

Apastamba Prasna 2, Patala 11, Khanda 28

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1. If a person who has taken (a lease of) land (for cultivation) does not exert himself, and hence (the land) bears no crop, he shall, if he is rich, be made to pay (to the owner of the land the value of the crop) that ought to have grown.
 2. A servant in tillage who abandons his work shall be flogged.
 3. The same (punishment shall be awarded) to a herdsman (who leaves his work);
 4. And the flock (entrusted) to him shall be taken away (and be given to some other herdsman).
 5. If cattle, leaving their stable, eat (the crops of other persons, then the owner of the crops, or the king's servants), may make them lean (by impounding them); (but) he shall not exceed (in such punishment).
- [28. 1. This Sutra shows that the system of leasing land against a certain share of the crops, which now prevails generally in Native States, and is not uncommon in private contracts on British territory, was in force in Apastamba's times.
2. See Colebrooke, Digest, Book III, Text lxviii, for this Sutra and the following two. Another commentator, quoted by Haradatta, connects this Sutra with the preceding, and refers it to a poor lessee of land, who cannot pay the value of the crop which was lost through his negligence. A third explanation refers the Sutra to a cultivator who neglects to till his land. Gagannatha's authorities, the Kintamani and Ratnakara, agree with Haradatta's first explanation.
5. Manu VIII, 240; Yagn. II, 159-161.]
6. If (a herdsman) who has taken cattle under his care, allows them to perish, or loses (them by theft, through his negligence), he shall replace them (or pay their value) to the owners.
 7. If (the king's forester) sees cattle that have been sent into the forest through negligence (without a herdsman), he shall lead them back to the village and make them over to the owners.
 8. If the same negligence (occur) again, he shall once impound them (and afterwards give them back).
 9. (If the same fault be committed again) after that (second time), he shall not take care (of them).
 10. He who has taken unintentionally the property of another shall be reprimanded, in case (the property be) fuel, water, roots, flowers, fruits, perfumes, fodder, or vegetables.
 11. (If he takes the above-mentioned kinds of property) intentionally, his garment shall be taken away.
 12. He who takes intentionally food when he is in danger of his life shall not be punished.

13. If the king does not punish a punishable offence, the guilt falls upon him.

[6. Manu VIII, 232; Yagn. II, 164.

13. Manu VIII, 18, 308; Yagn. I, 336.]

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