

Raghunandana Bhattarāya

DAYATATWA c†

OF

RAGHUNANDANA.

TRANSLATED

BY

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It may be interesting to trace the cause of the origin of a new school of law in Bengal, different from that of the rest of India. The reason why this change of law was introduced and accepted in Bengal is to be sought in the social history of the two highest castes of the Bengali Hindus. A'disúra one of the Hindu kings of Bengal became sorry to find no Bráhmána within his territory, so well versed in the sacred literature and the ceremonial of sacrifices, as to be able to enlighten him on the subject of the *Puttreshthi* sacrifice, *i. e.*, the sacrifice by the performance of which the birth of son may be secured, or to be able to perform the same in the prescribed mode. Buddhism had prevailed in Bengal for many centuries before the time of A'disúra, and appears to have been adopted by all classes excepting the Bráhmanas who were the greatest opponents of it, which though as a system of religion is really a branch of Hinduism, yet abolished the usage of hereditary caste or Bráhmanism, and preached equality by birth, and personal distinction based on possession of virtues, and thus laid the axe at the root of the Bráhmanical claim for inherited superiority, and necessarily turned them into its bitterest enemies. But the spread of Buddhism among other classes affected the Bráhmanas also, who could not be expected to learn the Shástras relating to the sacrifices, or to acquire the practical training for performing the same, while the people did not want to have them performed by their aid. The king of Bengal therefore had to request the king of Kányakubja or Kanauj to send him five learned Bráhmanas familiar with the sacred literature, and capable of performing as officiating priests all the Vedic

sacrifices. Accordingly five learned Bráhmanas came from Kanauj to Bengal, and with them came also five learned Káyasthas sent probably because they were virtuous members of the same caste with the king of Bengal, who had sent for them also. The Bráhmanas were highly respected by the king who was impressed with the evidence of their learning and occult power. The King was also pleased with the Káyasthas on account of their virtues and high attainments. To the former, the king made grants of many villages; and on the latter, he conferred high appointments in his state; and thus they were induced to settle in his territory where they became the leading members of their respective castes.

These five Bráhmanas and five Káyasthas were respectively the ancestors of the present high-caste Bráhmanas and high-caste Káyasthas of Bengal. There was intermarriage between these new comers and the old Bráhmanas and Káyasthas, respectively. The new comers and their descendants held a higher social position than their respective caste people that had been settled here from before. Poligamy prevailed amongst the male descendants of the new comers, to whom members of the original castes eagerly gave their daughters in marriage, for raising the social status of their families. Many of these daughters used to continue to reside in their father's house, where their husbands either resided with them or approached them from time to time. Thus their sons were born and bred-up in their maternal grand-father's house, and were provided for by him. And in this way arose a closer tie of

connection with cognate relations, among the leading members of the two highest castes.

This furnishes us with the reason, why in Bengal the Law of succession was changed in favour of the dear and near cognates.

But though a person may be born and bred up in his mother's father's house, still it is with the maternal grandfather and his male issue only that the person's connection becomes closer, and not with their collateral relations, who have good reasons to be displeased with him and with his mother. A daughter residing in her father's family enjoys liberties that are denied to females coming into the family as daughters-in-law, to whom her conduct is often over-bearing and annoying, which is silently endured at first so long as they are young. But when these daughters-in-law grow up and assume the position which is naturally theirs in their husband's house, disagreements spring up fomented by this daughter, causing disruption of the family and separation of her father's brothers from him. And although she continues to live joint with her brothers for some longer time, still as she is her brother's wife's ननन्द्री *na-nandri* = relation *impossible to please*, they cannot live together in harmony, and so she is ultimately provided with a different house to live there with her children separately from her brother's family. Nor can her sons though living near her relations, be socially intimate with them; for they bear a different family name, and have not to observe any mourning for their maternal grandfather's collateral relations on death, and they observe mourning for three days only even on the death of their

mother's father. On these and other occasions, the fact that he is a stranger to the family, becomes remarkably conspicuous. But though thus living at a different place separate from their agnate relations, they have to observe the full period of mourning on the death of an agnate relation within seven degrees counted in the Hindu mode of computation. The tie of agnatic connection is very strong among the Hindus, and is not much weakened even under the foregoing adverse circumstances, but completely re-asserts itself among the descendants of the persons born and bred-up in the family of their mothers' father, who become the root of joint families on the agnatic basis, of their male descendants.

We are now in a position to understand why Jímúta introduced the change of law in the way set forth above : it was for the benefit of the members of Jimúta's own class, who were the leaders of Hindu Society ; and the same being acceptable to the leading members of the two foremost castes, became the law of Bengal without difficulty. For, "बह-बह-वाचरति श्रेष्ठस्तु तद् एवेतरे जनाः"—ordinary people follow the usages of the leading persons.

Jímútaváhana was the 7th descendant of Bhattanáráyana one of the said five Bráhmanas ; he was the minister and administrator of Justice during the reign of Vishwaksena, and flourished in the last quarter of the 11th and the beginning of the 12th century of the Christian era. For this account, my thanks are due to Pandita Pramathanáth Tarkabhúshana the very learned professor of Smrití in the Calcutta Sanskrit College, who has found out the age of Jímúta from certain passages in his work called Kála-Viveka, and kindly

informed me of the same, and also to Pandita Lálmohar Vidyánidhi the author of the well-known work called Sambandha-Nirnaya who furnished me with the following passage of the Kula-Káriká of Eru Misra, or the Social History of the Bengali Bráhmanas by Eru Misra, which gives a succinct account of Jímútaváhana :—

ब्राह्मिण्युत्पत्तयः श्रेष्ठो भद्रनारायणः कविः । तस्यात्मजो बटुर्नाम पारियामी बटुमुतः ॥
 बटुकस्य त्रयः पुत्राः मणिभद्रस्तु श्रेयकः । मणिभद्र-सुतस्यस्य पारिर्वंशसमुत्पत्तयः ॥
 पारियामी बटुगानां मणिभद्रो जगद्गुरुः । भद्रमुनेः सुतो जातः धनञ्जयो महाकविः ॥
 तस्यान्वये विद्युर्जातः कबीरस्य शिरोमणिः । तस्य पुत्रो ह्यसौ नाम बटुराज्ये प्रतिष्ठितः ॥
 पारिकुल-सुनिश्रेष्ठः सर्वेषु बुधपूजितः । तस्य पुत्रः सुधीः श्रीमान् चतुर्भुजः सदा यधिः ॥
 विश्वमहात्म-जीमूती चतुर्भुजसुतासुमी । तस्मिन् काशे बहूदशे जीमूतचतुरध्वरीः ॥
 जीमूत-सुपामांशुः प्राङ्निवाक इतीरितः । तद्दुहित्वेदवेदाङ्गे सुखा सुखतनाभेनवत् ॥
 जीमूत-सुपामांशुः तदा राजा विश्वकसेनो महाप्रतः । प्रजानां समुदाचारि तथा संभवनाम्ने ।
 निवन्धो दावभागः स जीमूतेन कृतकदा ॥

एतन्मित्रस्य कुलकारिका ॥

“Bhatta-naráyana (one of the five Bráhmanas) was descended from the *Sándilya Gotra* and was a distinguished poet. His son was Batu by name who was very learned and was settled in the village Pári. Batuka had three sons, of whom Manibhadra was the last; his son Manibhadra was the glory of the Pári family; Manibhadra among the sons of Batu in the village Pári, became the preceptor of the world. The great poet Dhananjaya was born as son to the sage Bhadra, in his lineage was born Bidhu the chief of poets. His son by name Hala was distinguished in the kingdom of Bengal, the best of the sages of the Pári family, and respected everywhere by the learned. His son Chaturbhuja was learned, prosperous and always pure. Chaturbhuja had two sons Bilwamangala and Jimu'ta. At that time in Bengal Jimu'ta who was endowed with the highest intellectual capacity mastering all subjects became the minister of the king of the Gaura country and was celebrated as administrator of justice. His keen intellect became

keenest in the Vedas and the Vedāngas; at that time in the kingdom of Gaura, Viswaksena was the king celebrated for austerities. It was at that time that the well-known commentary Dáyabhága was composed by Jímu'ta for (the purpose of introducing) good usage among people and for removal of doubts."

Kula-Káriká of Eru Misra.

Jímútaváhana was an inhabitant of the village Pári-gráma situated on the southern bank of the river Ajay, at a distance of about five miles in the north-easterly direction from the Gooskara station in the Loop Line. It is included within the district of Burdwan.

In Pandita Bharat-chandra Síromani's Edition of the original Dáyabhága with six commentaries there is the following sloka in the Peroration at the end of the work,—

पारिभद्रकुलोद्भूतः श्रीमान् जीमूतवाहनः ।

दायभागं चकारिभं विदुषां संग्रयच्छिदे ॥

meaning "The fortunate Jímútaváhana sprung from the Pári-Bhadra family, composed this Dáyabhága for removing doubts of the learned."—Colebrooke's translation, however, does not contain this verse.

If this text be genuine, then the author appears to have thought that by describing himself as a member of the Pári-Bhadra family, sufficient account is given, namely, that he was a descendant of the celebrated professor Bhadra of Pári-gram, whose descendants were well-known to the learned Bráhmanas of Bengal.

As regards Jímúta's time allowing 25 years for a generation it would be the last quarter of the 2nd century after the migration of the five Bráhmana's into Bengal. And the time of Eru Misra who was the 18th descendant

of Vedagarbha another of the said five Bráhmanas, would be the 2nd quarter of the 5th century from the said time or two hundred and fifty years later than Jímúta's. The time of the migration as found in the Social Histories is 999th year of the Sambat era which corresponds with the 931st year of Christ.

Jímúta was highly respected, and Raghunandana who differs from him in a few particulars, does most respectfully express his dissent in this work which is but an epitome of Jímúta's work.

The translation has been revised, and a few alterations have been made, but they are not material. In this edition the original text is added and placed before the Translation: its presence is of great advantage for testing the accuracy of the rendering. For the convenience of reference it is, like the Translation, divided into Chapters, and so each Chapter is sub-divided into paragraphs, numbered consecutively. This edition is a fac-simile of the first, so that the same passages are to be found in the same pages of both editions.

In conclusion I have to thank Dr. Sarat-chandra Bandyopádhyáya, M. A., D. L., for carefully revising the Index.

20, SANKHARITOLA EAST,
Calcutta, 23rd October, 1904. }

G. S.

DAYATATWA

OF

RAGHUNANDANA.

CHAPTER I.

1. *Om!* salutation be to Ganesa. Having prostrated himself before Vāsudeva, the Lord of the universe, eternal, whose essence consists of omniscience and beatitude, the fortunate Rāghunandana discusses the principles of the Law of Heritage.

2. In this treatise are briefly expounded, the determination (of the meaning) of Partition of Heritage; also the Distribution effected by the father; likewise Partition by brothers; Exclusion from shares; Partibility and Impartibility; the Removal of doubt regarding the fact of partition having been made; the Distribution of what was concealed; Woman's property; and the Right of succession thereto; and the Heirs to the property of a sonless man.

3. First, (the meaning of the term) Partition of Heritage (is discussed).

4. On that subject Nārada says:—"Where the division of the paternal property is instituted by sons, that topic of litigation is, by the wise, called Partition of Heritage." "Property" means wealth; "paternal" signifies acquired through the relation of paternity; "where" relates to "the topic of litigation".