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 Vidvan-manohara on the Paramara-smerti, 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) नान्दपांडिता चलित कथा - वादेष सुभाषित स्वरूपान्तर ।
              क्षणिक-चतुर्दशतमीति ज्ञानार्थम् - यासं परामप्राणिकावरूपम्।
(ii) पाण्डिता नान्दपांडिता - नान्दपांडितानार्य नारायणिण।
              रत्नाकरिक न म दीपम् परवर्ण-वामिनः।

Vineyak Vishnu Deshpande makes a mention of an edition of the *Dattakamminavan*, finished by the *panditas*, having been brought out in the third quarter of the 19th century A.D. by Dhundiraja Dharmadhikari who was at that time a resident of Kashi 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* 1653 (1599 A.D.) is given on a ms. of Nandapandita's *Madhavananda-kavya*, 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. (*Sravana-vadi, Samvat 1660*) 5 in which his *Sraddha-kalpa-latâ* has been mentioned at least five times. He shows at another place 6 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.

3. Deshpande, Appendix, p. 2.
In the Dattaka-simāna, Nandapandita refers his readers, on the priority among substitute daughters, to his commentary called the Kesava-vaijayanti on Vismu. But he refers to the Dattaka-simāna 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. He produced the Kesava-vaijayanti (which is also known as merely Vaijayanti) at Kāśi in Nov. 1623 A.D. (S. 1679) on the full moon of Kārtika when the sun was in Scorpion and the moon in Taurus. This will help to determine the other end down his career.

The Vaijayanti of Nandapandita has been referred to in the Vyavahāra-mavukha of Milakantha 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 Nandapandita's literary activity which can safely be narrowed down with in the

7. विजेष्यत तन्त्रसंप्रदायम् कस्युपृश्चित-रीतिः हैन्द्रायणयास्यास्याः प्रकाशन देव, p. 226.
8. Kam, P.V., p. 919
9. तत्स प्रकाशनम् एव आदिकारिक प्रसंसकस्य श्रेणीयम् एव, p. 567.

Vol. I, p. 211.
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 Narulakara to hold that Nandapandita flourished between 1533-1633 A.D. (S. 11016/0). 11

Place of Birth

Nandapandita's ancestors, who originally hailed from the south of India, came to permanently settle in Benares. Though mainly domiciled in Kaši, 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 Paramesana of the Sahagila dynasty which ruled over Sāhārana corresponding, probably, to modern Saharanpur in Uttar Pradesh. Urged by King Harivamśa-varman of the Mahendra family, son of King Maingo, he produced the digest Sarti-sindhu. He was asked to write a commentary on

11. Preface (Vyākhyākartuh prārthana) by Narulkar, S.S.
12. I. C. C., No. 1731, p. 556.
13. जय श्रीरामस्व-नातिनः न महानागरान्, पारम्पर्यासंपूर्वम्, व नानात्मकं सत्यव्यक्तं।
   समाप्तिविद्यान्तः॥
   विद्याप्राणीयंसः नैरावेशवेद्यातं, स नानात्मकं सत्यव्यक्तं।
   समाप्तिविद्यान्तः॥

LC ms, No. 612 (of 1883-84); the extract vide Bhandarkar's Report for 1883-84, p. 395
Vimana-arati by King Kesavanayaka, son of Kondapanayaka of the Brāhmaṇa dynasty belonging to the Vasiṣṭha gotra, who ruled over Vaijayantī in Karnātaka, and the result was the Kesavavaijayanti. He is also stated to have written the Kaniprakāsa at the behest of one Sarvabhatta, who was the guru of Krsnanayaka of Madhura.

Personal History and Religious Beliefs

Nandapandita, a celebrated and prolific writer on dharmāṇa-Āśīra, came of a family which had a fairly long tradition of scholarship. His original name was Nandaseva, but later he came to be known as Nandapandita owing to the sheer weight of his erudition and stupendous genius, while Vināyaka or Vinayakapandita was his alias. He is described as the son of Levasarṇa and Vrṇḍā. But

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14. See supra, fn. 2, p. 11 and also,

\[\text{… रसिंचि विषुण्डुऽते वीण्डुऽ!} \]

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16. \[\text{… अहंकारिका गानिक्तिपार्वार चिपार श्रीनन्द्यी पुरुषोऽ!} \]

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17. (i) वस्त्रासिद्धर्मासिद्धिनारम्भित काणिक्षुद्धिकायां संभोजनिनिविट्ठां दुबिः

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- Devasthali's Cat. of Sanskrit Mas., No. 974, pp. 351-52.

(ii) धर्मार्थसिद्धः करं-कर्मिभ्योऽरण्यशिद्धिप्रविन्दोऽः

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- Ibid., p. 975.

Also supra, fn. 1, p. 1.
Devasarma was better known as Rāmapandita. According to Narulakara, his ancestor came of a family (gotra) of the Mudgala-s belonging to the Aśvalāvana-kalpa-sākha. They were south Indians and originally hailed from Sedar or Bider now in the erstwhile Nizam’s dominions till Laksminidhara, a highly esteemed scholar left for Delhi on his appointment to the honourable office of the Dharmaḍīkāri, ‘Judge or Super-in-tendent of religious and legal affairs’. He later founded the family of the Dharmaḍīkārin’s in virtue of the office which he held in the Delhi court. His son, Govindapandita also followed 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 Bhettas, the Gānas 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 Dhundiraj Dharṇidhara who was ninth in descent from Nandapandita. V.N. Kandlik also visited his descendants 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 Vinayaka, 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 asapinda, asamapinda, savarta, asacotra, amana-pravara, amanipravara, amanodaka, amananodaka 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 a female child could also be adopted, though only as a substitute for a legitimate real daughter. The initiatory rites called the aparaskara 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 be 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 Madhavānanda-kāvya which appears to have been written in the early period of his literary career. V.V. Deshpande enumerates fourteen of them including the Madhavananda-kāvya which, apparently does not deal with Hindu jurisprudence. He has also erroneously ascribed the Balabhūṣāṇa, a commentary on Tattvacāntavāla to Nandapandita. The above commentary appears to have been written by one Balalilādharā Kṛṣṇa or Bālakṛṣṇa and not by Nandapandita himself.25 Kane gives an account of only eight of them, whereas the enlists under Nandapandita fourteen excluding the above two.26

25. (I) तत्त्व-मूला: तमुष्ण-पूर्णा पूर्वितिः-थरूः: कांमासादः।
   तत्त्वप्रमाणोऽधिकां निम्ते मद्यविकासः।

   तत्त्वपुस्तकेऽपि वाक्यः पृथ्वी चृतां अति च।
   वाक्योऽस्मि। (२)कृष्णा: प्राकृतिश्च उपरीतः।

   - 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 *Praśāra-sūti*, to which he refers in the *Vaijayanti*. He professes to follow Mādhavacārya in this commentary.

Mādhavacārya's *Praśāra-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. **Pramitākṣara** or **Praśītākṣara** is his commentary on *Vijnānacārya's Mitākṣara* which itself is a commentary on the *Yāsāvatākṣara-sūti*. The *Mitākṣara* 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 *Pāyabhrāṇa* prevail. The *Pramitākṣara* is one of the three well-known commentaries on the *Mitākṣara*, the other two are of Viśvesvara and Bālabhatta since it is found only in a fragmentary condition with his descendants, it is likely that he did not complete this work.

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28. Supra, fn. 11, p.


3. The *Sraddhakalpaleṇa* has been mentioned in the *Suddhi-candrika* and the *Vaijayanti*. This digest is based on the *Sraddhadīnīkā* of Govindapandita. It is divided into five Stabakas and deals with the *Sraddha*, its various forms, its proper time, place and the *brahmaṇas* who should partake of the *Sraddha*. It was published by Chowkhamba 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 Sadhārāṇa. A verse at the end of the ms. of the *Vaijayanti* wrongly describes the *Sraddhakalpaleṇa* as a commentary along with the *Sarti-sindhu* and the *Vidvamanahurā*. The contents given in the India Office Catalogue show that it was not a commentary and that the *Sarti-sindhu* was also a compendium of *Sarti* material.

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33. I.C. Cat., No. 1731, p. 556.
34. (i) **स च उपेन्द्र प्रत्ययायायिनः वाक्यवस्त्रयाय!**

- *ŚC*, folio 31b on the *Sadasītī*.

(ii) **कथानो निषेधः आदर्शपस्य याप पार्श्वपस्यायितः अर्थे यथे!**

- *Vaij.*, folio 123b on *V. XXI*, p. 19.

5. **गौरिके जपिका ज्ञात्वा आदर्शपस्य याप कूलोऽविषयः!**

- I.C. Cat., p. 557.

36. **सर्वत्र वृत्तत्त्वात्र यिद्विसौमि गृहिनिमतादि!**

4. **Śārti-sindhu**, recovered only in fragments, was a compendium of **śārti** material as noted above. It was divided into **śāraṅgaś** and was produced at the command of King **arivamsa-viśvanāma** of the Mahenora family.  

5. **Tattvasuktavali** was a summary of the doctrines, propounded in the **śārti-sindhu**. 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 **B R AS Cat.**, at p. 217. It contains 8 verses on **upākārma** and three on **holika**, eleven in all, with a commentary called the **Bālbhūṣaṇa**. 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 **hemaṇḍri** and **nīrājāi** have been mentioned in two of the verses.

6. **Śuddhi-candrika**, is a commentary on the **śadgītī**, also called the **ṭāmbuka-nirṇava** of **ādiyācārya**, alias **kaustikāditya** or **ādiyā the Kausika gotra**. The work consists of 86 verses divided into five **Prakaranas**, viz **sūtaka**.

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37. *Supra cited*, fn. 13, p. 20
38. *Supra cited*, fn. 25(1); these are the last verses in the **Tattvasuktavali** with the commentary called **Bālbhūṣaṇa**.
39. *Supra cited*, fn. 17(1), p. 31
40. *Cevasthali's Cat.*, Ms. N. 975. The ms. consists of 142 verses, 86 of which are ascribed to **kaustikāditya**, while the other 56 to **gobhila**. The verses at the end of this ms. describes **vināyaka**, the son **sirāmapandita** as the author of the **Śuddhi-candrika**; *supra*, fn. 17(ii), p. 31, in part, the other part reads as –

'... **śtriṣuṣṭaparabahīṃ** वनायके।

**गाजी ज्ञातिकाग्य निम्नोऽवतः**

**विष्णूगौरिनिष्ठः** परिवर्तनयुः।'
It was published along with the *Suddhi-candrika* in the Chowkhamba Sanskrit series, Benares in 1928. It is referred to in the *Vaijantí*.41

7. *Vaijantí* is also commentary written on the *Vismurarti* which is also called the *Vismu-dharmasutra* divided into 10 chapters. Several of these chapters comprise only one *Sutra* or one verse. The commentary is also called the *Kasave-vaijantí* by him after the name of his patron Kesavanyaka alias Tanapanayaka, son of Konnapanayaka of Vijayapura in Karnataka. Besides a number of old masters and their works, some of his own works, like the *Visvaranamañjari*, the *Prasmitäkaśa*, the *Suddhekalvalata*, the *Suddhi-candrika* and the *Battakeśamāna* have been referred to there.

The *Vaijantí* along with the *Vismurarti* has been published by the Theosophical Society of Adyar in the Adyar Library Series, 1960, in two volumes containing 1070 pages. The *Vaijantí* was held by the British Indian courts as one of the leading authorities in the Benares school of Hindu law.43

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41. *विनम्र विनम्रपद्मा* राजन: *।* ।
   - *Vaijéa*, folio 125b, on v. XXII. 8.


The Dattakamāla is the best known of Nandapanidita'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 1871 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, S, Coondoo's Lane, 1919. Sutherland observed that the Dattakamāla 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 Nirnaya-sindhu, the Saniskāra-kaustubha, the Vyavahāra-savūkha, the Dharma-sindhu, the Kitākṣara and the like which do not deal with the subject exclusively and comprehensively. It is not that the Dattakamāla 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 Dattakamāla have been preferred by some courts where as some of them have been disregarded by others. In the Bombay Presidency, where the Vyavahāra-savūkha was paramount authority, the views of the Dattakamāla on certain matters relating to the adoption

44. Ib., Appendix, p. 1.
were preferred. Following the I\(\text{I}M\), the Bombay High Court held that among the three higher classes, a man could not adopt son born of his daughter, sister or his mother's sister.\(45\) The \textit{Vyaayurveda-vay\(\text{a}\)ka}, on the other hand, holds that he can do so. The rule of the I\(\text{I}M\) that a widow could not adopt a son at all\(46\), has nowhere been accepted and except in Mithila, but in Benares, Bengal, Madras and Bombay a different law prevails.

The I\(\text{I}M\) 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 editor 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 Dignat-Writera*

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. 76 Bom. 583; 15 Bom. L.R. 2-4 (paternal aunt's son's adoption held valid); I.L.R. 39 Bom. 410 (adoption of half brother held valid).

\(46\) शौक के जाना मात्र नल नाम मात्र नाम ने जाना न तो

- I\(\text{I}M\), 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 *Suśruta* and the *Dattakaśīmāraṇa* 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 *IM*, 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 *Dattakaśīmāraṇa*, besides the *Dattakaśicandrika* 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. 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 *IM* and the *PC* was open to examination, criticism, adaptation or rejection like any

scientific treatise on European jurisprudence. They, again, sounded a note of caution as to how far the authority of the DI 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 existent or where his version of the law is opposed to such established custom as the courts recognise.'

That the DI 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 Vaijayanti were also rendered into English, that he did not slavishly toe the line of such celebrated works as the Mitaksara and that several of his views were received with preference, 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 Baleppatti 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; i. 368 (F.B.)