CHAPTER II
Life and Works of Nanda Pandita
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His Time

An enigmatic problem that the historians have generally met with in the vast ocean of Indian heritage is that one that relates to the personal history of the authors and the authenticity of their productions in the realm of literature, philosophy, law and science. Fortunately, it is not so in the case of Nandapandita who had a fairly long span of life which can be determined on the basis of internal and external evidence. He mentions a number of princes who patronised him and several legal authorities have also been referred to by him in his works. In his commentary Vidyan-manochara on the Parasara-smrti, he says that he follows Madhavacarya in the exposition of this work. Since the literary activity of Madhavacarya has been placed between 1330-1385 A.D., the time of Nandapandita cannot be pushed beyond the fifteenth century A.D.

1. (i) चामर्मणिकारि-कु-ब्रह्म-बनेन्द्र - श्रीरामप्रनाभउदय विनायकेन।
अत्रायुष्कृति-कालिलिम्ब-वणिलय - शास्त्रं पराग्नूलोकनमस्त्वजन्यः।।
(ii) पानवतार्य-विविद्ध-वास्ता-महागीर्षरिणः।
स्कसलिपि न मे दौष: प्र-भुल्ला-गामिनः।।


Vinayaka Vishnu Deshpande makes a mention of an edition of the *Dattakamāla* finished by the panditas, having been brought out in the third quarter of the 19th century A.D. by Dhundiraje Dharmadhikari who was at that time a resident of Kāśi and the ninth in descent from Nandapandita. According to Prof. Deshpande, Nandapandita flourished between C.1573-1628 A.D. (C. 1500-1550, Saka-samvat).³

According to Mandlik, the year *Samvat* 1655 (1599 A.D.) is given on a ms. of Nandapandita’s *Mādhavananda-kāvya*, probably in his own handwriting.⁴ Dr. S.L. Katre points out that a copy of the ms. of his *Suddhi-candrika* was made in July, 1603 A.D. (*Sravanas-vadi, Samvat* 1660)⁵ in which his *Sraddha-kalpa-lata* has been mentioned at least five times. He shows at another place⁶ that a ms. of this latter work is dated *Samvat* 1641 (i.e., 1584-85 A.D.) which leads one to conclude that Nandapandita must have produced this work at least a few years earlier than 1584 A.D. Thus, Deshpande’s assertion regarding Nandapandita’s time (C. 1573-1628 A.D.) will stand to be refuted, since it would be fantastic to presume that he commenced his literary career even before he was born or before he was even five years old.

⁴. Mandlik, V.N.: Hindu Law, p. LXXII, n.3.
In the Dattaka-mimamsa, Nandaspati refers his readers, on the priority among substitute daughters, to his commentary called the Kesava-vaijayanti on Viṣṇu.\(^7\) But he refers to the Dattaka-mimamsa also in the Kesava-vaijayanti itself. This superficial confusion is, however, promptly resolved by the presumption that both the works were probably being composed at the same time.\(^8\) He produced the Kesava-vaijayanti (which is also known as merely Vaijayanti) at Kāśī in Nov. 1623 A.D.,(S. 1679) on the full moon of Kartika when the sun was in Scorpion and the moon in Taurus.\(^9\) This will help to determine the other end down his career.

The Vaijayanti of Nandaspati has been referred to in the Vyavahara-mayukha of Nilakantha Bhatta whose literary career has been held to fall between 1610-1645 A.D., but it has not been possible to find this reference in the latter work. None-the-less, this will certainly not count much in determining the period of Nandaspati’s literary activity which can safely be narrowed down with in the

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7. प्रासादान्तरस्यत्तमायां विष्णुसृवति-रीकान वैस्व कृष्ण स्त्यामवधः।

8. Kane, P.V.: HD, p. 919

9. कथाम विज्ञ-नासर य गर्भाते नखाविनिवु सुपिनु।

DM, p. 224.

Kane, P.V.: HD, p. 919

कथायं कृष्णानामाये पुप्पौराणायायां श्रुति-

विशिष्टममाथारं कवित्तं शरदलमधु कुण्डी। भश्रु मोहि: II सौर ॥
limits of 1580 and 1630 A.D. There is hardly any scope of running the risk of any material fallacy as a result of any future findings in this regard if it is found convenient to agree with Shankara Shastri Marulkara to hold that Nandepandite flourished between 1553-1633 A.D. (S. 1610-1690).

Place of Birth

Nandepandita's ancestors, who originally hailed from the south of India, came to permanently settle in Benares. Though mainly domiciled in Kāśī, it may be gathered from his works that he moved from place to place while carrying on his activity as a legal author under the patronage of wealthy patrons.

He wrote Śraddhakalpalata at the instance of Paramānanda of the Sahagīla dynasty which ruled over Sadhārana corresponding, probably, to modern Saharanpur in Uttar Pradesh. Urged by King Harivamśa-varman of the Mahendra family, son of King Maṅgo, he produced the digest Smṛti-sindhu. He was asked to write a commentary on...

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11. DM, Preface (Vyākhya-kartuṇa prārthana) by Narulkar, S.S.
Visnu-smrti by King Kesavanayaka, son of Kondapanayaka of the Brahmana dynasty belonging to the Vasishtha gotra, who ruled over Vijayapura in Karnata, and the result was the Kesavavailavanti. He is also stated to have written the Kaalprakasa at the behest of one Sarvabhatta, who was the guru of Kesavanayaka of Madhura.

Personal History and Religious Beliefs

Nandapandita, a celebrated and prolific writer on dharma-gastra, came of a family which had a fairly long tradition of scholarship. His original name was Nandasarman but later he came to be known as Nandapandita owing to the sheer weight of his erudition and stupendous genius, while Vinayaka or Vinayakapandita was his alias. He is described as the son of Devasarman and Vyndha. But

14. See supra, fn. 9, p. 19 and also,

15. Ibid, p. 975.


17. (i) Devasthali's Cat. of Sanskrit Mss., No. 974, pp. 351-52.

(ii) Ibid, p. 975.

Also supra, fn. 1, p. 17.
Devasarman was better known as Rāmapandita. According to Marulakara, his ancestors came of a family (gotra) of the Mudgala-s belonging to the Āśvalāyana-kalpa-sākhā. They were south Indians and originally hailed from Bedar or Bidar now in the erstwhile Nizam's dominions till Lakṣmīdhara, a highly esteemed scholar left for Delhi on his appointment to the honourable office of the Dharmādhikārī, 'Judge or Super-in-tendent of religious and legal affairs'. He later on founded the family of the Dharmādhikārīn's in virtue of the office which he held in the Delhi court. His son, Govindapandita also even excelled his father in learning. In Benares the family well merited its esteemed place among several families, renowned for their scholarly works on dharmaśāstra e.g., the Bhattas, the Sesas and the like. Nandapandita, the sixth in descent from the founder of the family, was the brightest star in the family galaxy. Jolly visited Benares and met Pandit Dhundiraja Dharmādhikari who was ninth in descent from Nandapandita. V.N. Mandlik also visited his descendents in Benares who were ninth in degree for him. Consequently, he was able to give the details of the genealogical tree of the family.

20. Tagore Law Lectures, p. 15.
Nandapandita was a devotee of Vināyaka, i.e., Lord Ganesa and he assumed the name of the Lord as his alias. Although there is not much scope for a legal author to expose his mind through or introduce his religious beliefs into a work of law, some inferences about his personality and religious beliefs might be drawn from his works.

It appears that he was an orthodox adherent of the religious rites and a supporter of the caste system in all its ramifications. According to his religious belief, the offerings of pinda and oblations of water were essential for the spiritual welfare of the deceased. He held it obligatory for a sonless man to make an adoption of a son to meet this requirement and for the preservation of his family line.

He was a purist and believed not only in the caste restrictions, but also in the consanguinity of kinship. He delves deep into it and deals with the subject at length giving details regarding the relationship as sapinda, asapinda, sagotra, asagotra, samāna-pravara, asamāna-pravara, samānodaka, asamānodaka and the like with all the possible permutations and combinations. He lays stress on the preservation of the purity of blood at the time when one contemplates to make an adoption. The rights and privileges of the adoptee are determined in direct proportion to his affinity to the adopter with respect to his caste and blood. Blood relationship does not come to an end in the natural family even subsequent...
to an issue having been given away in adoption and this extends to the seventh degree which it is hardly possible to keep count of in the modern times. It appears that it was only an indulgence of a mind accustomed to hair-splitting. He has also subscribed to the theory of impurities resulting from the births and deaths.

He was chary of giving freedom to women who were treated as dependent upon the husband and in his absence, upon other male relations. She was not entitled to adopt a son while her husband lived and was incapable of doing so after his death. She could not adopt unless she had an express permission from him which was possible only during his lifetime. The secular purpose of adoption was never thought of in her case.

He held that female child could also be adopted, though only as a substitute for a legitimate real daughter. The initiatory rites called the anusthāna beginning with the one for the male born were implicitly considered by him to have religio-magical effect so that a son after his ceremony of tonsure could not be adopted for, in that case as also in the instance of one adopted without adherence to proper procedure the filial relation with the adopter is not supposed to have result. established since the initiatory rites are also supposed to strengthen the physio-spiritual relationship between the son and the father, it is an additional factor.
militating against adoption. It may be concluded that while he deserves every compliment as an erudite scholar, he was orthodox to the core.

His Works

Nandapandita has been widely acknowledged as a voluminous writer and is accredited with the production of nineteen works comprising commentaries and digests on dharmaśāstra and a poetical work called the Madhavananda-kavya which appears to have been written in the early period of his literary career. V.V. Deshpande enumerates fourteen of them including the Madhavananda-kavya which, apparently does not deal with Hindu jurisprudence. He has also erroneously ascribed the Halabhūsa, a commentary on Tattvamuktāvalī to Nandapandita. The above commentary appears to have been written by one Balalīdhara Kṛṣṇa or Balakṛṣṇa and not by Nandapandita himself. Kane gives an account of only eight of them, whereas the enlists under Nandapandita fourteen excluding the above two.

24. EM, Appendix, p. 2.
25. (1) तत्त्व-पुस्तका मयुदुप्युत : गुरुपि किणापयोऽविषयारः तत्त्वकारः। तत्त्व-पुस्तक-स्थानाम् निन्दी न स्नेहितः।।
   तत्त्व-पुस्तक-कोणास्यास्यास्यास्यास्यास्यास्यास्यास्यास्यास्यास्यास्यास्यास्यास्यास्यास्यास्यास्यास्यास्यास्यास्यास्याः
   काम्याः प्रायः काम्यां च काम्याः।।
   वर्णः अंकाः दलितां तत्त्व विद्या कालवेत्ताः।।
   - verses at the end of the ms., Mitra’s Bikaner Cat. p.476 No. 1204.

Some of his works are recounted as under:

1. **Vidvanmanohara** - It is a commentary on the *Parāśara-mārti*, to which he refers in the *Vaijayantī*.  

He professes to follow Mādhava-carā in this commentary. Madhava-carā's *Parāśara-mādhavīya*, which he follows, is a digest of civil and religious law and has been held to be an authority on modern Hindu law in southern India.

2. **Pramitākṣaṇa** or **Pṛṣṭi-ktākṣaṇa** is his commentary on Vījñānēśvara's *Mitakṣaṇa* which itself is a commentary on the *Yājñavalkya-sūtra*. The *Mitakṣaṇa* has been treated as an authority on several matters, e.g., adoption, inheritance, partition, etc., throughout India except where, as in Bengal, the provisions of the *Bāyabhāṣa* prevail. The *Pramitākṣaṇa* is one of the three well-known commentaries on the *Mitākṣaṇa*, the other two are of Viśvesvera and Bālambhaṭṭa since it is found only in a fragmentary condition with his descendents, it is likely that he did not complete this work.

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27. *Vaijayantī*, folio 86b, I.O. Ms. on Vīśnusūtras, XV, 9; *MS. on Vīśnusūtras, XV*, I.


30. *Vaijayantī*, folio 86b, I.O. Ms. on Vīśnusūtras, XV, 9; *MS. on Vīśnusūtras, XV*, I.


3. \textit{Sraddhakalpatara} has been mentioned in the \textit{Suddhi-candrika} and the \textit{Vaijayanti}. This digest is based on the \textit{Sraddhadipika} of Govindapandita. It is divided into five \textit{Stabakas} and deals with the \textit{Sraddha}, its various forms, its proper time, place and the \textit{brahmaanas} who should partake of the \textit{sraddha}. It was published by Chowkamba Sanskrit Series in 1935 containing 262 pages. The digest was written much before 1584 A.D. at the instance of Paramananda, the last of the Sahagal rulers of \textit{Sadharena}. A verse at the end of the ms. of the \textit{Vaijayanti} wrongly describes the \textit{Sraddhakalpatara} as a commentary along with the \textit{Sarti-sindhu} and the \textit{Vidvaramoharasa}. The contents given in the India Office Catalogue show that it was not a commentary and that the \textit{Sarti-sindhu} was also a compendium of \textit{Sarti} material.

33. I.O. Cat., No. 1731, p. 556.

34. (1) एवं उत्तर वैटूम्पादित आशक्ततिपादुं \textit{Sraddhadipika}.
-SC, folio 31b on the \textit{Sadasiti}.

(ii) अवात्य विशेष: आशक्ततिपादित आशक्ततिपादित जोत जैसे बले।
- \textit{Vaij}., folio 123b on \textit{HS}, XXI, 19.

35. गौिकृम्व-पाणिक्ष-कपालं अवात्यतिपादित:।
आशक्ततिपादित जोत तां आशक्ततिपादित।।
-I.O. Cat., p. 557.

36. \textit{Parasatampurusha} विद्वानसाहित्य स्थितिकृत्य।
आशक्ततिपादित जैसे नन्दपरिणामकृति दीर्घ।।
4. **Sapti-sindhu**, recovered only in fragments, was a compendium of *sapti* material as noted above. It was divided into *Terasāgas* and was produced at the command of King Harivasīva-varman of the Mahendra family.\(^{37}\)

5. **Tattvamuktāvāli** was a summary of the doctrines, propounded in the *Sapti-sindhu*.\(^{38}\) The whole of it, save some 11 verses, has been lost in the passage of time. Only some fragments of this work are noticed in the BBRAS Cat. at p. 217. It contains 8 verses on *udākāra* and three on *holīkā*, eleven in all, with a commentary called the *Bālabhūsa*. Since the verses are numbered from 557 to 564 and then from 607 to 609, it is supposed that the work was a large one and it contained over 610 verses. The names of *Hemādri* and *Pārijāta* have been mentioned in two of the verses.

6. **Śuddhi-sandrikā**, is a commentary on the Śadasīti\(^{39}\) also called the *Āsauca-nirpyā* of Ādityāsārya, alias *Kauśikāditya* or Āditya the *Kauśika gotra*. The work consists of 86 verses\(^{40}\) divided into five *Prakarāngas*, viz *Sūtaka*.

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\(^{37}\) Supra cited, fn. 13, p. 20.

\(^{38}\) Supra, cited, fn. 25(i); these are the last verses in the Tattvamuktāvāli with the commentary called *Bālabhūsa*.

\(^{39}\) Supra cited, fn. 17(i), p. 21

\(^{40}\) Devasthali's Cat., Ms. Nr. 975. The ms. consists of 142 verses, 86 of which are ascribed to *Kauśikāditya*, while the other 56 to Gobhiṇa. The verse at the end of this ms. describes Vināyaka, the son Srīrāmpandita as the author of the *Śuddhi-sandrikā*: supra, fn. 17(ii), p. 21. In part, the other part reads as -

"... स्रीरामपरांपरीति स्वामयम् ।
याकारे इन्द्रियदृष्टि बन्धुकलातः ।
शिल्पमार्गोपनिष: परिशययन्यः ॥"
The Vaijayanti along with the Visnu-smrti has been published by the Theosophical Society of Adyar in the Adyar Library Series, 1960, in two volumes containing 1070 pages. The Vaijayanti was held by the British Indian courts as one of the leading authorities in the Benares school of Hindu law.\footnote{I.L.R. 16 Cal. 367, p. 372.}

\footnote{\textit{Vaija.,} folio 125b, on \textit{V.S.}, XXII.8.}

\footnote{\textit{Supra.} fn. 14, p. 21.}

**Sagotrāsāuca, Asagotrāsāuca, Samskārāsāuca and Āsauca-śvyāda** and treats of impurities consequent on the birth and death. It was published along with the \textit{Suddhi-candrika} in the Chowkhamba Sanskrit series, Benares in 1928. It is referred to in the \textit{Vaijayanti}.\footnote{\textit{Vaija..} folio 125b, on \textit{V.S.}, XXII.8.}

7. \textit{Vaijayanti} is also commentary written on the \textit{Visnu-smrti} which is also called the \textit{Visnu-dharmaśūtra} divided into 100 chapters. Several of these chapters comprise only one \textit{Sūtra} or one verse. The commentary is also called the \textit{Kesava-vaijayanti} by him after the name of his patron Kesavanāyaka alias Tamannaṇāyaka, son of Kondapanāyaka of Vijayapura in Karnataka. Besides a number of old masters and their works, some of his own works, like the \textit{Vidyanādhakāra}, the \textit{Pramitākṣara}, the \textit{Śrīddhakalpasūtra}, the \textit{Suddhi-candrika} and the \textit{Dattakāmaṁṣa} have been referred to there.

\footnote{\textit{Supra.} fn. 14, p. 21.}

\footnote{I.L.R. 16 Cal. 367, p. 372.}
8. The *Dattakāmīmāṃsā* is the best known of Nandapandita's works, which is a comprehensive treatise on the law of adoption with all the conceivable aspects of the institution. It was translated into English in 1821 A.D. by H.C. Sutherland. The translation is included in Stoke's *Hindu Law Books* and in the *Principles of Hindu Law, The Commentaries*, Vol. III, compiled and edited by Jogendra Chandra Ghose, printed and published by Hira Lal Banerjee, Calcutta Law Press, 8, Coondoo's Lane, 1919. Sutherland observed that the *Dattakāmīmāṃsā* was the only authoritative work on adoption. Since then it found its esteemed place with the jurists of the British Indian period. In fact, earlier the disputes concerning matters on adoption were settled in Pune and the region around on the authority of such works as the *Nirṇaya-sindhu*, the *Saṁskāra-kaustubha*, the *Vyavahāra-mavūkha*, the *Dharma-sindhu*, the *Mitakṣerā* and the like which do not deal with the subject exclusively and comprehensively. It is not that the *Dattakāmīmāṃsā* was not known there; the fact, on the other hand, is that it was not regarded as an authority on the subject there before this monumental event.\(^{44}\)

Several of the views expressed in the *Dattakāmīmāṃsā* have been preferred by some courts whereas some of them have been disregarded by others. In the Bombay Presidency, where the *Vyavahāramavūkha* was paramount authority, the views of the DM on certain matters relating to the adoption...\(^{44}\) DM, Appendix, p. 1.
were preferred. Following the DM, the Bombay High Court held that among the three higher classes, a man could not adopt a son born of his daughter, sister or his mother's sister. The Vyavahāra-mavūkha, on the other hand, holds that he can do so. The rule of the DM that a widow could not adopt a son at all, has nowhere been accepted except in Mithila, but in Benares, Bengal, Madras and Bombay a different law prevails.

The DM edited by Bharatacandra Siromani was published with his own commentary a century ago in 1885. Another edition of the work by Sankara Sastri Marulakara, son of Ranganatha was published with his commentary by the Ananda Ashrama Press, Poona in 1941 A.D. The latter edition has been used for reference in the present treatise. It is prefaced by the editor and is furnished with a scholarly introduction and an appendix by Prof. Vinayak Vishnu Deshpande, L.L.M. of the Hindu Vidyapitha, Kashi.

(e) The Place of Nandapandita among other Digest-writers

Nandapandita has been recognised as a prolific author who excels most others in the field in the volume and excellence of his work. As noted above he has been

45. I.L.R. 32 Bom. 619; I.L.R. 36 Bom. 553; 15 Bom. L.R. 874 (paternal aunt's son's adoption held valid); I.L.R. 39 Bom. 410 (adoption of half brother held valid).

46. उन्हें विजय भीतर की सेना के विरुद्ध कार्य के लिए नेतृत्व करने वाले – DM, p. 19.
accredited with the production of as many as nineteen works comprising commentaries and digests, many of which have held high prestige in the courts. Some of these works like the Dattakamāmaṣa and the Dattakamāmaṣa are specialised studies on their subject and many of the rules enunciated in his works have been given preference over others. Many of his texts have been the subject of discussion and debate in the courts more than any other work or its author. The Dattakamāmaṣa, in particular, has been held to be an undisputed authority all over India. The Privy Council referred to the opinion of Sir William Macnaghten who observed that the Dattakamāmaṣa, besides the Dattakamāmaṣa was respected all over India, but where they differed, the doctrine of the latter was adhered to in Bengal and by the Southern jurists, while the former was held to be the infallible guide in the provinces of Mithila and Benares, but the Council again observed in another case that to call it infallible was too strong an expression. However, they added, it was clear that both works must be accepted as bearing high authority since they had become embedded in the general law over a long period of time.

Their lordships in still another case refused to hold with Knox J. that the authority of the Dattakamāmaṣa and the Dattakamāmaṣa was open to examination, criticism, adaptation or rejection like any

scientific treatise on European jurisprudence. 49 They, again, sounded a note of caution as to how far the authority of the DM was to be respected and ruled, 'The authority of Nandapandita must be accepted except where it can be shown that he deviates from or adds to the amrtis or where his version of the law is opposed to such established custom as the courts recognise'. 50

That the DM and the DC were picked up by Sutherland from a wide selection of treatises on adoption in order to complete his translations of original texts on the subject, that Nandapandita's other works like the Vaijavanti were also rendered into English 51, that he did not slavishly toe the line of such celebrated works as the Mitaksara 52 and that several of his views were received with preference, 53 in addition to the large volume and excellence of his works, speak volumes about the high place Nandapandita held among other digest-writers.

49. L.R. 26 I.A. 113 p. 132.
53. As, for instance, in the Benares school Balambhatti is accepted as one of the leading authorities. Its view that a widow can adopt a son and that she can do so even without the express authority of her husband has been rejected in favour of Nandapandita's that she can adopt only with the express consent of her husband. Vide Tulsi Ram v. Behari Lal, I.L.R. 12 All. 328, p. 368 (F.B.)