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A DIGEST
OF THE
HINDU LAW
OF
INHERITANCE, PARTITION, AND ADOPTION
EMBODYING THE REPLIES OF THE ŚÂSTRIS.

WITH
INTRODUCTIONS AND NOTES.

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connected with all sections of the law are found. The authors of the Dharmasutras frequently cite such passages as their authorities. But it is a remarkable fact that they by no means agree regarding their applicability (c). For the practical lawyer of the present day the Veda has little importance as a source of the law. But a careful investigation of the state of the law, as it was in the Vedic age, will no doubt yield important results for the history of the Hindu law.

(II.) THE DRAVIDA SCHOOL.

The Dravida School prevails in the whole of the Southern portion of India, which is divided into Dravida proper where Tamil is spoken, Karnataka where the Karnataka language is spoken, and Andra where Telugu or Telinga is the spoken language. The Mitakshara, the Madhaviya, the Sarasvati Vilasa, the Varadarajya, and Smriti Chandrika are the recognised authorities (d) in the order mentioned. The Varadarajya is, however, an authority in the Dravida division only, and Smriti Chandrika being an authority in the Andra division comes before the Sarasvati Vilasa.

1. The Mitakshara—already dealt with.

2. The Madhaviya of Vidyananyasvami is a comment on the Parasara Smriti, and was written in the middle of the fourteenth century. The author was the virtual founder of the Vidyanagara Kingdom, and his work became the standard of its law as well as being of some authority in the Benares School.

3. The Sarasvati Vilasa (e). The author, Pratapa Ruda Deva, was a prince of the house of Kakateya, which reigned in Warangal in the fourteenth century. It is a general digest, and the customs, particularly those regarding the land tenures in the Andra country, are based upon it.

4. The Varadarajya or Vyavahara Nirnaya (f). The author, Varadaraja, was born in the province of Arcot towards the end of the sixteenth or the beginning of the seventeenth century. It is a digest, and is based upon the Narada Smriti.

5. Smriti Chandrika. Its author, Devanand Bhatta, is said to

(c) Sacred Books II., p. 20.

(d) Morley's Digest, Introduction, p. CCXII.

(e) Translated by Rev. Mr. Foulkes.

(f) *Ramnad Adoption Suit*, 12 M. I. A. 437.

have been born in the South of India in the twelfth century (*g*). It is supposed to be the basis on which the Madhaviya was formed.

(III.) THE BENARES SCHOOL.

The Benares School is an authority in the city and the province of Benares, Middle India and Orissa, extending from Midnapur to the mouth of the Hoogly and thence to Cicacole. The works of authority are the Mitakshara, the Viramitrodaya, the Madhaviya, the Vivada Tandava, and the Nirnaya Sindhu, of which the first, second, third and fifth have already been mentioned in the preceding pages. The author of the Vivada Tandava, Kamalakara, was the brother of Dinkara Bhatta and son of Ram Krishna Bhatta. He is opposed to the doctrine of the Bengal School and supports the view of Vijnanesvara.

(IV.) THE MITHILA SCHOOL.

The doctrines of the Mithila School are in force in Tirhoot and Northern Behar, the ancient Kingdom of Mithila. The Mitakshara, the Vivada Ratnakara, the Vivada Chintamani, the Vyavahara Chintamani, the Dwaita Parisishta, the Vivada Chandra, the Smriti Sara, the Samuchchaya, and the Madana Parijata are well-known authorities in this province.

1. The Mitakshara.

2. Vivada Ratnakara (*h*). It is a digest of great authority. It was compiled in the beginning of the fourteenth century under the superintendence of Chandeswara, minister of Hara Sinha Deva, king of Mithila.

3 and 4. The Vivada Chintamani (*i*) and the Vyavahara Chintamani were written by Vachaspati Misra, who flourished in Semaul in Tirhoot in the beginning of the fifteenth century. These are of the highest authority in this part of India.

5. The Dwaita Parisishta. It is a general treatise, and its author is Kesava Misra.

6. The Vivada Chandra (*k*). Its author, a lady named Lachmidevi, wrote in the name of her nephew Misaru Misra, and

(*g*) Saravadhikari's Hindu Law of Inheritance, 1880, pp. 387-9.

(*h*) Translated by Golabchandra Sarkar Sastri.

(*i*) *Rutcheputty v. Rajunder*, (1839) 2 M. I. A. 134, 146; translated by Prosono Koomar Tagore.

(*k*) *Rutcheputty v. Rajunder*, (1839) 2 M. I. A. 147.

took the title of her work from Chandra Sinha, the grandson of Hara Sinha Deva, king of Mithila.

7. The Smriti Sara Samuchchaya. Its author, Sri Dhar Acharya, was a priest of the Dravir tribe. It is a treatise on religious duties, and the questions on civil duty are only incidentally introduced.

8. The Smriti Samuchchaya is a short work, and is known amongst the Mahrattas.

9. The Madana Parijata. It is a treatise on civil duties. Its author, Visweswara Bhatta, derived its name from Madana Pala, a prince of the Jat race, who reigned at Diah in the twelfth century. This work is sometimes quoted in the name of Madana Pala.

(V.) THE GAURIYA OR BENGAL SCHOOL.

The Gauriya or Bengal School holds its sway among the Bengali-speaking Hindus. It is a patriarchal system and differs in essential particulars from the Mitakshara. It appears that the teachings of Gautama bore fruit amongst the enlightened people of this part of India, from where Hindu law moulded the lives of peoples inhabiting diverse climes such as Burma and Nepal. It asserted itself with renewed vigour in the fifteenth century, when Jimuta Vahana wrote his famous *Daya Bhaga*, when the forcible contact with another patriarchal system of law—the Moslem—was felt. The following are the books of authority in this School of law.

1. The *Dharma Ratna*. Its author, Jimuta Vahana, is practically the founder of the Gauriya School and flourished in the fifteenth century (*l*). The work itself is a digest, and the chapter on inheritance, the celebrated *Daya Bhaga* (*m*), is the standard authority, and is opposed to Mitakshara on almost every disputed point.

2. The earliest commentary on the *Daya Bhaga* is that of Srinath Acharya Chudamani, which is a general exposition of the text (*n*). That by Sri Krishna Tarkalankara, who also wrote the *Daya Krama Sangratha* (*o*), is the most celebrated of all treatises explaining the text of the *Daya Bhaga*.

(*l*) Saravadhikari's Tagore Lect., VIII.

(*m*) Translated by Colebrooke.

(*n*) Colebrooke.

(*o*) Translated by Mr. Wynch.

3. The Smriti Tatwa. Its author, Raghunandana, flourished in the beginning of the sixteenth century. He lived in Navadvipa in Bengal. He is regarded as the greatest authority in Bengal, and is often referred to as Smarta Bhattacharya or *the* great expounder of law. This work covers no fewer than twenty-seven volumes, and the portion which deals with the law of inheritance is called the Daya Tatwa and is very highly spoken of.

4, 5 and 6. Vivadarnava Setu, Vivada Sararnava and Vivada Bhangarnava. These three were compiled owing to the British influence. Warren Hastings was responsible for the first. It was translated into Persian for Mr. Halhed, whose translation into English is called "A Code of the Gentoo Laws." The second and third owe their existence to the suggestion of Sir. W. Jones, the last being translated by Mr. Colebrooke.

There are two works of great authority on the law of adoption—namely, the Dattaka Mimansa by Nanda Pandit, and Dattaka Chandrika by Devanda Batta (*p*). The former is an authority in Mithila and Benares, while the latter is the governing factor in Bengal and Southern India.