

Sarasvati-Vilasa, the Hindu Law
by Potluri Rao In Seattle ©2018 (CC BY 4.0)

The Sarasvati-Vilasa was a law treatise bearing the royal seal of Gajapati King Pratapa Rudra Deva (1497-1540) of the Orissa (Odisha) State. It was the law of the land of the Kakatiya kings of the East Coast of India for centuries. It was superseded by the Indian parliamentary statutes of 1955 and 1956. Under British rule, it was known as the Hindu Law of the Madras Presidency that covered the Kakatiya and Vijayanagara empires. It was widely accepted in South India as the law of the land.

Background

The now lost ancient Hindu civilization was an advanced logic-based civilization that existed for 60,000 years in Peninsular India. Hindus were visionaries, explorers, and pioneers before they voluntarily left Ethiopia to reach India. Genetically, they were the DNA F. They were warm-climate people and lived only to the south of the Tropic of Cancer. They avoided the Himalayas like the plague.

Hindu cultures were based on compassion and respect for other people's rights and property. They were self-governed democratic republics with open borders. Peace and prosperity with fair trade was their political philosophy. They had no written law books. Each republic had its own customs and traditions; it was the unwritten customary law. Local customs changed over a distance of a few miles. Hindus respected the right of each republic to have its own customs.

Greeks entered India after Alexander. They deliberately and totally destroyed the Hindu civilization and promoted the culture of the recent European immigrants who lived along the Indus River as the ancient Hindu culture. The law books called Dharmashastras were European law books. In South Bactria (Avesta), they were known as Vendidad. The Greeks tried to impose the European law on Hindus.

Only Bactria had written law books. Hindu never had a law book. Hindu law was customary law, based on accepted local customs and traditions. The unwritten Hindu law changed over a distance of a few miles.

The Sarasvati-Vilasa was the customary Hindu law, codified into a law book by Pratapa Dura Deva. It was, in fact, a commentary on another book codified by Vijnaneswara, called Mitakshara. Mitakshara was a compilation of core values of local customs, the exact opposite of the Bactrian Dharmashastras.

The British judiciary recognized that Hindu (F) had nothing to do with the European immigrants with written law books. The Muslim and Bactrian law books were rejected. Hindu law was the local customs and traditions, the unwritten customary law that changed over a distance of a few miles.

In 1817, Chief Justice Thomas Strange of the Madras High Court (Elements of Hindu Law) maintained that only Mitakshara of Vijnaneswara, Smriti Chandrika of Vijayanagara kings, and Sarasvati-Vilasa of Kakatiya kings were the law of the land in the Madras Presidency. Smriti Chandrika and Sarasvati-Vilasa were regional variations of Mitakshara. They were approved by the local people as the law of the land for centuries and had statutory authority as the common law. Other presidencies in British India had different local variations of Mitakshara. Mitakshara and its regional variations were accepted as the law of the land by the British. Each presidency had its own Hindu law based on local customs and traditions. Mitakshara was used as the common denominator. It was translated into English in 1810 and made available to all courts as the Hindu law.

Brahmins tried their best to argue that Dharmashastras were of divine origin. The British judiciary did not buy the rubbish.

The Hindu Law

Societies are of two types: spiritualistic (Hindu) and materialistic (European).

In spiritualism, spirits of ancestors are worshiped through rituals and periodic offerings of food, flowers, and other forms of respect. Only the people who have legal rights to their ancestors could perform these duties.

The Hindu law covers both spiritual and secular aspects of life. It tells us how we should respect our ancestors and the offspring. We who live in the Present, our deceased grandparents who lived in the Past, and our unborn grandchildren who will live in the Future have equal legal rights.

In contrast to the Hindu spiritualism, the European materialism abandons spirits of ancestors and kicks offspring out of the home when they come of age. Laws of materialistic societies are egocentric. They have no Past or Future, only the Present.

In Hindu law, property is of two kinds: spiritual and secular. The right to secular property is derived from spiritual property. You have the legal right to inherit my

secular property only if you have the legal right to worship my spirit. My unborn son's son has the legal right to worship my spirit. He has the legal right to demand my secular property. Legally, he could take me to a court to stop me from donating my (his) property. The unborn child has the same rights as I do. The state has the right to file a case on his behalf.

An individual is an integral part of a greater society. One should take into consideration the welfare of society, not just selfish interests. Society is an entity with legal rights. Likewise, society has a responsibility to look after an individual. The Hindu law covers legal responsibilities of both an individual and society.

When Present inherits property from Past, it is acting only as a custodian to transfer it to Future. Present does not own inherited property, because Future has a legal claim to it. If Present earns property of its own labor, then it has ownership rights only to the earned property. Inherited property (society) and earned property (individual) are governed by different rules.

Property is further classified by gender, namely Father's and Mother's. Father has no right to Mother's property, and Mother has no right to Father's property. They get their properties in an independent manner. Father and mother are partners in a family. Mother is not a dependent. Only sons could inherit their father's property, and only daughters could inherit their mother's property.

A son has a share in his father's property by virtue of birth and can demand it at any time. Since all sons have the same right, they have equal shares. Unborn sons also have the same right. Father's property has the legal responsibility to pay for expenses of daughter's marriage. The value of the son's share could not be determined until all daughters are married or provided for and there is no chance of begetting any future children.

Daughters inherit their mother's property only after her death.

Laws regarding a woman's property (Stridhana) are clear and explicit. Anyone who willfully cheats a woman of her lawful property loses all spiritual and secular rights.

A daughter gets her property in the following ways: jewelry she normally wore as a child, jewelry given by her groom's parents as a part of accepting the marriage proposal, dowry given by parents, presents given by guests at the wedding, and any property divided among sisters after the death of their mother. Jewelry has special significance because it is by default Stridhana.

Under the Hindu law, an arranged marriage is a legally binding contract on the parents. If a marriage does not work out, then the bride has the legal right to go back to her parents. Her parents have the legal right to demand custody of all her Stridhana from the other party of the legal contract.

Under the Hindu law, dowry is Stridhana. It is a trust fund to provide for her support should the marriage fail. Father has no control over it. The son cannot inherit it. Only daughters can inherit it. Father is only a custodian.

The Hindu law recognizes marriage without the consent of parents as legal, but not as spiritual. Such a groom loses his right to worship his father's spirit and inherit secular property. The bride loses her right to return to her parents. There is no binding legal contract between the parents. The children lost their legal rights to sue their parents.

Hindu marriage is not called a union. It is called a "donation of bride" (kanya-daanam). The father of a girl is required, by law, to find a worthy groom and give her as a gift to him. It is the legal responsibility of parents, not the child, to find a husband.

The Hindu law was a product of evolution, not enacted by a parliament, handed down by God, or dictated by a holy man. Wise men recorded accepted social practices of their communities in a book form called Smriti. There were numerous Smriti, often contradictory. An accepted practice in one location might be forbidden in another.

The Sarasvati-Vilasa was a compilation of the best practices of all available Smriti. It was the law of the land of the Kakatiya Kingdom. It was widely accepted in all of South India. It was the Hindu law of thousands of years.

The archeological evidence has a fascinating story of the now lost Hindu cultures to tell.

[Reading material](#)

[Home](#)