes.

(2) Agni divya - It was not so popular as the Ravā ordeal. There is only one example of it in the published record. There is not much difference between the general procedure followed in the Ravā ordeal and the Agnidivya. In the Agni-divya instead of a piece of metal, a ball of metal strongly heated was placed on the palms of the person, bandaged in the leaves of holy fig tree and smeared with ghee. He then walked over the seven concentric circles drawn and threw the ball on the quantity of corn kept at the end of the circles. Then his hands were bandaged and sealed and reexamined on the 3rd day just as in the Ravādivya. (Vide the example of Rāgho Nārāyana Prabhu Vs Ganesh Dattāji Prabhu given below)@

(3) Airani Divya - This ordeal was often accepted in cases of boundary disputes. There is no difference between Airani Divya and Agni-divya except that in the former an anvil was heated while in the latter a ball of metal is used.

(4) Nadici Kriva - In the presence of the government agent, the Watandars, the Mirasdars both from their(parties) native place and from adjoining villages together with the litigents themselves were made to enter the waters of the sacred river such as Krishnā or Godāvarī at holy places. Then either the Baluts or the Deshmukh-Deshpandes or the Patil-Kulkarnis were asked to get

out of water whomsoever they thought to be the true litigents. Then the parties and the Gota were kept under guard for a certain fixed period, say of five or ten nights (Pancharāta or Dasharāta) and if nothing inauspicious happened to them due to divine intervention, during that period, then the litigent whom they had pulled out of the river was declared to be successful.

In one case, Mahar (village watchman) was ordered by the Gota to draw the rightful owner of the Watan out of the water and he having pulled out the right person out of water, loudly proclaimed his verdict.

(5) Vatichī Kriyā (Ordeal by burning lamp) -

A Jayapatra dated 12th August 1742 A.D. of a dispute between Babakhan Ghorī and Polad Shah Saīd about the Mokadami Watan of village Kātraja describes the ordeal by burning lamps performed in the mosque of Ranjangaon as follows : 'Both the plaintiff and the defendant fixed up their period of a fortnight from the Thursday, the bright half of the month of Srāvanā to Thursday the eighth of the dark half of the same month, and according to terms mutually agreed upon (Rājīnamā), both of them sat in the mosque lighting lamps of ordeal before the masjid. They were protected by the Government officer and by the Mujavar (cleaner) of the mosque. After the expiry of the 15th day of the vow, the mujavar was called and asked on oath by the government officer to state the truth about what had actually happened to either of them during the fixed period. There upon the Mujavar aforesaid deposed that on the first day, when the ordeal started

as Poladshah Said tried to inhale the incense, trembled on the third day following his lamp could not catch the light, the lamp turned upside down spilling all the oil it contained, thrice did he try to light the lamp but it would not burn, and when burnt it did so intermittently. For the first eight days the lamp lighted by Babakhan Ghorl burnt steadily and well. On the ninth day following the lamp of Said, it was extinguished. On the 14th and 15th day Poladshah collected his legs near his belly and lying down on the ground said that he had a shivering sensation, on the 15th day his light would not burn, the oil in the his lamp caught fire.

Thus Poladshah Said failed in the ordeal of lamps which proved him to be in wrong and so his claim was set aside.

A decision dated 1754 A.D. of the dispute between Bhise brothers about the partition of their Watan records in details the procedure observed in a lamp ordeal. It is possible from it to enumerate a few points regarding the general procedure of the lamp ordeal as under :- (i) Thalakarī or the Gota of the place of ordeal could not <sup>take</sup> the ordeal from the litigents unless a sealed order to the same effect was brought from the Govt. Officer. (ii) The presence of a Govt. clerk was necessary. (iii) It was customary to record the names of the Pūjārī (attendants) of the god in the award of the Thala or place. The following extract will be interesting from the point of procedure.

Thus repeating the terms of agreement (Takrir) and inscribing them on a chit both took their bath out of a well, prepared lamps from wheat flour weighing 5 Tolas each and filled

them with oil to the measure of one Tola in each lamp. Then the lamps were lighted before the image of god simultaneously. The lamp wick of the plaintiff Vaghoji Bhise sucked out all the oil in the lamp and was extinguished. Thereafter the wick in the lamp of Raghoji Bhise remained burning as long as one could count three hundred clappings of one's own palm. Thus Raghoji proved to be successful and the members of the assembly made flower offering to his lamp. As three Māsas of oil remained in his lamp, he proved his point according to his Takrir and the Gota awarded their final decision in his favour.

(6) Other Kriyās -

(a) Kriyā of touching the feet of Shahu Chatrapati-

On a certain occasion a man performed the Kriyā (oath) of the feet of Shahu Chatrapati and, as fate would have it, died of cholera within a month.

(b) Some occasional references to different Kriyās are as follows :-

- (i) Kriyā of Hindu Dharma was taken before God Rayaresvara.
- (ii) Kriyā of milked and boiled rice.
- (iii) Kriyā of Navakhandī.
- (iv) Kriyā of bread, flowers and the ashes offered to god.

(7) Satya and Belabhandāra - Sometimes the person was asked to perform Satya by swearing on leaves of Bela tree and Turmeric dust (Bhandāra) and pick up flowers offered to god. If nothing inauspicious happened to him during the fixed period the suit was decided in his favour.

(8) Sapatha : Following oaths were popular.

- (1) Hindus swore by keeping their hands on cow-dung and leaves of Tulasi plant.
- (2) Hindus swore Jñānadevi and Muslims by Quran.
- (3) The oath of Mahārāshtra Dharma was also sometimes taken by Hindus.

Other types -

- (1) There are references to Sītala divya, Dhārādivya, but except their names nothing more is known.
- (2) Ordeal of white(Gorā) and Black(Kalā) gram(chaṇā). Both grams were covered by and thrown by means of wax into a pot of water already worshipped according to the religious rites. Then the person was to take out one of the grams out of water. If he got white gram, he was declared successful.<sup>574</sup>

It would appear that this ordeal is very similar or just a modified version of the ordeal of Dharmādharmau described in the Dh.works.

We have seen so far various types of ordeals that were practised during the Maratha period. Mr.B.V.Bhat notes following important points regarding the system of administering these ordeals.

- (1) The administration of justice was conducted on the basis of the Smṛti laws which were actually found quoted in the judgments.

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574. V.T.Gune, 'The Judicial system of the Marathas' pp.89-99.



There was a suit regarding the Patil-right of Masur between Narsoji Jagadale and Bapuji Musulman. Bapuji Musulman was prepared to give up the patil-rights if Narsoji proved his claim by means of an ordeal, but since Narsoji had already produced old documents and royal orders declaring his rights, the Judge rejected Bapuji's plea on the basis of Kāt. verse Yadyeko Mānuṣm brūyāt etc. referred to by Mit. on Yāj.II.21. (vide Kāt. 218)

(2) When boundary disputes were settled by means of ordeal, the Mahar of the concerned village used to undergo the ordeal.

There was such a dispute between the villages Mouje Madar dev(Pranta Wai) and Mouje Ambade. The Mahar of the village underwent an ordeal on the 1st day of the dark fortnight of Śrāvana in Śaka 1631.

(3) Although parties signed Rajinama to abide by the evidence of the Pandhari and furnished security for their ob<sup>e</sup>dience, the defendant party might claim a fresh decision by ordeal and if one ordeal failed he could ask for a trial by ordeal of a different sort. Sometimes he changed his mind about the selection of ordeal before the first proposed by him had been tried. How much indulgence was given to a Maratha Suitor in order that he might be satisfied that no injustice had been done to him and how often he changed his mind is seen from the case of Kṛṣṇāji Bin Narsoji Bodkā Vs. Somāji Bin Bapuji Bodkā :

Upon that on the second day Somāji refusing the decision of the gots demanded an ordeal by water. He said that man drawn by hand out of the water by Pandhari should be regarded as in the right. When you were asked whether you were willing to undergo that

ordeal you answered in affirmative. The next day he changed his mind, refused the ordeal by water and suggested that the case should be decided by an oath in the mosque at Kaba Ranjangaon, on the third day he rejected the plea of an oath in the mosque and demanded an ordeal by water over each other's hands. He who would pass this ordeal should enjoy the Watan. Somaji rejected this proposal also and prayed for an ordeal by fire.

(4) There was a case between Rāgho Nārāyana Prabhu and Ganesha Dattāji Prabhu regarding the Deshpande-rights over Pargan Salae of the Pranta Kalyana. It was decided that Ganesh Dattāji should undergo ordeal at Vajra-yoginī. It was however pointed out that though Ganesh Dattāji was not the real Vatandara, he enjoyed those rights and therefore the Deshpande rights should be settled in his favour. Thereupon, Rāgho Nārāyana underwent an ordeal before god Suklesvara on the bank of river Godāvarī at Kasba Kopargaon. Pargana Kumbhare, in the presence of Bājirao Ballāl Peshwa and many learned scholars of various Śāstras. Rāgho Nārāyan's own statement in this respect is available as follows:-

“On Wednesday my hands were bandaged and sealed. The next day, Thursday, the aforesaid Pandit set with Brāhmanas, Vatandars and men of note on the banks of Godāvarī, opened the bandages of my hands in the presence of the god and had rubbed with rice and then they were washed. The signs on two hands were all marked and an iron ball 50 Palas or 168 Tolas 2 Māsas in weight was duly weighed and thrice heated in fire. They bound a Bhālapatra on my forehead, placed 7 Asvattha leaves on my hands and bound them

with thread. Then they placed the ball on my hand and ordered me to walk over seven circles and drop the ball on the eighth. Accordingly I walked over the seven circles and dropped the ball on some grains which had been kept in the appointed place and the grains took fire .... Then the aforesaid Pandit and all the assembly inspected my hands and they were shown to Ganesh Dattaji. The hands were not even slightly burnt by fire. Then they again bandaged and sealed my hands. After two Praharas of day and four Praharas of night had elapsed, they took me to assembly on Friday, the dvadasi morning. The bandage was taken off and the aforesaid Pandit and the people assembled inspected the hands. Both the hands were shown to Ganesh Dattaji. No wound, not even the sign of a sesame seed was seen on hand. The signs on the hands noted at the time of ordeal were carefully compared. There was no difference whatever'.

(5) Sometimes, persons of both the parties were asked to undergo ordeal simultaneously. This may be concluded on the basis of the case decided at Mouje Soneri Tarf Karhe, Pathara Pranta, Junnar regarding the Jyotish-kulkarni-vatans in Saka 1590.

(6) Ordeal was required to be conducted at an auspicious moment decided by astrological calculations. Once a Rava-divya was fixed to be conducted on Sunday, the 5th of the bright fortnight of the month Mārgasīrṣa, but as accident would have it, the oil and ghee in the vessel were completely burnt and the ordeal was therefore not conducted. A fresh muhūrta was then decided and the trial took place on Monday 13th day of the bright

fortnight of Mārgasīrsa in Sāmvatsara named Visvāvasu in Śaka 1641.

(7) We have referred to the Airaṇī-divya. Boundary-dispute between the villages Karmbaka and Undargaon was decided by this ordeal. Hands of the person undergoing the ordeal were bandaged with seven leaves of pipal tree which were stiched by fresh thread. After this, curds and boiled rice were placed on the pipal leaves and then an anvil was heated and placed on it.

(8) Boundary disputes were settled by conducting ordeal on the actual boundaries, but in some cases, it could be conducted at any other convinient place. Clay was brought from the boundary disputed and the ordeal was performed on it.

(9) Ordeal decided only that part of dispute which was written on the Shirahpatra tied on the forehead of the person undergoing it. This is revealed through the case of Kānhojirao Shirke Vs. Dewajirao Shirke regarding the Vatan and Sardeshmukh rights of the place Shirkan. K.Shirke and D.Shirke were cousin brothers Former belonged to the family of the elder son(Tanājirāo) of Wāghoji Shirke while the latter belonged to that of the younger son (Pilājirao). K.Shirke once performed an ordeal and proved that he belonged to the elder family. He now on that account tried to establish the Vatan and Sardeshmukh rights in his favour, but the judges decided that as the statement written by K.Shirke at the time of the ordeal undergone by him did not mention anything about the Vatan, the trial could not be said proving anything about Vatan.

(10) It was disgraceful on part of a respected person to resort to an ordeal for deciding truth in so called disputes. There was a dispute regarding the Dharmādhikari rights between two learned priests at the Pravara Sangam. The case was referred to the Sankarācārya at Kolhapur, who advised the learned-Agni-hotri-brahmins not to undertake an ordeal in this respect since it was unbecoming them to do so.

(11) Mr. B.V.Bhat points out that the disputes regarding Vākpārusya (defamation), Danda-pārusā (assault and murder), Steya (theft) and Strīsaṅgraha (adultery) were particularly decided by ordeals. Following examples prove this.

(a) Soyarāji Thorāt (Kille Nārāyanagadh) was suspected the character of Maini, daughter of Rakhamāji Repālā, as she used to go to Shivāji Parīt, Maini went through the Rava divya and falsified the charges. Soyarāji was defeated and fined Rs.50.(1748-49 A.D.).

(b) Mānakoji Pātil (Mouje Nimbhone) was asked to undergo Kriyā at Ranjanagaon for the charges of theft(1746-47).

(c) Khetroji Barge Pātil (Kasbe Koregaon, Prant Wai) was charged by Anandarao Barge for murdering Mahīpatrao kulkarni. Khetroji was kept in custody. His brother underwent the ordeal.<sup>575</sup>

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575.B.V.Bhat - 'Mahārāṣṭrātīla Vyavahāranirṇayapaddhati'  
(Two articles) in Bhārāt Itihāsa Samshodhaka  
Mandala - Third and Fourth Sammelana Vṛtta.

We thus find many examples of ordeal collected in the Maratha records which prove that ordeal was successfully implemented as a legal means of proof. We have already seen how the Dh.writers have tried to develop the system.

The administrative system of justice during the rule of Maharaja Ranjitsingh was derived from original Hindu law, though we hardly find any direct application of the original text and commentaries of Hindu law. Ordeals were actually used even during the time of Maharaja Ranjitsingh.

Some military papers indicate that in Vikram Samvat 1843 (1797 A.D.), when some soldiers of Laffut created some disturbance and mutiny, some were dismissed from service and others were fined. One Kahan Singh had his ears severed and his forehead marked with a red-hot iron. And Jamait Singh proved his innocence by putting his hands in boiling oil, when found innocent by the application of an ordeal, he was not only set free but was raised to the rank of Naik.<sup>576</sup>

Ali Ibrahim Khan, Magistrate at Benaras, has described two cases of trial by ordeal witnessed by him which he reported to the Governor General Warren Hastings in the year 1783.

"In the year of the Messiah 1783, a man was tried by the hot-ball(phala-divya) at Benares in the presence of me, 'Ali Ibrahim Khan, on the following occasion. A man had accused one Sankar of larceny, who pleaded that he was not guilty, as the theft could not be proved by legal evidence, the trial by the

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576. U.C. Sarkar : Epochs in Hindu Legal History p. 245 f. 261.

fire-ordeal was tendered to the appellee and accepted by him. This well-wisher of mankind advised the learned magistrates and Pandits to prevent the decision of a question by a mode not conformable to the practice of the Company's Government, and recommended an oath by the water of the Ganges and the leaves of the tulasi in a little vessel of brass(copper?) or by the book Harivamśa, or by the stone Śālagram, or by the hallowed ponds or basins, all which oaths are used in Benares. When the parties obstinately refused to try the issue by any one of the modes recommended and insisted on a trial by the hot-ball, the magistrates and Pandits of the court were ordered to gratify their wishes and, setting aside those forms of trial which there could be only a distant fear of death or loss of property as the just punishment of perjury by the sure yet slow judgment of heaven, to perform the ceremony of ordeal agreeably to the Dharmasāstra : but it was not till after mature deliberation for four months that a regular mandate was issued for trial by the red-hot ball, and this was at length granted for four reasons : first, because there was no other way of condemning or absolving the person accused, secondly because both parties were Hindus and this mode of trial was specially appointed in the Dharmasāstra by the ancient law-givers, thirdly, because this ordeal was practised in the dominions of the Hindu Rajas, and fourthly, because it might be useful to inquire how it was possible for the heat of fire to be resisted and for the hand that held it to avoid being burned. An order was accordingly sent to the Pandits of the courts and of Benares to this effect : ' since the parties accusing and accused are both

Hindus and will not consent to any trial. but that by the hot-ball, let the ordeal desired be duly performed in the manner prescribed by the Mitākṣarā or Commentary on Yājñavalkya.

'When preparations were made for the trial, this well-wisher to mankind, attended by all the learned professors, by the officers of the court, the sipahis of Captain Hogan's battalion and many inhabitants of Benares, went to the place prepared, and endeavoured to dissuade the appellor from requiring the accused to be tried by fire, adding, 'if his hand be not burned, you shall certainly be imprisoned. The accuser, not deterred by this menace, persisted in demanding the trial. The ceremony, therefore, was thus conducted before me, 'Alī Ibrahim Khan.

'The Pandits of the court and the city, having worshipped the god of knowledge and presented their oblation of clarified butter to the fire, formed nine circles of cowdung on the ground, and having bathed the appellee in the Ganges, brought him with his clothes wet, when, to remove all suspicion of deceit, they washed his hands with pure water : then, having written a statement of the case and the words of the mantra on a palmyra leaf, they tied it on his head; and into his hands, which they opened and joined together, seven leaves of Pippala, seven of Jend, seven blades of the darbha grass, a few flowers and some barley moistened with curd which they fastened with raw white cotton. After this they made the iron-ball red-hot and, taking it up with tongs, placed it in his hands. He walked with it, step by step the space of three gaz and a half through each of the



seven intermediate rings, and threw the ball into the ninth where it burned the grass that had been left in it. He next, to prove his veracity, rubbed some rice in the husk between his hands, which were afterwards examined and were so far from being burned that not even a blister was raised on either of them. Since it is the nature of fire to burn, the officers of the court and the people of Benares, nearly five hundred of whom attended the ceremony, were astonished at the event: and this well-wisher to mankind was perfectly amazed. It occurred to his weak apprehension that probably the fresh leaves and other things which, as it has been mentioned, were placed in the hands of the accused, had prevented their being burned, besides that the time was but short between his ~~xx~~ taking the ball and throwing it down, yet it is positively declared in the Dharmasāstra and in the written opinion of the most respectable Pandits that the hand of a man who speaks truth cannot be burned: and 'Alī Ibrahim Khan certainly saw with his ~~xx~~ own eyes, as many others also saw with theirs that the hands of the appellee in this case were unhurt by the fire. He was consequently discharged. But that men might in future be deterred from demanding the trial by ordeal, the appellor was committed for a week. After all, if such a trial could be seen once or twice by several intelligent men acquainted with natural philosophy, they might be able to assign the true reason why a man's hand may be burned in some cases and not in others.

(11) A Brāhmaṇa named Rājīvara Bhaṭṭa accused one Rāmdayāl, a linen-painter, of having stolen his goods. Rāmdayāl pleaded not guilty and after much altercation consented to be tried,

as it had been proposed, by the vessel of oil (tapta-māṣaka-divya). This well-wisher to mankind advised the Pandits of the court to prevent, if possible, that mode of trial but since the parties insisted on it, an ordeal of hot oil, according to the Śāstra, was awarded for the same reasons which prevailed in regard to the trial by the ball. The Pandits who assisted in the ceremony were Bhīṣma Bhaṭṭa, Nānā Pāthak, Manirām Bhaṭṭa, Śiva, Anantaram Bhaṭṭa, Kṛpārām, Viṣṇuhari, Kṛṇacandra, Rāmendra, Govindarām, Harikṛṣṇa Bhaṭṭa and Kalidās, the three last were Pandits of the court. When Ganeśa had been worshipped and the homa presented according to the Śāstra, they sent for this well-wisher to mankind who, attended by the two Dāroghās of the Dīvānī and Faujdārī courts, the Kotvāl of the town, the officers of the court and most of the inhabitants of Benares, went to the place of trial, where he laboured to dissuade Ramdayāl and his father from submitting to the ordeal, and apprised them that, if the hands of the accused should be burned, he would be compelled to pay the value of the goods stolen, and his character would be disgraced in every company. Ramdayāl would not desist, he thrust his hand into the vessel and was burned. The opinion of the Pandits was then taken, and they were unanimous that by the burning of his hand, his guilt was established and he was bound to pay Rājīśvara Bhaṭṭa the price of what he had stolen, but if the sum exceeded five hundred ashrafīs, his hand must be cut off by an express law of the Śāstra and a mulct also must be imposed on him according to his circumstances.

The Chief Magistrate, therefore, caused Ramdayāl to pay Rājīśvara seven hundred rupees in return for the goods which had

been stolen, but as amercements in such cases are usual at the courts of judicature at Benares, the mulct was remitted, and the prisoner was discharged.

'The record of this conviction was transmitted to Calcutta in the year of Messiah 1783, and in the month of April, 1784, the Governor-General, Imad-ud-daulah Jeladat Jang Bahadur, having seen the preceding account of trials by ordeals, put many questions concerning the meaning of Sanskrit wards, and the cases here reported, to which he received respectful answers.<sup>577</sup>

Lastly we may quote an example of Tulā ordeal conducted in the sub-court at Calicut round about 1912 A.D. report of which was reproduced by Mr.R.C.Temple in the Indian Antiquary, Sept.1931.

One of the questions to be determined was a Namputiri Brahmin who was a party to that suit had lost his caste for breach of some caste-rules. The parties agreed with the concurrence of the sub-court that the Namputiri Brahmin should undergo the weighing ordeal and succeed in establishing his innocence before the Vyadikas and priests.

'The ordeal took place in the temple of Śiva in Tali at Kalikat in the midst of a vast concourse of people, Brahmins and Śūdras and the presence of late Zamorin Maharaja Bahādur of Calicut, whose presence it was said necessary to validate the procedure....There was a large assembly of the most respectable Vadika Namputiris and Namputiripadas and many learned

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577. D.C.Sircar, 'The Successors of Sātvāhanas' pp.371-76.

Brahmins from all parts of South Malbar. A big weighing machine made of copper was hung to a thick wooden beam placed on two strong wooden pillars placed in the inner courtyard of the temple. Before the actual weighing ceremony, there was as usual in all ceremonies conducted by the sacerdotal order, various preliminary ceremonies were performed. Some Brahmins of high order sat for making Homa in the sacrificial fire kindled around the scale. Some sat to perform Pūjas and some recite mantras. The temple music was going on all the time....As usual at all Brahmin ceremonies, a muhūrtam, as auspicious hour had been fixed beforehand for the actual performance of the weighing ceremony....About some half an hour before the appointed hour the accused Namputiri was made to sit into one of the scales in order to adjust the weight before hand. Many people examined the adjustment. The accused Brahmin then left the scene to reappear for the ordeal. When the wretched man reappeared, all who saw him were moved to pity. The 24 hours' fasting which he had to undergo previously to purify him for the ordeal and the great mental anxiety made him look very miserable creature indeed. Add to this fact that he had just then plunged in the tank without whipping off the water from his body and with his wet clothes on as he was directed to do...as he approached the scales, he was made to prostrate before weighing machine and repeat the stanza which was to the following effect, 'Oh Dhāṭa, thou art the great judge of guilt or innocence. Oh Mother Dhāṭa if I am innocent let the scale in which I sit go up, if guilty let it go down'.

With these words he got into the scales. Great was the anxiety of the on-lookers to know the result, which was however soon pronounced by the Brāhmaṇa priests (who affiliated as judges of the ordeal) to be in favour of the poor Brahmin.<sup>578</sup>

The examples collected through the Maratha records as well as those described by Ali Ibrahim Khan and R.C. Temple will show how ordeals were practised strictly according to the Dh.rules. The practice of ordeal in various tribes of India (vide appendix I) also will show how it confirmed the Dh.recommendations.

<sup>578</sup>The detection of Crime by ordeal is not entirely dead even now, but it is not, of course, recognised in regular courts, and in fact, is illegal.<sup>579</sup>

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578. The Indian Antiquary, Sept.1931, pp.137 ff.

579. A Dubois : Hindu Manners, Customs and Ceremonies p.661 f.n.2.