CHAPTER-I

INTRODUCTION

1. A BRIEF NOTE ON THE SMRTISASTRAS

According to Indian tradition, the four sources or proofs of dharma are the sruti, the smrti, good conduct and usages of those people who are well-versed in the vedas and the complacency or satisfaction of one's own conscience. The second source or proof of dharma is the smrti. The word smrti literally means what is remembered. It means memory or recollection what was previously cognized. It means the recorded recollections of the commandments of the Almighty that were handed down by the ancient sages to the mankind. These smrtis are based on the fundamental teachings of the vedas. In fact, the main stream of the smrtis flows from the vedas.

Dictionaries present various meanings of the term such as remembrance, recollection, memory or what was delivered by human authors etc. "In its widest application, the term includes the vedangas, the sutras, the Ramayana, the Mahabharata, the puranas, the dharma sastras, especially the works of Manu, Yajnavalkya and the other inspired law-givers and the nitisastras or ethics. But, its ordinary application is to the dharma sastras. It is "a technical term applied to the

1. M.S. II.6, 12; Yaj. I.7.
2. 'yah kaścit kasyaciddharmo manunā parikārtitah / sa sarvo'bhihito vede ...
   etc. ' M.S. II. 7.
whole corpus of sacred lore remembered and handed down by tradition”.4 The Amarakośa says that *smṛti* means the codes of *dharma*. According to it, both the words *smṛti* and *dharmasaṅhitā* indicate *dharmaśāstras*.5

The word ‘*smṛti*’ is derived from the root ‘*smṛ*’ (to remember) adding after it the suffix ‘*ktin*’ and it means the recollection of the vedic knowledge.6 The *Nānārthasaṁgraha* which recollects some views of ancient treatises also holds that the word primarily means the *dharmaśāstras*.7 The *S.K.D.* contains different views regarding the word ‘*smṛti*’. Citing the views of *Caṇḍīḍakā* of Nāgojibhaṭṭa, Rasamanjorī, Durgādāsa, Mukuta and others it also gives some synonyms of the word such as *dharmasaṅhitā*, *dharmaśāstra*, *saṁhitā* or *śrutijñāvikā* etc. according to the views of different authors.8 The *Visvakośa* also contains various views regarding the meaning of the word ‘*smṛti*’. According to it, the *mantras*, the *brahmanaś*, the *aranyakas* and the *upanisads* are treated as *śrutis* and those treatises of the great sages which were written for governing the Aryan society based on the vedic rules and directions are called *smṛtis* or *dharmaśāstras*. From this point of view, the *smṛtis* have


5. ‘*smṛtistu dharmaśaṅhitā*’ *Svargavarga*, p. 278.

6. ‘*dvayaṁ smṛtau I mahaṁśibhirvedasya smaraṇaṁ smṛtih ... etc. ’ *Ibid.*

Commentary on above definition.


some authors (i.e., the smṛtis are man made) and they have authoritative values as those were written on the basis of the vedic directions. From this standpoint, the six vedāṅgas, the kalpaśāstras, the smṛtis or the dharmaśāstras of Manu and other great sages, the Rāmāyaṇa and the Mahābhārata (both are commonly known as itiḥāsas), the nūtiśāstras, the purāṇas and the upapurāṇas – all these branches of ancient treatises are included in the corpus of smṛtiśāstras or dharmaśāstras. Out of these six branches of ancient literature, the śmaṛtaśūtras (commonly known as grhyasūtras and dharmaśūtras) and the dharmaśāstras are commonly known or recognised as smṛtis.

P.V. Kane, in his H.D.S., gives an exhaustive note on the term 'smṛti'. According to him, the term is used in two senses. In the widest sense, the term smṛti is applied to all ancient orthodox non-vedic works such as Pāṇini’s Grammar, Śrauta, grhya and dharmaśūtras, the Mahābhārata, the works of Manu, Yājñavalkya and others. In the narrower sense, the term smṛti is synonymous to dharmaśāstra. Dr. Kane refers to some treatises where the word smṛti occurs viz., Tait. Ār. and etc.10 Dr. Kane also refers to two contexts of the M.S.11 and holds view that the word in these contexts is used in a narrower sense.12

10. Tait. Ār. 1.2 ; Gau. D.S. 1.2 ; Vas. D.S. 1.4 ; Āpa. D.S. 11.6.15.25 ;
PMS VI.8.23 and XII.4.42 ; V.S. II.1.1 ; Śānti. 85.10.
As quoted by Kane, H.D.S. Vol. I, part 1, p299.
11. M.S. XII.95 ; II.10.
Now, we examine the two contexts of the M.S. where the term ‘smṛti’ is defined and characterised. In one place Manu says that the word *smṛti* and *dharmaśāstra* are synonymous. Here, in this context, the works composed by Manu and others of his category are termed as *smṛti* and these *smṛtis* are placed equal to the *vedas* in status saying that their imports should not be misinterpreted by putting them into the test of logic, as both of these *śrutis* and *smṛtis* reveal the knowledge of dharma. Manu in this context, as Dr. P.V. Kane refers, seems to use the word *smṛti* in a narrower sense. If this view of Manu is to be accepted (*i.e.*, the works composed by him and others of his status are *smṛtis*), then other non-vedic works such as Pāṇini’s Grammar, śrāuta, gṛhya, dharmasūtras, the Rāmāyaṇa and the Mahābhārata etc. will be left out from the category of dharmaśāstra. In another context, as also is referred to by Dr. Kane, Manu uses the term *smṛti*. Here, Manu applies the term ‘smṛti’ to those works also which are not founded on and opposed to the *vedas* and says that those *smṛtis* should not be valued, as those are hostile to the *vedas* and founded on

13. ‘srutistu vedo vijñeyo dharmaśāstrastu vai smṛtih’  *M.S.* II. 10.


15. ‘te ubhe pratikulatarkairna vicārayitavye, yatastābhyaṁ viśeṣena


18. ‘ya vedaśāśyoḥ smṛtayo yāśca kāśca kudṝstayah I
sarvāstā niṣphalāḥ preyā tamoniṣṭhā hi tāḥ smṛtāḥ II’  *M.S.* XII. 95.
sophistry. Here also Manu gives an indirect hint that those *smṛtis* which oppose to the *vedas* are not *smṛtis* in real sense.¹⁹

From the above two contexts of the *MŚ*, it is clear that Manu wants to mean or use the word *smṛti* to a work which is not contrary to the *vedas*. That Manu uses the term *smṛti* or *dharmaśāstra* in a narrower sense is also evident from another context of his work.²⁰ Here, in this context Manu clearly differentiates *dharmaśāstra* or *smṛti* from other non-vedic works like *itiḥāsa, purāṇa* etc. ²¹

From the ongoing discussion it can be concluded that the word *smṛti* is used in two senses. In its narrower sense the term is used for those legal treatises written by the sages of antiquity to regulate the human behaviour and which are not contrary to the vedic knowledge. Manu holds this view.²² In its widest sense the term ‘*smṛti*’ also includes the ancient orthodox non-vedic works. The common term used for ‘*smṛti*’ is *dharmaśāstra*.

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¹⁹. ‘cārvākādārājanāti sarvāṇi paralokanīṣṭhānāni yasmāṇṇarakāpālānī

²⁰. ‘svādhyāyāṁ śrāvayet pitrye dharmaśāstraṇi caiva hi I

ākhyānāṁ śrīvīśvānāṁ ca purāṇāṁ khilāni ca II’ *MŚ.* III.232.

²¹. ‘svādhyāyāṁ vedam I mānavaśāstraṇi dharmaśāstraṇi I ākhyānāni

śaupāpakāmaitrāvarṇāpādānī .... etc.’ Kullūka on *Ibid.*

²². ‘smṛtyādānāntu vedamīlaṣṭavaḥ prāṁśaṇṇyāṁ I.’ Kullūka on

*MŚ.* XII. 96.
Dharmasūtra, a Sanskrit term, is a compound word which consists of the components ‘dharma’ and ‘सूत्र’ (sūtras). The word thus means sūtras (treatises) that deal with dharma. Dharma is a sanskrit word which does not mean the exact rendering of the term ‘Religion’, generally used in the English language. It simply means a sacred commandment or spiritual injunction. S.C. Banerjee observes – “While ‘religion’ is rather a loose English equivalent of ‘dharma’, ‘duty’ fails to convey all the senses in which the word has been used in ancient Indian literature. The best definition of ‘dharma’ appears to have been given by Jaimini in the words ‘कोडानलक्षणोऽथ धर्मह’, that is to say ‘dharma’ consists in beneficial directions. These directions, however, are manifold; they direct us in our lives as individuals and also as members of the society. They teach us how to conduct ourselves in matters both religious and secular.”

The main problem related to the studies of the dharmasūtras is to find out an exact date of it. The subject matters of the dharmasūtras and dharmasūtras are closely similar though there are some dissimilarities between the two branches of ancient literature. S.C. Banerjee points out six basic differences between these two branches of ancient treatises. He points out difference in form of composition, language, divinity in origin, arrangement of topics, historical priority, affiliation to vedic school, and tries to place the dharmasūtras prior to the dharmasūtras. The use of the unpaninian words here and there in the dharmasūtras show that those were

24. Ibid. p. 2 ff.
25. Ibid. Appendix – II.
older than those of the dharmaśāstras. The origin of the dharmaśāstras are the 
dharmasūtras and most of the śruti or dharmaśāstras are adaptations of the old 
dharmasūtras as S.C. Banerjee observes – “Śruti is a generic term applied to orthodox 
non-vedic works in contradiction to śruti, so that the dharmasūtras fall within the 
purview of śruti. Śruti again is synonymous to dharmaśāstra as is indicated by such 
remarks as dharmaśāstrah tu vai śrutiḥ. The term dharmaśātra as applied to the 
dharmaśātra literature is rather a misnomer in as much as these works do not contain 
mere sūtras, but also long prose passages along with verses. As a matter of fact some 
of the dharmaśātra works are designated as dharmaśāstras or śruti e.g. Vasistha 
Dharmaśāstra and Viṣṇusmṛti.”

Now, a question naturally arises in our mind – what was the necessity of the two branches of literature of dharmasūtras and dharmaśāstras 
which deal with almost the same topics like ācāra, vyavahāra and so on? The question 
may be answered like this – the dharmasūtras are the writings of the primitive stage for 
the regulation of the individual and social life while the dharmaśāstras are the detail 
explanations of those primitive sūtras for the changing situations of the advanced 
society. The dharmasūtras may be compared to the constitution of India as it was 
adopted in 1950 and the dharmaśāstras may be compared to the present Indian 
Constitution with up to date amendments and enactments of various laws by the 
legislature and various explanations of laws by the High Courts and the Supreme Court 
of India from time to time on the various disputes arise in matter of law; but the basic 
structure of the constitution remains unchanged as in the case of the dharmasūtras and 
dharmaśāstras. S.C. Banerjee observes – “With the progress of civilization, the need

26. Ibid. p. 4 - 5.
was felt for more elaborate treatment of the rules for the guidance of a far more advance society; the *sūtras* now proved inadequate for formulating the law that naturally grew in volume and variety. It is probably for this that the ṣloka (verse) was resorted to as the best form for the preservation and propagation of the newly formulated law.27 The *dharmasūtras*, a branch of the *kalpaśūtras* thus turn into *dharmaśāstras* or *smṛtis* in later course of development of human civilization in India. The *dharmasūtras* were written in aphoristic style while the *dharmaśāstras* were written in prose or in mixed prose or in pure verse following the former treatises (i.e. the *dharmasūtras*). A.A. Macdonell also holds the same view saying – “They (*dharmasūtras*) are the earliest Indian works on law.” 28

P.V. Kane cites numerous examples from various vedic texts regarding some legal matters and holds view that the existence of versified legal literature was prevalent in vedic literature even before the extant *dharmaśātra* literature. Kane observes – “The later rules contain in the *dharmasūtras* and other works on *dharmaśāstras* had their roots deep down in the most ancient vedic tradition and that the authors of the *dharmasūtras* were quite justified in looking up to the vedas as a source of *dharma*. But, the *vedas* do not profess to be formal treatises on *dharma*; they contain only disconnected statement on the various aspects of *dharma*; we have to turn to the *smṛtis* for a formal and connected treatment of the topics of *dharmaśātra*.” 29

S. C. Benerjee remarks that the metrical *smṛtis* or *dharmaśāstras* were meant for the society in general and existed prior to the *dharmasūtras* but were

written in a later period to regulate the conduct of the people affiliated to different vedic schools. In the growth of civilization the metrical *smṛtis* came into existence and superseded the *dharmasūtras* which supplied the missing link in the chain of development of the metrical *dharmasāstras*\(^\text{30}\).

From the ongoing discussion it may be concluded that the antiquity of the *dharmasāstras* may be traced back to the vedic period as they are based on the essence of the vedic knowledge. The topics which are dealt with by the *smṛtis* or *dharmasūtras* scattered in the various branches of vedic literature were collected and arranged in a brief aphoristic style by the writers of the *dharmasūtras* and in later period these were elaborately arranged in a systematic manner by the writers of the *dharmasāstras* which were held in high respect by the rulers and the ruled. P.V. Kane observes – “The works on *dharmasāstras* existed prior to Yāska or at least prior to the period 600-300 B.C. and in the 2nd century B.C. they had attained a position of supreme authority in regulating the conduct of men.”\(^\text{31}\) Kane also prepares and presents a conjectural chronological table of some ancient Indian works referred to in his *H.D.S.* According to his table he prefers to place the time of the *Nirukta* from 800 B.C. - 500 B.C. He places the time of the *Gau. D.S., Āpa. D.S., Baudh. D.S., Vas. D.S.* and few other treatises in between 600 B.C. to 300 B.C. He prefers to place the principal *dharmasāstras* like the *M.S.*, the *Yāj.*, and the *Nār.* in between 200 B.C. to 400 A.D. The dates of Medhatithi and Kullūka, the two famous commentators of the *M.S.*, are placed in 900 A.D. and 1150 A.D. respectively.\(^\text{32}\) The antiquity of the topics of the

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dharmaśāstras and that these topics had their roots in the vedas and later on those were floating among the people either in metrical form or in aphoristic form is evident from a statement of Buhler. He observes – “They make it highly probable that the materials, on which both works are based (the Mahābhārata and the M.S.) were not systematic treatises on law and philosophy, but the floating proverbial wisdom of the philosophical and legal schools which already existed in metrical form.”33 In fine, it may be concluded that the finding out an exact date or chronology of the smṛtis or dharmaśāstras is an unsettled question. It may, however, be observed that the seeds of rules and regulation for regulating the human conduct in ancient society were already there in the vedic literatures and attained the stage of sprout in the dharmasūtras and ultimately it found its deep root and grown up to a sturdy tree in the form of dharmashastras or smṛtis.

The smṛtis are the products of different authors of different stages. As well as the fixing of proper dates of the smṛtis, finding out of the exact number of the smṛtis is also a perplexing question. P.V. Kane has discussed the problem elaborately in his H.D.S.34 According to him some smṛtis are the recast or remodelling of the older dharmasūtras which are going on under the same name such as Śatātapa, Hārīta and Atri. Some smṛtis are there which are pertaining to a particular sect such as the Hārītasmṛti which is full of vaisnavite teachings. There are some smṛtis written by some well-known smṛtikāras which are starting or naming with the prefixes vrddha, brhat and laghu. Kane also points out that all the smṛtis are not equal in authority.

There are some *smṛtis* which are not found in concrete form but have been mentioned in several commentaries of the commentators. The total numbers of *smṛtis*, therefore, vary according to different authorities on *dharmaśāstra*.

Manu names six authors of *dharmaśāstra* besides himself in various references in his *smṛti*. They are Atri, Gautama - the son of Utathya, Bhṛgu, Vasiṣṭha, Vaiķhānasā or Vaikhnānasā and Saunaka.\(^{35}\)

Yājñavalkya mentions twenty names including himself as the authors of *dharmaśāstra*. In his counting, Saṅkhya and Likhita have been mentioned as two different authors. If Saṅkhvalīkhita is taken to be one author or person then the number of *smṛtikāras* will be nineteen. Yājñavalkya, however, did not mention the name of Baudhāyana as the author of *dharmaśāstra*.\(^{36}\)

In the introduction to the *Viṣṇusmr̥ti*, V. Krishnamacharya collects some views as quoted in different treatises regarding the number of authority on *dharmaśāstra* or *smṛti*. Here, in this context, Krishnamacharya quotes the views of *Yāj., Paithānasī* as quoted in *Smṛticandrikā*, *Saṅkhvalīkhita* as quoted in *Caturvargacintāmaṇī*, *Prayogapārījāta* and *Vaijayantī*. If we go through these quoted passages then it will be evident that *Yāj.,* as also is referred to in the above context, mentions the number of *smṛtikāras* as twenty, *Paithānasī* thirty six, *Saṅkhvalīkhita* twenty one, *Prayogapārījāta* and *Vaijayantī* mention it to be fifty seven including *smṛtis*, *upasmr̥tis* and other *smṛtis*.\(^{37}\) *Gau. D.S.* uses the term *dharmaśātra* in plural number. But,

\(^{35}\) *M.S.* III. 16 ; VI. 21 ; VIII.140.

\(^{36}\) *Yaj.* I. 4-5.

\(^{37}\) *Viṣṇusmr̥ti*, ed. by V. Krishnamacharya, intro. p. IX-X.
he did not mention any name of the authority on dharmaśāstra except Manu.\(^{38}\)

The *Tantravārtika* of Kumarila mentions the name of eighteen dharmaśāstras and he calls them as dharmaśāṁhitās.\(^{39}\)

From the ongoing discussion it is observed that different authors of dharmaśūtras and dharmaśāstras have mentioned the numbers of the dharmaśāstras in different ways. The maximum number including the *smṛtis*, *upasmrītis* and other some minor *smṛtis* as given by the *Prayogapārijāta* and *Vaijayantī* are fifty seven and the minimum number as has been mentioned by Gautama are two including himself. There are, however, some *smṛtis* which have been mentioned in various references but not in existence. There are some *smṛtis* like Gautama, Āpastamba, Manu, Baudhāyana etc. which have been composed beginning from 600 B.C. to 100 A.D. Even after the 1st century A.D. to 1000 A.D. different *smṛtis* were written by different authors. Moreover, different commentators and digest writers (*nīvandhakāras*) wrote their commentaries and digests up to the 1st part of 19th century A.D. P. V. Kane prepares and sets a conjectural chronological table regarding the date of various dharmaśūtras, dharmaśāstras, commentators and digest writers.\(^{40}\) Finding out of the exact number of the *smṛtis* is a puzzling question. P.V. Kane remarks - “If all the *smṛtis* listed in the later *nīvandhas* (Digests) such as the *Nirṇayasindhu*, the *Mayukhas* of Nīlakanṭha and the *Viramitrodaya* be taken into account, the number of *smṛtis* will be found

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38. “tasya ca vyavahāro vedo dharmaśāstrāṅgāṅgāṅyapavedāh purāṇam./”

*Gau.D.S.* II.2.19.


to be about 100.”

He deals with the topic elaborately and writes - “All these *sūtras* are not equal in authority. Most of them are obscure and are only rarely cited by ancient commentators. Exclusive of the *dharmasūtras* hardly a dozen *śrutis* have found commentaries and commentators. If we are to judge the authority of a *śruti* by the commentaries thereon then the *Manusmṛti* stands pre-eminent. Next to it is the *Yajñavalkyasūrī.*”

*Dharmaśāstras* or *śrutis* are the recorded revelations of vedic wisdom. Manu rightly says that the duties which have been described as obligatory on the part of any particular person had already been ordained in the *vedas.* The *śrutis* mainly stress on the practice of *dharma* (duty) by the every member of the human society. We have a true picture of ancient Indian Hindu culture in the *śrutis* as these were written to regulate the conduct of human behaviour both personal and social. Therefore, *śrutis* are the mirror of ancient Hindu civilization. The *śrutis* prescribe some *dharmaś* (duties) suitable for different *varṇas* and *āśrama* “of which some are obligatory and of high disciplinary value.” *Śrutis* teach the members of the society to discharge their duties (*dharma*) in right manner as prescribed by them (*śrutis*). Referring to a passage of the *Aryan Rule In India* by Havell, K.G. Goswami remarks - “In fact, it is the *śrutis* or *dharmaśāstras* which become the positive guide for the history of civil and religious

43. “yaḥ kaścit kasya ciddharmo maṇunā parikṛtītāḥ/ sa sarvo’bhīhito vede sarvajñānāmayo hi saḥ/” M.S. II.7.
law in India." It has already been mentioned that the dharmaśāstras or śruti always stress on discharging the duties (dharma) by every individual of the society which if protected, protects the human society. Dharma or duty always associates with justice or righteousness or truth. Justice or righteousness or truth is again that which is not pervaded by deceit. This very idea of dharma is even reflected beautifully in the Mahābhārata. Dharmaśāstras mainly advocate this concept of dharma.

As the dharmaśāstras or śruti mainly concern with discharging of dharma particularly by the different members of the society, so the content of the śruti may be classified into three heads viz. acāra (Customary rites), vyavahāra (Administration of justice) and prayaścītta (Expiatory rites). These three topics are discussed in most of the dharmaśāstras more or less in a disorganised manner. The Yajnavalkya is exception in this respect. In this śruti, Yajñavalkya systematically arranged and discussed these three topics under three distinct heads viz. acāra, vyavahāra and prayaścītta.

From time immemorial, the dharmaśāstras have been the treasure and sources of Hindu law. They have been the repository of the age-old customs and tradition of the Aryan people in India. From conception to funeral rites every Hindu is governed more


46. 'dharma eva hato hanti dharma rakṣatāḥ rakṣitāḥ / tasmā dharma na hantanyo maṁo dharma hato’vadhṛt /' *M.S.* VIII. 15; *Vana.* 313.128.

47. 'na sa sā sabbāḥ yatra na santi bṛddhāḥ / I ... nāsaubh dharma yatra na satyamasti /aṁ satyamasti /nā tat satyaṁ yacchalerśaṁ /nā sa sabbāḥ yatra na maṁo dharma yatra na ... etc.' *M.S.* VIII. 13.
or less by the dicta of the dharmaśastras. The dharmaśastras are not only the treasure of Hindu law and customs but also the repository of ancient Hindu culture and rich civilization. They have also been the treasure of ancient Indian literature. The nivandha treatises (smṛiti digests) and various valuable commentaries thereon in different parts of India beginning from the 7th cen. A.D. to 18th cen. A.D. were purely composed relying upon the contents of the dharmaśastras of earlier period.⁴⁸ Hence, the literary value of the dharmaśastras can not be denied. Observing the huge influence of the dharmaśastras in various aspects of life of the Indians, K.G. Goswami remarks - “Our dharmaśastras point to a continued tradition of how dharma was more than a mere moral suasion. It becomes rather a central power to shape and sustain order and harmony in India’s social life in all its aspects... Even when India’s political power was on the wane, the norm of dharma continued its mighty task of subduing the potential anarchy of evil forces correcting human vices and guiding life to a nobler and higher pattern of sanctity.” ⁴⁹ Thus the dharmaśastras have been the system of social discipline and justice in Indian society (particularly in the Hindu society) and have been the guiding force for Indian way of life.


2. AN EXHAUSTIVE NOTE ON THE MANUSMRTI

The M.S. occupies a foremost position in the domain of dharma/astra literature. Although there are dozen of smṛtis, yet most of the Hindu people in India are virtually influenced by the dicta of the M.S. When there arises a controversy regarding any issue like caste system, position and status of women and in various social, judicial and sacramental matters, it is only Manu who is referred to. Manu has touched almost every aspect of human life from birth to death, the social as well as political life, the duties of a house-holder as well as a king and so forth. Perhaps, therefore, it has been stated that ‘whatever Manu has said is medicine.’

In later writings or manuals an injunction preceded by ‘thus spoke Manu’ shows the influence of the M.S. in Indian life. The influence of the laws of Manu is so extensive in the domain of dharma/astra literature is again proved from the saying ‘any smṛti which goes against the injunction of the M.S. should not be approved.’ Perhaps, therefore, it is opined – “If Pāṇini has

50. ‘manurvai yadkiścidavadattadbheshajatayā ’ Chān. Br. as quoted by Kullūka on M.S. 1.1 ;

Also, Tān. Mahā. XXIII.16.7 ; Mait. Saṁ. II. 1.5.

51. The sanskrit renderings of the statement are found as “manuravrabīt”

or “manuravadat” or “manoranuśasanam” or “manurāha” etc.

52. ‘vedarthopanivandhṛtvāt prādhāmyaḥ hi manoḥ smṛtaṁ I

manvarthavipanta yaḥ saḥ smṛtirna prasasyate ‘ Brhaspati. as quoted by

Kullūka on M.S. I. 1 ; Also, Aparārka on Yāj. II. 21.
determined the nature of Sanskrit for all time, Manu has determined Hindu conduct for all time.”  
Manu tried to bind the social system in a disciplined manner by means of various codes of conduct which have had a deep moral, spiritual and ethical value. No other *smṛti* in the range of *smṛti* literature can claim so popularity as the *M.S.* Regarding the influence of the teachings of the *M.S.*, K.V. Rangaswami Aiyangar remarks—“For thousands of years Indian society has been moulded on the lines laid down in the *M.S.* To uphold Manu’s words has been to uphold the Indian social order, to condemn his teachings to reject it.”

The influence of Manu and his dicta in Indian life and literature can easily be guessed from the fact that he (Manu) has been referred to not only in the branches of ancient Indian literature but also been referred to by classical writers like Kālidāsa, Viṣṇusarma and others. A large number of references in Indian literature both in ancient and classical, where Manu or his view is referred to, come to our notice which will be really exhaustive in this context. The popularity of the *M.S.* may be estimated...


55. *R.V.* I.80.16; I.112.16; I.114.2; *Tait. Saṁ.* III.1.9.3 – 4; III.6.7.1;

*Tān. Mahā.* XXIII.16.7; *Sānti.* 21.12; 57.43; *Ādi.* 119.36;

*Raghu.* I.11; 1.117; XIV.67; *Pañca. Mitrabheda,* Vs. 45 cf. *M.S.* VIII.26;

also from the fact that it has earned the reputation from a large number of galaxy of commentators beginning from the 9th century A.D. V.N. Mandlik rendered a great service by editing a large number of commentaries of the *M.S.* which was printed in 1886. But, regarding the number of commentaries edited by Mandlik in his *Māṇava Dharmaśāstra*, we observe difference of opinions. K.V. Rangaswami Aiyangar holds that Mandlik edited it with eight commentaries.\(^{56}\) V. Raghavan refers that Mandlik edited six commentaries of the *M.S.*\(^ {57}\) On the other hand, A.A. Macdonell\(^ {58}\) and Dr. R.M. Das\(^ {59}\) mention the number of commentaries edited by Mandlik to be seven. Of course, the copy of the *Māṇava dharmaśāstra* edited by Mandlik is not available with us and, therefore, we are helpless to settle the question of exact number of commentaries edited by Mandlik. Dr. R.M. Das also holds view that Mandlik has mentioned some other commentators of the *M.S.* whose references have been made in other works and digests of *dharmaśāstra*. Dr. Das, following Mandlik, has mentioned the names of Mādhavacārya, Srīdharasvāmī, Rucidatta, Viṣvarūpa and Bhāruci as the other commentators of the *M.S.* besides the list of seven commentators and their commentaries edited by Mandlik.\(^ {60}\) Medhātithi refers to Asahāya as one of the

\(^{56}\) *Aspects of the Social and political system of Manusmṛti*, preface, p. viii.


\(^{58}\) *H.S.L.(Mac.)* p. 428.

\(^{59}\) *Women in Manu and His Seven Commentators*, p. 5, 267.

\(^{60}\) *Ibid.* p. 5.
commentators of the M.S. Kullūka also refers to Bhojadeva and Dharanaḍhara as the commentators of the M.S.  

Georgo Buhler translated the M.S. with the extracts of seven commentaries adding a very valuable introduction to it under the title ‘The Laws of Manu’. It was edited by F.A. Maxmuller in 1886.  

J. H. Dave edited the M.S. with nine commentaries in 1975 onwards. The book was published by Bharatiya Vidya Bhavan, Bombay in 6 volumes. So far we concern, it is the edition of the M.S. with a maximum number of nine commentaries. This edition contains the commentaries of Medhatithi, Sarvajñanārāyaṇa, Kullūka, Rāghavānanda, Nandana, Rāmacandra, Maṇḍiraṇa, Govindarāja and Bhāruci.  

From the above discussion we can come to a conclusion that the M.S. earned reputation from almost sixteen commentators which is evident from the concrete commentaries found thereon and from various references. Besides the above list of commentators of the M.S. edited by J.H. Dave, we have another seven commentators of  

61. ‘yajvāsahāyanāradānāṁ tu mate kākinīṃmatramapi saktāḥ
    karaṇaparivṛttikāle dāpayitavyāḥ’/ Medhatithi on M.S. VIII.155.  
62. ‘Idṛṣa eva pāthakramo medhātithibhojadevādibhi niścitaḥ’/ Kullūka on M.S. VIII. 184;  
    ‘dharanaḍharaṁ tu ‘ekāksararaṇaṁ brahmaṁprāṇāyāmaṁpatarapa’ iti paṭhitaṁ /
    Also, ‘likhan pāthāntaram tatra svatantro dharanaḍharaḥ’/ Kullūka on M.S. 11.83.  
63. S.B.E. Vol. XXV.
the *M.S.* which is evident from various references. They are - Madhavacarya, Sṛḍharasvāṁś, Rucidatta, Visvarūpa, Dharaṇīdhara, Asahāya and Bhojadeva. These commentaries are a valuable help towards the correct interpretation of the original work of Manu and any misinterpretation that may happen on the basis of mere literally translation of the work can be settled in a right way with the help of these commentaries. These commentaries also reflect the thinking of a particular society on certain issues in changing social circumstances.

The *M.S.* earns reputation not only from several commentators but it also commands respect from modern scholars. The translation of the work into various modern Indian languages as well as other foreign languages is the glorious example in this respect. Since its first publication at Calcutta in 1813, a large number of editions with translation into different languages are going on still this date. We have already mentioned the editions of V.N. Mandlik, Dr. G. Buhler and J.H. Dave. Of course, the earliest translated form of the *M.S.* (into English) is known to be the *Institutes of Hindu Law* or *The Ordinances of Manu* which was translated by Sir William Jones in 1774 and was published by India government, Calcutta. Ganganath Jha and M.N. Dutta are two famous Indian scholars who translated the *M.S.* into English.

The influence of the *M.S.* in abroad can easily be estimated from the following statement of K.V. Rangaswami Aiyangar. He comments - “For hundreds of years it (the *M.S.*) has been the foundation of Burmese law. Memories of it are found in the far too few epigraphic records of the greater India which Indian emigrants created in the far East.”

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65. *Aspects of the social and political system of Manusmrīti*. p. 2.
The juristic ideas of the *M.S.* even crossed the barrier of Hindu society is proved from an observation made by P.V. Kane. "Buddhists had hardly any independent set of juristic ideas or works different from those of the Brahmanical jurists and in mediaeval times countries like Burma professing Buddhism turned to Brahmanic codes like that of Manu for regulating succession, inheritance and allied matters."\(^{66}\) Regarding the distinct record of the influence of the teachings of Manu in foreign countries, Dr. Kewal Motwani makes a detail discussion in his article *Manu and the modern world*\(^{67}\). In his article, Dr. Motwani observes that Manu’s teachings were also known in Palestine, Babylon and Greece and Plato’s Republic copied many ideas from Manu.\(^ {68}\) Voltaire considered the *M.S.* one of the books translated into French as the best book that had ever come from the East.\(^ {69}\) Besides India and several countries of Asia, the U.S.A. was also influenced by the teachings of the *M.S.* Some of the leading sociologists of the U.S.A. viz. Lester F. Ward and Thomson Harris were deeply influenced by the teachings of Manu.\(^ {70}\) Nitsche, a German philosopher, praises the *M.S.* for its bold affirmative religion and ranks it above the Bible.\(^ {71}\)

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From the above discussion it has come to our notice that the dicta of the *M.S.* which are the storehouse of some social organisations of human civilization highly influenced not only India but also some foreign countries of the world.

(i) Contents of the *Manusmṛti*

The extant *M.S.* has twelve chapters having 2685 *anuṣṭuv* couplets.\(^{72}\) But, regarding the exact number of verses of the *M.S.*, we notice difference of opinions among the scholars which varies from nine to ten verses.

K.V. Rangaswami Aiyangar mentions the number of verses as 2685 in one place while in another place it is mentioned as 2695.\(^{73}\) In an article of the *C.H.I.*, the number of verses are mentioned as 2694 and it is stated there that “A study of its manuscripts has not shown any difference in the text.”\(^{74}\) *The Hindu World* mentions the number as 2685.\(^{75}\) P.V. Kane mentions the number as 2694 and according to him Dr. Jolley’s edition (published in 1895) prepared after collating numerous manuscripts

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72. As found in the *Manusmṛti* translated by M.N. Dutta, ed. by Dr. R.N. Sharmah, 1998 and the *Manu Samhita* ed. with the commentary of Kullīka by Shyamakanta Vidyabhushan.

73. Aspects of the social and political system of *Manusmṛti*, pp.46, 59.


and printed editions contains only one śloka more (i.e. 2695 ślokas).\(^76\) Dr. G Buhler\(^77\) and A.A. Macdonell\(^78\) count the number as 2684.

Prof. Surendra Kumar deals with 2685 verses of the *M.S.* while he has researched and edited the same. While doing so, he divides the total 2685 verses of the extant versions of the *M.S.* into two categories based on seven criteria. Out of these 2685 verses, he classifies 1502 verses as interpolated and 1183 verses as fundamental or original.\(^79\) Most of the editions, as we observe, contain a total number of 2685 verses. The chapter wise contents of the *M.S.* are briefly given below –

**Chapter I.**

The sages request Manu to deliver them the *dharmas* of all varṇas -- Manu replies them with the cosmology – different creations – codes of conduct framed by the Eternal (Brahmā) for the regulation of the creation -- Manu propounded it to Bhṛgu and Bhṛgu to the other sages by order of Manu -- duties of different social orders in brief -- list of the topics to be discussed in the subsequent chapters of the Book.

**Chapter II.**

Definition, proofs and sources of *dharma* -- different *sāhāskāras* -- duties of a *brahmačārin* -- praises of parents and preceptor etc.

\(^76\) *H.D.S.* Vol. I, part. I. p. 312, Dr. Kane counts the number from the Nānyasagara Edn., Bombay, 1946.


\(^78\) *H.S.L. (Mac.)* p. 428.

\(^79\) *Manusmṛti*, Researched and ed. by Prof. Surendra Kumar, intro. pp. 5-6.
Chapter III.

Period of celibacy and studentship – convocation – marriage and its different forms – rules of marriage for four different social orders – duties of husband and wife – hospitality – eulogy of women – the śrāddhas and its merit etc.

Chapter IV.

Duties of a śrālaka and a householder – means of livelihood for a householder – eulogy of good conduct etc.

Chapter V.

Condemnable and forbidden food – impurity and purification of defiled articles – duties of women – duties of a husband on the death of his wife etc.

Chapter VI.

Duties of the four stages of life especially the vānaprastha stages of life – eulogy of a household life etc.

Chapter VII.

Rājadharmam – eulogy of danda – different vidyās for a king and ten vices – constitution of council of ministers – code of war and different duties of a king.

Chapter VIII.


Chapter IX.

Obligatory duties of husbands and wives – protection of women – niyoga described and condemned – law of inheritance – kinds of son-ship – śrīdhana and succession thereon – the four great sins – theft and gambling – the seven constituents of a kingdom – means of developing a kingdom – duties of vaiśyas and śūdras etc.
Chapter X.

Social system – origin of mixed castes – danger to the kingdom due to growth of mixed castes – the vocations and duties of four castes – earning of livelihood by the four castes in the time of distress.

Chapter XI.

Rules relating to purity or expiatory rites – proper recipients of gifts - eulogy of tapah (devotional austerity) etc.

Chapter XII.

Rebirth – the three qualities, their characteristics and its effects on body, mind and soul – the highest good or emancipation – eulogy of vedas etc.

(ii) Author and date of the Manusmrtyi

In the field of dharmaśāstra literature, India has had a large number of learned scholars. Among them Manu has been given a very high and reputed position by Indian tradition. From time immemorial Manu has been treated by the tradition of the land as a father of human generation and as the founder of Hindu science of law. He is known commonly as the author of the famous Hindu law book “The Manusmrtyi.” But, there are, in Indian tradition, found as many as fourteen Manus and, therefore, the question arises as to which one of these Manus is the author of the great Book. Regarding the number of Manus, the Indian śāstras differ from each other. In this context P.V. Kane presents a valuable discussion in his H.D.S.80 Kane cites a lot of citations from various ancient Indian śāstras regarding the number of Manus. In Indian tradition and mythology Manu is often found describing sometimes as human being and sometimes as semi-divine being. V. Raghavan remarks - “The antiquity of Manu and the heritage

associated with his name are both attested by the *Rgveda*, where we already find the main ideas that Indian tradition has always associated with him viz. his being the progenitor (*pitar* or *prajāpati*) of the human race and his having laid the path that his progeny, the human race should follow for securing its good."81

Manu's human character is found scattering in many places of the ancient Indian literature. In several places of the *R.V.*, Manu is said to be the father of human race.82 In some places of the same Veda Manu is also found depicted as a sage.83 In the *Tait. Saṃ.*, Manu has been described as father of a family who divides his property among his sons.84 Here, in this context, we find the story of Nābhāṇedistha where he (Nābhāṇedistha) was deprived from getting a share of his parental property. This story is also found in the *Ait. Br.*85 In the famous ‘flood legend’ described in the *Śat. Br.*86 Manu has been depicted as producer of human race with the advice of a fish which saved his life from the great deluge. Here, in this legend, we find a striking similarity between Manu and ‘Noah’ of the *Holy Bible*. Sometimes, Manu is also found described as king87 and sometimes as a sacrifice holder who offers oblation to gods.88

82. *R.V.* I. 80. 16 ; I.114.2 ; II.33.13.
85. ‘nābhāṇedisthaṁ vai mānavam brahmacaryam vasantāṁ bhrātaro
   nirabhajan’ *Ait Br.* V.14.
In the *Nir.* of *Yāska*, we get a reference of the views of *Manu Svayambhūva* regarding the rights of both sons and daughters to inheritance. Here, in this reference, we have a *slokā* besides a *ṛk*. Here in this context, mentioning *Manu*, *Yāska* seems to express the views of the *M.S.*. According to *Kane* it proves that before and at the time of *Yāska* also, there was the influence of the *smṛti* texts, particularly of the *M.S.*, comprising in verse form. In the *Chān.Up.* also *Manu* is described as ‘ṛṣi’, the son of *Kāśyapa*. The ancient *dharmasūtras* like *Baudh. D.S.* and *Āpa. D.S.* also mention *Manu* as a sacred law-giver. Other *dharmasūtras* like *Gau. D.S.* and *Vas D.S.* also contain the views of *Manu*. It is noteworthy that the conjectural date of *dharmasūtras* like *Gau. D.S.*, *Āpa. D.S.*, *Baudh. D.S.* and *Vas D.S.* is placed 600 B.C.-300 B.C. In most of the ancient Indian manuals like the *Mbh.* and others, *Manu* has been recognised quoting in them an injunction preceded by ‘*manurāyitvā*’

89. ‘*aviseṣeṇa putraṁ daśyo bhavatī dharmaḥ mithunāṁ visargaḍau manuḥ svāyambhūvo’bravīt*’. *Nir. Nighantu*. III. 4.2.

90. ‘*tadetādṛklokaḥ bhyaṃuktam I āṅgādaṁ gaṁdambhavasi I ... aviseṣeṇa putraṇāṁ daśyo bhavatī dharmaḥ I mithunāṁ visargaḍau manuḥ svāyambhūvo’bravīt*/’ *Ibid.*

91. *yathāivātma tathā putreṇa duhitā samā etc. M.S.* IX. 130.


93. ‘*praṇāpatirmanave manuḥ praṇābyaḥ*’ *Chān. Up.* VIII. 15. 1.


95. ‘... athaitanmanuḥ śrūddhasabdaṁ karma provāca I praṇāṇīśreyaśaṁ ca*’ *Āpa. D.S.* II. 7.16.1.

or ‘manoranmasanam’ etc. In the *Mbh.*, Manu has been referred to in many occasions. In those references Manu has been described sometimes as Manu simply or as Svāyambhūva Manu or as Prācetas Manu.\(^97\)

Manu's divine character is also available. George Buhler, in his introduction to the ‘Laws of Manu’, remarks - “As a divine being he is described as the son of the Āditya Vivasvat and of ‘the female equal colour’, whom Vivasvat’s wife, Sarāpyu, made to take her place, or as the offspring of Svayambhū, self existent Brahman.”\(^98\)

Manu’s divine character is found in the *Tait. Saṅh.*\(^99\), *Mait. Saṅh*\(^100\), *Nir.*\(^101\) and in various references of ancient Indian literature. Manu’s divinity\(^102\) as well as human behaviour\(^103\) is also described in the *M.S.*

From the ongoing discussion it is evident that Manu and his dicta found a prominent reference in ancient Indian sacred texts since the time of the *R. V.* In those references, as it has already been stated, Manu is described as the father of the human race, sometimes as a sage, sometimes as the founder of sacrifice, sometimes as a divine being or sometimes as king. He is also referred to in some references as Manu simply, in some as Manu Svāyambhūva or as Manu Prācetas. Of course, the word ‘Manu’ found in various references of ancient literature may not represent Manu, the Hindu

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97. *Sānti.* 21.12; 336. 38-46; 57.43; *Adi.* 119.36.
100. ‘prajāpataye manave svāhā /’ *Mait. Saṅh.* II. 7.7.
102. ‘etameke vadantyagniṁ manumanye prajāpatiṁ /’ *M.S.* XII.123.
103. ‘prthustu vinayādrājyaṁ prāptavān manumeva ca /’ *M.S.* VII. 42.
Law giver. P.V. Kane, in this regard, makes a remarkable comment. “In many of the verses in the *Rgveda* in which the word Manu occurs, commentators and translators often hold that the word ‘Manu’ stands for ‘*manusya*’ (human race) and not merely for ‘Manu’ as an individual. But, it is clear that in some verses (of the *Rgveda*) at least Manu must be taken as an individual sage. In many of these cases the words *manuvaha* or *manuravrabāt* or *manoranukāsamān* are *pādapiṃraṇa*. The earliest extant commentator (Medhatithi) on Manu IV.103 expressly says *manuvrahaṇaṃ slokapīraṇārtham vikalpārthe anye.*  

Whatever may be the difference of opinions regarding the doubt of the use of the word ‘Manu’ in ancient Indian manuals, it is obvious that the name ‘Manu’ and the dicta of his work have been given a high authority and merit in those manuals. No other works of that category have been referred to in ancient Indian literature as the name of ‘Manu’ and his work. The reason, behind this fact, perhaps is that Manu and his *M.S.* correctly represent and reveal the real spirit of the *vedas* which is also supported by Brhaspati in his *smṛti*.  

The ancient texts differ themselves regarding the number of Manu. P.V. Kane has discussed this topic broadly in his *H.D.S.* K.V. Rangasvami Aiyangar also has discussed the topic in his ‘Aspects of the Social and Political System of Manu*smṛti*’.

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105. ‘vedārthapratibaddhatvāḥ prādhānyam tu manoh śmṛtaḥ / manvarthaviparitā tu yā śmṛtīḥ sā na sasyate // *Brhaspati. Sāṃskāra.* 13; Also, quoted by Kullūka on *M.S.* I.1.


107. p. 32 ff.
According to him "Twenty-four citations from Manu occur in the *Mahābhārata*. Of these, sixteen simply refer to a Manu without any descriptive epithet; one refers to an opinion of Manu Praçetasa in his ‘account of the duties of kings (rająadharmesu); seven are ascribed to Manu Svāyambhūva, and they relate to ordinary *smṛti* topics. The Epic makes Manu Vaivasvata, the hero of the deluge." The *purāṇas* differ as to the number of Manus. The *Vāyu*. and the *P. P.* speak of fourteen Manus while the *Viṣṇu. P.* and the *Brh. P.* speak of seven and twelve Manus respectively. One of the five topics that is to be dealt with by a *purāṇa*, according to the *Amarakosa*, is *manvantara* (i.e. cosmic cycles each of which is ruled over by a Manu, the father of mankind).

The authorship of the *M.S.* is also controversial one. Though the Indian tradition ascribes the authorship of the *M.S.* to Manu, yet the authorship of the book is a vexed question. P.V. Kane remarks – “It is almost impossible to say who composed the *Manusmṛti*. It goes without saying that the mythical Manu, progenitor of mankind even in the *Ṛgveda* could not have composed it. What motives could have induced the unknown author to palm it off in the name of the mythical Manu and to suppress his identity, it is difficult to say. One motive may have been to invest the work with a halo

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111. ‘sargaśca pratisargaśca varṇo manvantarāni ca I
vamānucaritaścaiva purāṇam paṁcalakṣaṇam II’
Commentary on *Amarakosa, Svargavarga*, 275. p.100.

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of antiquity and authoritativeness.”112 Buhler, in his introduction to the ‘Laws of Manu’113 presents a threadbare discussion regarding the matter. In his discussion, he follows Maxmuller and asserts that the M.S. belongs to a later stage of literary development than the dharmasūtras. According to him the M.S. is a conversion of an ancient Māṇava Dharmasūtra by a special group of vedic school. Supporting the views of Maxmuller, Buhler says – “The Māṇavadharmasūtra, in particular, may be considered as a recast and versification of the dharmasūtra of the Māṇava Sūtrakaraṇa, a subdivision of the Maitrāyaṇīya school, which adheres to a redaction of the Black Yajurveda.”114 Of course, Kane thrashes out the topic under the head “Māṇavadharmasūtra - Did it exist?” in his H.D.S.115 and comes to the conclusion that the Māṇavadharmasūtra once existed and the extant Manusmṛti is a recast of that sūtra (as Maxmuller and Buhler assert) must be held not proved. Kane,116 on the other hand, referring to some passages of the Vana., Drona. and Sānti of the Mbh., remarks that in these passages of the great Epic Svāyambhūva Manu and Prācetas Manu seem to be two different personages. For example, Kane refers to the Vana 35.21 and the Drona. 7.1, and holds that these two references of the Mbh., seem to distinguish between Svāyambhūva Manu and Prācetas Manu. In the reference of the Vana. as

113.  S.B.E. Vol. XXV.
114.  Ibid. intro. pp. xix & xlv.
116.  Ibid. p. 311.
stated above, Manu is referred to as a promulgator of a *dharmaśāstra* (*rajadharmāṇi*) and in the reference of the *Droṇa*, Manu is referred to as a promulgator of *arthaśāstra* (*arthavidyā*). For example, Kane asserts some other references of the *Śānti* of the *Mbh.* where Manu is referred to as Svāyambhūva Manu and Prācetasa Manu as an author of *rājasāstra* or *rājadharma*.\(^{117}\) Kane points out — “Originally these were two distinct works, one on *dharma* and the other on *arthaśāstra* attributed to Manu. When the Kauṭilya speaks of the *mānavas*, it probably refers to the works on politics attributed to Prācetasa Manu.”\(^{118}\) In the extant *M.S.* the work is ascribed to Svāyambhūva Manu and then his six other sons (Manus) among which Prācetasa Manu has not been enumerated (counted)\(^{119}\). Regarding the authorship of the extant *M.S.*, some references of the first chapter of the book are deserved to be noticed.\(^{120}\) These references of the *M.S.* inform us that the *śāstra* was first taught Manu by Brahmā. Having learnt from Brahmā, Manu abridged\(^{121}\) the teachings of Brahmā

117. ‘*prajananṛ sveṣu dāreṣu mārdavaḥ hrīrapacalaṁ* / *evaṁ dharmaṁ pradhāneṣṭam* / *manuḥ svāyambhūvo’bravīḥ/* *Śānti.* 21. 12;

Also, *Ibid.* 57.43; 58.2.


119. ‘*svarocisāscauttamisca tāmaso raivatastathā* / *cākṣuṣaśaśca mahātejaḥ* / *vaivasvatsutā eva ca* II *svāyambhūvadyāḥ* / *saptaittā manavo bhūritejasah* / *I* sve sve’ntare *sārvamidamupādyāpūscarīcaram* II *M.S.* 1. 62 – 63.


121. ‘*brahmāṇa śatasahasramāṇi dharmaśāstraṁ kṛtvā* / *manuradhyāpita śakti* / *tatastena ca svavacanena sanvkṣipyā śisyebhyaḥ pratipādītamityabirodhah* / *Kuṭūka on M.S.* 1. 58.
and taught Mārici, Bhṛgu etc. and Bhṛgu, with the advice of Manu, expounds the Śāstra to other sages. The sages request Bhṛgu to instruct dharma in due order and in reply Bhṛgu composed this smṛti which is based on Manu’s teachings and views. This shows that though Brahmā reveals this śāstra and taught Manu, and Manu abridged the śāstra of Brahmā to teach his disciples (the sages), yet the extant M.S., as we have from the above reference, was composed by Bhṛgu on Manu’s teachings. Therefore, at the end of each chapter of the M.S. it is ended as “this is the end of chapter so and so of the codes narrated by Bhṛgu on Mānavadharmaśāstra.” So, it can be assumed that the extant M.S. regained its final shape in the hands of Bhṛgu, and from Manu to the extant form it suffers several recasts and redactions could not be denied. The literary construction of the extant text (i.e. Pāñinian form of construction) up-holds the probability of this statement that the extant form of the text could not be ascribed to Manu Svāyambhuva of remote antiquity that has been found in various ancient Indian manuals right from the R.V. Of course, the teachings of Manu were there in Indian tradition from time immemorial beginning from the R.V. and the extant form of the M.S. of Bhṛgu is a content of the essence of Manu’s teachings of floating mass of verses in Indian tradition and ancient literature is doubtless.

(iii) Date of the Manusmṛti

As well as the authorship, it is also a troublesome job to find out the exact date of the M.S. Both Indian and western scholars differ widely regarding the date of the M.S. Maxmuller likes to place the date of the M.S. later than the 4th century of our era. Buhler refutes the proposed date fixed by Maxmuller saying – “Whatever may

122. ‘iti mānavadharmaśāstre bhṛguproktāyāṁ samhitāyāṁ ... etc.’
123. India: What Can It Teach Us. p. 111.
be thought of the details of my inferences and conclusions, I believe that the rudimentary state of the legal theories in our Saṁhitā, as compared with Yājñavalkya and Nārada (fourth or fifth century A.D.), the fact that the Brhaspatisṛṣṭi of the sixth or seventh century A.D. was a vārtika on our text (M.S.), and the assertion of Medhātithi, that he knew in the 9th century A.D. commentaries belonging to remote antiquity, forces us to place it considerably before the term mentioned by professor Maxmuller. Refuting Maxmuller's view, Buhler would like to place the date of the M.S. in between 200 B.C. - 200 A.D. and the date fixed by him agrees very closely with the views of Prof. Cowell and Mr. Talboys Wheeler. A. A. Macdonell holds view that the codes of Manu assumed its extant form not much later than 200 A.D. J. Jolley likes to place the extant M.S. prior to Yājñavalkya and considers the probable date of the text not to be earlier than the 1st century A.D. Almost similar is the view of K.P. Jayaswal while he wants to place the date of the M.S. in between 1st century B.C. and the beginning of the 1st Century A.D., and remarks that the codes of Manu were codified within the 170 years of these periods before Christ. Scholars like Sir William Jones, Schlegel, Whitney, Sir Monier Williams and Elphinstone would like to propose the date of the M.S. to a remote antiquity. Among them Sir William Jones wants to fix the date of the M.S. to a remote past while he dates the codes of Manu to

125. Ibid. p. cxvii.
127. Tagore Law Lectures, pp. 43, 49, as stated by R.M. Das, Women in Manu and His Seven Commentators, p.6.
128. Manu And Yājñavalkya, pp. 26, 29.
1200 B.C. Schlegel dates back to 1000 B.C., Elphinstone to 900 B.C. while Sir Monier Williams wants to place it to 500 B.C.\textsuperscript{129} But, the date fixed by G. Buhler\textsuperscript{130} and P.V. Kane\textsuperscript{131} is reasonable as their views are based on some scientific and systematic facts and arguments. Kane remarks – "... This work was the original kernel of the present \textit{Manusmṛti}. Then between 2nd century B.C. and 2nd century A.D., the \textit{Manusmṛti} was finally recast probably by Bṛghu."\textsuperscript{132} Kane's assumption is based on some internal and external evidences. For the internal evidences he compares the legal definitions found in the \textit{Yāj.} which are much more clear compare to the \textit{M.S.}. He also cites a reference of the \textit{M.S.}\textsuperscript{133} which contains the names of some \textit{jātins} (castes outside Manu's division) which are found mentioning in the 5th Rock edict of Asoka. He also compares the extant \textit{M.S.} in its arrangements and doctrines to the dharmasūtras of Gautama, Baudhayāna and Āpastamba and opines that the \textit{M.S.} is much more advance than these dharmasūtras and supports the views of Buhler\textsuperscript{134} that Buhler was right in saying that the extant \textit{M.S.} was composed between the 2nd century B.C. and 2\textsuperscript{nd} century A.D. For external evidences Kane mentions some smṛtikāras (smṛti writers) especially Brhaspati, some commentators like Medhātithi of 900 century A.D.,

\begin{footnotesize}
\begin{enumerate}
\item[129. ] \textit{Women in Manu and His Seven Commentators}, p. 6 ;
\item[130. ] \textit{Studies in the Dharmasastra of Manu}, p. 20 ;
\item[131. ] Also, \textit{Indian Wisdom}, p.215.
\item[134. ] \textit{Ibid.} p. 344.
\end{enumerate}
\end{footnotesize}
who comments on Manu\textsuperscript{135} that there were long before him some commentators on Manu like Asahaya; Vi\={s}varupa who quotes over 200 verses from the extant M.S. on his commentary on \textit{Y\=aj}.; \textit{Sa}\~n\kern-.16667em\textsuperscript{k}ar\kern-.16667em\textsuperscript{a}r\c{c}arya who quotes from the M.S. frequently in his \textit{Ved\=antabh\~{a}ya} and \textit{Ch\=an. Up.}; Kum\`{a}rila Bhatta, the author of \textit{Tantrav\=artika} who regards the M.S. as the highest authority on \textit{dharma}; \textit{S}\`{a}varasv\'{a}min, the \textit{bh\~{a}syak\textsuperscript{a}ra} of Jaimini's \textit{S\=utra} who can not be placed later than 500 century A.D., and Apar\={a}rka, the commentator on the \textit{Y\=aj}. All these versatile geniuses were highly impressed by the teachings of Manu and refer Manu's dicta and his name frequently in their writings.

All these writers and commentators flourished after the 2nd century A.D. Citing and examining the external and internal evidences, Kane, as has been stated above\textsuperscript{136}, comes to the conclusion that the extant M.S. was probably recast by Bhrgu in between 200 B.C. and 200 A.D. It is worth to be mentioned that Kull\={u}ka also names two ancient commentators on the M.S. along with Medh\=atithi who prevailed long before him (Kull\={u}ka).\textsuperscript{137} A.B. Keith also holds view - "The \textit{smrti} (i.e. the M.S.) was in existence much as it now is before the epic (the \textit{Bh\=h.}) and was finally redacted as we have it. Unlikely this gives us little help towards a genuine date, and the wide limits of 200 B.C. to A.D. 200 are still all can be legitimately asserted. The former limit arises from the mention of \textit{yavanas, \=sakas, k\=ambojas, pahlavas} – showing that the work was

\textsuperscript{135} \textit{M.S.} VIII .155.

\textsuperscript{136} F.N. 132 above.

\textsuperscript{137} 'likhan p\=a\'th\=antaram tatra svatantra dharan\=i\textsuperscript{dharah} /' Kull\={u}ka on \textit{M.S.} II. 83;

Also, '\textit{\=t\=r\=a eva p\=\=tha}kramo medh\=atithibhojadev\=adbih\=i\textsuperscript{l} /' Kull\={u}ka on \textit{M.S.} VIII.184.
written when the frontiers were no longer safe from invasion, the latter by general probability and priority to the other smṛtis.\(^{138}\) Referring to the *Early History of India*\(^ {139}\), A. B. Keith again remarks — “There was a Brāhmaṇical revival in the 1st century B.C., though in a small scale and no great duration, and the Gupta revival of the 4th century is probably rather late for the composition of the work (i.e. *Manusmṛti*).”\(^ {140}\) P.V. Kane\(^ {141}\) also opines almost a similar view. His opinion is that Manu using the term ‘vedabāhyā smṛtayah’\(^ {142}\) (*smṛtis* which are not based on the *vedas*) he seems to indicate the Buddhist and Jaina principles which are heretics. Manu shows strong aversion to those heretics in his codes.\(^ {143}\) Therefore, it can be assumed as is also held by Dr. R.M. Das that the *M.S.* was compiled at the time when “the influence of Buddhism was decreasing and that of Brāhmaṇism was increasing under the patronage of the Brāhmaṇ Kings of the ṣuṅga, the kānva and the sātavāhana dynasties. Therefore, the extant *M.S.* was, perhaps, written (or compiled) near to 3rd century A.D.”\(^ {144}\) The last point but not the least that deserves to be mentioned regarding the tentative date of the extant *M.S.* is its literary construction. The whole treatise is composed in *anuṣṭubh* couplets. The verses are composed following the

\(^{138}\) *H.S.L.* (K), p. 441.

\(^{139}\) P. 63 ff. as quoted by Keith in *H.S.L.* (K), p. 441.

\(^{140}\) *H.S.L.* (K), p. 442.


\(^{142}\) *M.S.* XII. 95.

\(^{143}\) *Ibid.* IV. 30, 61 ; XII. 95.

\(^{144}\) *Women in Manu and His Seven Commentators*, p. 7 ;

Also, *Dharmadruma*, p. 38.
grammatical rules of Pāṇini (i.e. in classical style). Therefore, from the viewpoint
of its literary construction it could not be placed before Pāṇini. Kane also remarks -
"The M.S. is written in a simple flowing style. It generally agrees with Pāṇini’s system
though it contains some deviations from it as in the verse 8.57."\textsuperscript{145} Pāṇini’s date is
placed 600 B.C. – 300 B.C.\textsuperscript{146} Therefore, the date of the extant M.S., assigned by
Buhler and Kane in between 200 B.C. to 200 A.D., according to our opinion, seems to
be reasonable and acceptable.

3. PURPOSE OF THE PRESENT WORK

The main purpose of this research work is to give an account of the idea of
human values as contained and revealed in the M.S. The M.S. is a law book containing
some codes of conduct for regulating human behaviour preached by Manu, the father of
mankind. He preached these codes keeping in view the interest of human society. The
rules of the M.S. govern every aspect of human life from personal to social. A.B. Keith
rightly remarks - "\textit{Manusmṛti} is not merely important as a law book but ranks as the
expression of philosophy of life and in Manu we have the soul of a great section of
people".\textsuperscript{147} As the M.S. is a philosophy of life, so the concept of human values in the
M.S. could not be denied. Each and every verse of the treatise is written for the
regulation of human conduct and thereby it upholds the concept of human values. If
we make a detail study of the M.S. regarding social system, duties of different
members of the society, system of four \textit{āśramas}, duties of a king, crime and
punishment etc. then we will find that Manu composed his codes keeping in view the

\textsuperscript{146} \textit{H.D.S.}, Vol. III, Chronological table, p. XVII.
\textsuperscript{147} \textit{H.S.L.} (K), p. 443.
general welfare of the human society following which man can attain salvation through persuasion of the trivarga (the three objects of worldly existence). Manu says that the reading of the codes (of Manu) is the greatest of all auspicious rites, it is the means of improving ones own intellect, it increases fame, longevity and ultimately it is the best way to attain salvation.\textsuperscript{148} The duties, merits and demerits of acts, the rules of conduct for the four social orders are described in the law book of Manu\textsuperscript{149} Thereby Manu enjoins some codes of conduct for every sphere of life in society following which one can acquire the four values of human life upheld by the Indian tradition. He framed his codes of conduct for all the four social orders of the society aiming at to maintain the social harmony. Kewal Motwani rightly remarks- "Manu limits his field of investigation and focuses his attention on man and his well-being... We are thus concerned with human behaviour and human happiness. Manu's \textit{Mānava Dharmasāstra} is devoted to the study of social relations of human beings.\textsuperscript{150}  Now-a-days, our society is polluted and almost paralysed by means of various types of social disorders, corruption, lack of fundamental sense of duties of the members of the society, erosion of human and moral values etc. The rājadharmā turns into a mockery of democracy. Our age-old moral and human values are threatened in every walk of life due to the extreme materialistic thinking. This is against humanism. Those principles of Manu which uphold the human values are still relevant and only the basic knowledge of those principles can help to reform this chaotic state of the present

\begin{align*}
\text{148.} & \quad \text{`idam svastyayanam sfreṣṭhamidaṁ ... nihṣreyasāṁ param if' } \text{M.S. 1.106.} \\
\text{149.} & \quad \text{Ibid. 1.107} \\
\text{150.} & \quad \text{\textit{Manu Dharma Śāstra}. p.170.}
\end{align*}
society. Jawaharlal Gupta makes a remarkable comment which is noteworthy in this respect. He comments — “It has been observed that the people today criticise the ancient Indian texts and hurl accusations that these are full of inequalities. It is not like that and these holy works should not be viewed narrow-mindedly or biasedly. What one lacks today is the depth of thought and proper understanding of these invaluable treatises”\(^{151}\) Of course, some of its teachings as well as other dharma\(\text{\textasciitilde}{}\text{\textasciitilde}\)as\(\text{\textasciitilde}{}\text{\textasciitilde}\)tras written for regulating the human behaviour of old times may not be universal and relevant in the context of our modern society. Manu himself says — ‘One should abandon what was (once) dharma, if it brings unhappiness or it has become hateful to the people’.\(^{152}\) The same view is also maintained by the Y\(\text{\textasciitilde}{}\text{\textasciitilde}\) and the Tait. Up. The Y\(\text{\textasciitilde}{}\text{\textasciitilde}\) says that what was (once) allowed to be dharma should not be practised, if people come to hate it and if it does not lead to heaven.\(^{153}\) The Tait. Up. says that only the good conducts from our sacred books should be followed and not others.\(^{154}\) Therefore, we should not hurl accusations on the M.S. and other sacred texts of this category straightway that those are irrelevant in our present context. On the other hand, we should not try to impose the

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151. *Manusmṛti*, ed. by Dr. R.N. Sharmah, preface, p. XIII.

152. ‘parityajyedarthakāmau yau syādāh dharmavarjītāu I dharmāṇiṣya-pa-

lokavidrāgāte uca II’ \(M.S.\) IV. 176.

153. ‘karmaṇā manasaḥ vācāḥ yatnāddharmāni sanātcaret I asvargyaṁ

lokavidvīṣaṁ dharmāṃcāreṇa tu II’ \(Yāj.\) I.156.

154. ‘yānyanavadyāni karmaṇā I tānī sevitavyāni I no itarāni I yānyasmākām

sucaritāni I tānī tvayopāsyaṇī ... etc.’ \(Tait.\) Up. I.11.2.
teachings of those treatises on the society dogmatically. We should follow them to the letter and spirit after examining the virtue and vices of those teachings in our present context\textsuperscript{155} as the good ideals and values never grow old. “The need of the hour is that the perennial Indian culture enshrined in our ancient treatises be studied and the relevant truths should be taken in practice”.\textsuperscript{156} There are several commentaries found not only on the \textit{M.S.} but also on other \textit{dharmaśāstras} in different stages and those commentators try to explain the rules of the \textit{dharmaśāstras} in the context of the then societies. Their different interpretations or commentaries on a particular rule bear the testimony of acceptance of that particular rule in changing social circumstances. For example, Manu does not recognise the proprietary rights to a widow over her sonless husband.\textsuperscript{157} But, other writers of \textit{dharmaśāstra} like \textit{Mītākṣarā} on \textit{Yāj}\textsuperscript{158} and \textit{Bṛhaspati}.\textsuperscript{159} hold views that a widow has the right to inherit the property of her sonless husband. Even Kullūka, the commentator of the \textit{M.S.} is much more liberal in this point. He holds view that the father and the nearest coparceners of a sonless

\textsuperscript{155} “yadi pitṛpitāmahādibhi kaiścit adharmaṃ ācaritaśārvaḥ sa na

\textit{śādaranīyaḥ iti ‘satāṁ mārgam’ ityāha I’ Medhātithi on \textit{M.S.} IV.178.}

\textsuperscript{156} \textit{Manusmṛti}, ed. by Dr. R.N. Sharmah, preface, p. XII.

\textsuperscript{157} ‘anapatyasya putrasya mātā dāyamavāpnuyāt ... etc.’ \textit{M.S.} IX. 217.

\textsuperscript{158} ‘tatra prathamam paṭutī dhanabhāk ...etc.’ \textit{Mītākṣarā on Yāj.} II.135-36.

\textsuperscript{159} ‘āmnāye śṛṇvitaṁtre ca lokācāre ca śārībhījī ... aputrasya pramītasya

\textit{paṭutī tadbhāgaḥārinī ... etc.’ \textit{Bṛhaspati}, as quoted by Kullūka on \textit{M.S.} IX.187.”}
deceased person can claim to inherit his property only when he leaves no wife and
daughter behind him while the other commentators of Manu like Medhātithi,
Nandana, Rāmacandra and Nārāyaṇa deny or have more or less restrictions or
reservations to give her the right of property over her sonless husband.

Therefore, those rules of the M.S. or other dharmasūtras which have no relevance in
our present context or which do not bring happiness to mankind rather can carry social
disorder should not be practised as the rules are made for the welfare of the society for
a disciplined order. Therefore, a detail dissertation of the different rules of Manu
which uphold the concept of human values is proposed to be made in this work.

160. ‘avidyamānām ukhyaputrasya patnī duḥitrāhitasya ca pitā dhanaṁ

ghṛṇīyaḥ / Kullūka on M.S. IX.185 ;

Also, ‘samanbhadhanamātravacanāṁ taddūḥśilādhārmika-
śabikārayauvanasthapatnīvisayāṁ / Kulluka on M.S. IX.187.

161. ‘ato yanmedhātithinā patnīnāmaṁ sabāhāgītvāṁ niṣiddhamuktāṁ
tatsambandhāṁ I patnīnāmaṁ sabāhāgītvāṁ ṛhaspatyādīsanmataṁ I
medhātithimirākurvan na prīñāti satāṁ manāḥ II’ – Medhātithi as
quoted by Kullūka on M.S. IX.187;

Also, Nandana, Rāmacandra and Nārāyaṇa on M.S. IX.185.