

The Myth of the Brahmin Law in India

by Potluri Rao In Seattle ©2018 (CC BY 4.0)

Contrary to popular belief, the Brahmin Law (Manava Dharmashastra), was never the law in India. The Brahmin Law was a myth perpetrated by Brahmin to try to take advantage of British rule to impose their will on Hindus.

British Courts were run by people with intellect. They did not let Brahmin succeed in their attempt to usurp authority. The Hindu law of British Courts was the real Hindu law that was practiced by Hindus for centuries. It was called Mitakshara. It was the exact opposite of the Brahmin law.

What follows is an evolutionary history of Hindu law in India, based on archeological evidence. It shows how and why the myth of the Brahmin law came into existence.

The Indus river separated the Indian subcontinent into West Indus (Persia) and East Indus (India). They were culturally isolated.

There were many Manus in history. To gain a historic perspective we need to identify and place Manus in their respective time slots.

Kshatriya Manu

Around 5000 BCE there was a clan of the ruling class in India called Manu. The Manu clan was genetically the Haplogroup R1a, also called Aryan. They existed only in India.

Brahmin were genetically the Haplogroup R1a-Z93. They existed only in Persia. They were a cult. They blindly obeyed their cult leader. They were mentally deficient. Around 1000 BCE, they were expelled from Persia.

The refugee Brahmin in India were bitter for being expelled. They avoided all contact with Persia. They claimed to be descendants of a fictional Aryan Kshatriya Manu.

The Brahmin invented a scam to fleece gullible Rajan of the Manu clan in India. It was called Yajna. The Rajan who fell for the scam were called Kshatriya.

The Brahmin promoted the notion that Brahmin and Kshatriya belonged to the same Aryan Race. The Brahmin helped the Kshatriya squander public funds on Yajna.

Yajna was a Conspicuous Consumption. Only the super rich Kshatriya could afford worthless Yajna. The Kshatriya wanted to impress their neighbors that they were so rich they could afford the luxury of worthless Yajna.

The degenerate super rich Kshatriya led to the Mahabharata War that caused massive death and destruction.

The Kshatriya were taken to the woodshed. The Brahmin were outcasts.

Sage Manu

A Brahmin Sage by the name Manu wrote a code of conduct book for the Brahmin in India. The refugee Brahmin existed only in North India. They were insignificant in number.

The earliest extant law treatise was Gautama, written after the Mahabharata War (1000 BCE). It was the law book of Brahmin in North India. Gautama mentioned only Sage Manu by name as a lawgiver.

Sage Manu had nothing to do with Kshatriya Manu. He had nothing to do with the Manava Dharmashastra. We know nothing about him or his law book. The only thing we know is that some of the classics mentioned his name connected to the ancient Brahmin law.

Dharmashastra Manu

The Manava Dharmashastra was the product of a religious school called Manava of South India. The Brahmin falsely attributed it to Sage Manu and/or Kshatriya Manu.

Around 3000 BCE, some Agni of Syria migrated to the Kalinga region on the East Coast. They migrated along the north bank of the Narmada river. The Agni in Kalinga had nothing to do with the Brahmin. In fact, they were the exact opposites. The Agni lived in Kalinga for two thousand years before the Brahmin were expelled from Persia.

Agni lived in South India. Brahmin lived in North India. They were different people. Brahmin deliberately misinterpreted the Agni as Brahmin for self glorification.

Brahmin Gautama wrote a law book for the North India Brahmin. He stated that Vedas were the authority. To them Vedas meant the Yajur Veda, a catalog of Yajna.

The Rig Veda was composed by the Agni in Kalinga. It was pure logic. It had nothing to do with Brahmin. The Yajur Veda was composed by the Brahmin in North India. It was snake oil, a catalog of Yajna to fleece people.

Gautama prohibited marriage between blood lines on both sides of parents, for six generations. It was later modified to the current version of three generations.

Agni Apasthamba of Kalinga wrote a law book for Agni in South India. He stated that law was the customs and traditions that evolved naturally. He approved marriage between cross cousins. Agni had nothing to do with Brahmin.

Marriage was not the only thing where Apasthamba and Gautama were opposed.

The original law books of Agni and Brahmin were the exact opposites.

The Manava Dharmashastra was a synthesis of Gautama and Apasthamba. It was composed several centuries after Ashoka annexed Kalinga. The Manava school was in Kalinga. It was an Agni school. Agni were Rishi of logic. Chapter 2 slokas 6 and 12 stated that Vedas, traditions, customs of holy men, and self-satisfaction should be considered in dispensing justice. It was a General Theory of Justice. It cast a wide net. It had both Gautama (North) and Apasthamba (South) as special cases. It was an academic dissertation for discussion, not meant for practical use. There was no archeological evidence that it was ever used as the Law of the Land. Brahmin of the North deliberately misinterpreted it to peddle their prejudices. They appropriated and marketed it as Manu Smriti. Logic was beyond their comprehension. They were expelled from Persia for being mentally deficient. Agni were logic; Brahmin were ignorance.

Hindu Manu

The word Manu became synonymous with law. Anyone or anything that had anything to do with law was called Manu. It was a marketing logo.

Hindus, people of India, had nothing to do with the Brahmin of North India. Brahmin were a small pocket of outcasts who lived in self-segregated enclaves.

Hindus were self governing clusters of democratic republics of no larger than ten miles in radius, a day's journey. Hindu civilization was peaceful coexistence of communal living in autonomous clusters. It evolved over tens of thousands of years. Their social laws evolved naturally.

Each Hindu cluster had its own Manu, the lawgiver. All disputes within a cluster were resolved by its Samiti of elders based on unanimous consent. Samiti was the highest legal authority. No two clusters had the same social rules. Clusters were autonomous. Even two neighboring clusters could have had opposite rules. Hindus never had any written laws. Hindu law was unwritten social rules. It changed over a distance of ten miles.

Customs of some clusters were recorded in Smritis and also in Jain and Buddha literature, but not in Brahmin literature. Brahmins were ignorant of Samiti. They were ignorant of Hindu civilization. They were refugees. They never mixed with locals. They maintained their own Persian cultural identity. They were self-segregated. Their Yajna scam to fleece people made them outcasts.

There were hundreds of Smritis and they were contradictory. Each cluster had its own rules.

Unlike Brahmins, Judges of British Courts had intellect. They recognized that Hindus and Brahmins were not the same people. Hindus were judged only by their native customs.

A survey of British Court records, conducted around 1800, found that practically no Hindu had heard of Dharmashastra. Dharmashastra was an alien concept to Hindus.

Hindus were engaged in trade. Hindus had a centralized trade law, required for trade. Trade law was different from social law. Brahmins were ignorant of trade. They never had trade law. British Courts were interested only in contract disputes, not religion.

British Courts respected the right of Hindus to be judged by local customs. They had different laws in each court for Hindus, based on local customs.

British legal system was based on Case Law and Precedence, similar to Hindu customs. It was the exact opposite of Dharmashastra, the dictates of a holy man.

British Manu

When British courts started dispensing justice, they wanted to be fair to all. They covered only property rights, called the Inheritance Law.

In many cases, they faced the situation where the parties had never heard of Dharmashastra. Both parties wanted their case to be judged by their local customs, not by an archaic book of no relevance.

During the Muslim occupation, India was under the Persian Sharia Law. The Sharia Law applied to all people: Muslim, Brahmin, and Hindu.

In 1772, Governor Warren Hastings appointed a Council of eleven learned Brahmin to advise him on a possible separate law for Hindus. He wanted to liberate Hindus from the Muslim Sharia law.

The Brahmin Council recommended the Manu Smriti as the Hindu law.

The Council perpetrated the false notion that the Manu Smriti was the Hindu law for centuries.

The Council's report was widely circulated. The false notion permeated in Western literature.

Brahmin were portrayed as the original colonialists of Aryan Race who subjugated Hindus. Hindus needed colonialists to take care of them. Manu Smriti was the law of conquerors. Evidence was manipulated to fit the theory. Many a scholar made a living marketing the new theory. English translations of Sanskrit texts toted the new theory. The false theory was marketed as Indian History.

A Hindu was not a Brahmin. A Brahmin was not a Hindu. The Manu Smriti was a Brahmin law, not a Hindu law. It was appropriate only in the cases where both parties were Brahmin.

Law was what people practiced of their own free will. The Manu Smriti of Brahmin had no statutory authority over Hindus.

The Governor had no authority to impose an arbitrary law that was not approved by people.

The Manu Smriti was declared unconstitutional by British Courts. Hindus had their own law. It was the unwritten rules.

Brahmin were offered the option to be judged as Brahmin (written law) or Hindu (local customs). Most Brahmin chose to be treated as Hindu. Even Brahmin did not want Manu Smriti in a court of law.

Governor General Cornwallis ordered a comprehensive review of all Hindu law books. It was compiled by Pundits, in Sanskrit. They identified dozens of law books. They were translated into English in two volumes called “The Digest.” It was the Hindu law of Samiti of elders. Each Hindu cluster had its own law.

The Mitakshara was recommended as the Hindu law. It was the core values, common denominator, of customs of Hindu clusters. It had the statutory authority as the Common Law.

The Mitakshara was derived from local customs. It was a boilerplate.

Each Hindu cluster had its own version of Mitakshara, approved by its Samiti of elders.

Variations of the Mitakshara were approved by many rulers as law in their kingdoms.

There were dozens of variations of the Mitakshara in all of India.

The Mitakshara, together with its local variations, was recognized by British Courts as the Hindu Common Law. It had Statutory authority. It was the de facto Hindu law. It was approved by the people. It was in practice for centuries, in all of India.

The Mitakshara was translated into English (1810) and made available to all British Courts. Local variations were also translated later.

In Madras Presidency, Sarasvati-Vilasa of Kakatiya kings, Smriti Chandrika of Vijayanagara kings, and Madhaveum of Karnataka kings were local variations of the Mitakshara. They were the Hindu law in their kingdoms for centuries. Mitakshara, Sarasvati-Vilasa, Madhaveum, and Smriti Chandrika became Hindu law in Madras Presidency.

In Bombay Presidency, Vyvaharamayukha of Nilakantha, Viramitrodaya of Mitramisra, Dattakamimansa of Nandapandita, and Nirnayasinidhu of Kamalakara were local variations of the Mitakshara. They were the Hindu law in Bombay Presidency.

Other local variations of the Mitakshara existed in other Presidencies. They became Hindu law in their respective Presidencies.

The Mitakshara and its local variations were the Hindu law in all of British India. Each Presidency had its own version of Hindu law based on local variations of the Mitakshara.

The current Indian law was a synthesis of all the various versions of Hindu law practiced by British Courts.

The Mitakshara was the British Manu, the lawgiver.

[Reading material](#) [Home](#)