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A MANUAL

UNIVERSITY OF CHICAGO

OF

HINDOO LAW.

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BY

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Menu is the authority for the earliest age, or the *Krita Yuga*, and each of the other *Yugas*, has its appropriate *Smruti*. Usage has however interfered with the precepts of the *Smrutis*, and time has rendered their language obscure. Hence the Commentaries and Digests are now looked to as the true expositories of the law (I. XII, XIII; Morley I. cxii—cxciv, cci).

The five schools of Law.

4. In process of time there have been formed various schools of law, each adhering preferably to some particular commentator. There are five such schools, namely the Gouda, or that of Bengal; the Midhila, or that of North Behar; that of Benares; that of the Mahratta country; and the Drauida school, or that of Madras. In point of doctrine these schools differ but little, with the exception of that of Bengal which stands distinguished by several peculiarities, especially in connexion with the law of inheritance (Morley I. clxxxix—cxci).

School of Benares and of Bengal.

5. The school of Benares is the foundation of the other three schools. Thus the interpreters of the law are found ranged under two great divisions, that of Bengal and that of Benares. In the Bengal school the letter of the law is modified by inferential reasonings, while in the Benares school the text is more closely followed (II, 316, 317. C).

Chief authorities in school of Madras.

6. The subjoined are the authorities chiefly accepted in the school of Madras, the practice of which forms the subject of the present Manual.

(1.) **MITACSHARA**, also called Vignaneswareyum from its author Vignana Yoge. It is a commentary on the *Smruti* of Yajna Vulkia, with citations also from other *Smrutis*. It is divided into three *Kandas*, or parts; namely the *Achara Kanda* treating of

social and religious duties; the *Vyavahara Kanda* on jurisprudence; and the *Prayaschitta Kanda* on penance. A section of the second *Kanda* embracing the law of inheritance has been translated by Mr. Colebrooke, and a further portion thereof by Mr. W. H. Macnaughten. **The Mitacshara, or Vignaneswareyum, is the great authority in the school of Benares, and by consequence in that of Madras,** and the work is so associated with that of Menu, the chief founder of the law, that the two are commonly named together, Menu-Vignaneswareyum, as the embodiment of all law.

(2.) **SMRUTI CHANDRIKA**, an exhibition of the purport of the *Smritis* by Devanna Bhut. This is an especial authority of the Madras school in which it has originated, and stands next in estimation to the Mitacshara. It differs however in doctrine from the Mitacshara in some few points.

(3.) **SARASWATEE VILASA**, a similar treatise to the Smruti Chandrika. The author's name is Prathapa Roothroodoo.

(4.) **VYAVAHARA MAYOOKHA**, a treatise on civil and criminal jurisprudence by Neelakantha. It is an especial authority of the Mahratta school and has been translated by Mr. Borradaile.

(5.) **MADHAVEUM**, so called from its author Madhava Charya. It is a comment chiefly on the *Smriti* of Parasara.

The above five works are accounted paramount authorities, and are referred to accordingly as the *Puncha Grandhi*, or five books.

(6.) **VARADA RAJEYUM**, so called from its author Varada Rajah. It is of the same character as the Smruti Chandrika.

(7.) **SMRUTI MOOKTHA PALUM**, also called Vythenatha Deetchetheum from its author Vythenatha Deetchata. It treats of religious observances.

(8.) **NIRNAYA SINDHU**, by Kamalakara Bhut. It treats of social and religious duties.

(9.) **MENUVURTHA MOOKTAVALEE**, also called Kullooka Bhutteyam from its author Kullooka Bhut. It is a commentary on Menu, and the one in best repute.

(10.) **DATTAKA MIMAMSA** by Nanda Pundita, and **DUTTAKA CHANDRIKA** by Devanauda Bhut. These are treatises on adoption and the received authorities on the subject in all the schools. They have been translated by Mr. Sutherland. There are two other works bearing the title of Duttaka Mimamsa, the one by Sri Rama Pundita, and the other by Madhava Charya.

Chief authority in school of Bengal.

7. The great authority of the Bengal school is the **DAYA BHAGA** by Jimuta Vahana. It is a treatise on inheritance and has been translated by Mr. Colebrooke.

Jaganatha's Digest.

8. Among the modern Digests is that by Jaganatha, prepared under the directions of Sir William Jones and translated by Mr. Colebrooke. It is an ample compilation of authorities, but defectively arranged, leaving it uncertain among the conflicting opinions collected together what the real doctrine on any question may be. Its own translator thus condemns it. This work is of the Bengal school.

Obsolete Law.

9. In dealing with the Hindoo law, besides discriminating between the law of Bengal and that of Benares, obsolete law has to be distinguished from that which is current.