CHAPTER III

Life and Works of Raghunani Vidyabhusana
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LIFE AND WORKS OF R. CHUDASAMA

(a) His Time

It has been remarked in the last chapter that the question of authenticity and date of great Indian authors, in general, has been quite enigmatic. The problem has often eluded reliable and final solutions. The reason is not far to seek. The great masters, though aspiring to produce grand works of enduring value, have felt shy of revealing their identity. If at all they made an allowance for themselves, they either indicated only their aliases at places which did not form part of the text proper, or assigned the authorship to some great scholar of repute of the past - where one of many reasons might have been the author's vain or modest ambition to invest the work with pre-eminence and claim for it wide recognition - or to their general family or ancestral names or gave only a veiled indication of their identity; the Bhattasandri may be taken as illustrative of the last practice. A great controversy over the authenticity of this work as being of classical antiquity has been raging among the historians and in the courts alike. Its authorship has been variously ascribed to:

1. Devananda Batta, who has also been called as Levanda or Devanda Batta;
2. Kūbera, who is also known as Kūbera-Batṭa or Kūbera-Pendita;

3. Rāghuṇāi-Vidvābūṣāṇa.

Before taking up the question of the time of its author, it must be ascertained first as to who, in reality, he was. At the very outset of the Paṭṭakacandrika, its author reveals that he has also produced another work of law called the Śārti-candrika.¹ Since the author of Śārti-candrika is known to be Devānanda-Batṭa, alias Devananda-Batṭa alias Devananda-Batṭa, the author of Paṭṭakacandrika must also be Devananda-Batṭa. This explains the reason why Sutherland substituted the name of Devananda-Batṭa for Kūbera in his translation of Berossosthenes' statement of the Paṭṭakacandrika. But this commentary of Sutherland has been held to be quite unjustified by J. C. Ghose.² J. E. L. Lerrett thinks that "Sutherland's mistake" in attributing it to Devananda-Batṭa is at least explained by the appearance of a copy actually ascribed to Devananda-Batṭa (No. 155 in Jayaśwal and Sastri's Catalogue), if the particulars are to be trusted.³ But I wonder if he is not putting the horse before the cart.

² F. A. Scott, Law and the State in India, p. 371, fn. 9.
Marulakara also holds that the author of the Dattakacandrika is not the same as Devanda Bhatta, because he considers that the sentence does not bear such a construction as is put on it to produce the said result. Though his conclusion is, in part, desirable, his argument unconvincing notwithstanding his scholastic approach. He does not treat the author of the Dattakacandrika as having produced a Sarti-candrika at all. That the Dattakacandrika is certainly not the production of Devanda Bhatta, though its author he may have produced a Sarti-candrika different from the one attributed to Devanda-Bhatta, will be shown here in the sequel.

A close examination of the following passages extracted from the Katakamärga, the Dattakacandrika and the Sarti-candrika will lead one to conclude:

(a) that the Dattakacandrika belongs to a period much before that of the Katakamärga;

(b) that the author of the Dattakacandrika is not the same as Devanda Bhatta of the Sarti-candrika; and

(c) That the production of the Dattakacandrika took place long after the Sarti-candrika of Devanda-Bhatta.

The passages in question are reproduced as under—

1. त्रयोदश कामावरकेश्वरायकापि यापि प्रमणमेवपुनर्मृत्युधिश्वराय लभ्याम्।
2. वापिक-सुमित्राय युपायो यदि हि । पू. प. ४।
3. वापिक-सु मित्राय युपायो यदि हि। पू. प. ४।

9. On perusal of the passages cited above, the following observations may be made:

1. In sections both (i) and (ii), the Dattakamāṇḍapī extracts passages which occur in a work called by it only by the name of Camakā. Although it leaves to guess as to whether the Camakā refers to the Dattakacandrika or to the Saṁti-candrika, it leaves no one in doubt that its author lived at least fifty years before the production of the Dattakamāṇḍapī so that it could be accessible to the later writer, viz., of the Dattakamāṇḍapī. Hence, the

3. The extract in the Dattakamāṇḍapī at (i) corresponds almost exactly to the one that occurs in the Dattakacandrika at (ii) and not to the one that does in the Saṁti-candrika at (iii) both in respect of the language and order. Only the word putra in the Dattakacandrika is in opposition to what the passage cited in the Dattakamāṇḍapī. Moreover, the Saṁti-candrika advances two alternative explanations of the term śnādi (of Manusā 168), whereas the Dattakacandrika categorically gives only one explanation. Hence, the
Candrika in the Dattakamisema stands for the Dattacakandrika and not for the Serti-candrika. At another place the DM notes these two alternative explanations, but it refers the first to Apraraka, while the second is referred to Mitakasara. Had the DM meant Sertiandrika by Candrika, it would certainly have included the latter in the references here also because the Sertiandrika itself gives both the alternative interpretations. Since it made a reference to it only where absolutely one interpretation was intended, it may be asserted that the author of the DM had only DC in his mind.

3. Now, in section (B) the passage (i) viz., इतिभित्ति महाकुमारी is stated to have been taken from Candrika by the DM. This passage exactly corresponds with respect to the language and arrangement of words, to the passage B(ii) that occurs in the DC with the exception that the particle tu is missing in B(ii). Again, the word ucvate i.e. 'it is said' in this passage in B(ii) shows that the statement is not DC's own, but that it has been taken from a different source which is doubtlessly the Sm-C. By the word mantavam, i.e. 'it must be admitted' in the text of the Sertiandrika, it is shown that the statement is the Sm-C's own (deduction from Manu IX.142). Were the author of the DC and the Sm-C the same, the DC would not have used ucvate in its passage B(ii), but mantavam itself or any other word giving the same import. Hence, it follows that

5. व्याख्यान यापरशास्त्रार्थाय तपा-रवपदि प्रकृततत्त्वस्कतार्ये वादित।
काराविधा इत्यादिय। अनुप्रयोगकारापदि न देयं दायुग्यन् प्रतियोगा
कार्ति विनिलोकार्य। ५. मे, पृष्ठ १२
the author of the DC is not Devendra-Bhatta and that he comes after the SnC but before the DM, so that the SnC and the DC had gained recognition sufficient to merit a reference by the authors of the DC and the DM respectively. The time of Devendra-Bhatta, the author of the SnC, has been established to be 1300 A.D. while Nandapandita is held to have flourished between 1553-1633 A.D. Though it is not possible to pinpoint the time of the author of the DC, it could be c.1400 A.D. subject to future findings.

The author of the DC does not reveal his identity any more than that he is also the author of another work, the Sarticandrika. Various manuscripts and printed copies of the DC give Kubera, alias Kubera-Bhatta, alias Kubera-pandita as the name of its author on the title page or in the colophon of the work. Therefore, Kubera is presumed to be the author of the DC. Nothing more is available to decide his time as Kubera or Kubera-Batta. No such work as the Sarticandrika of Kubera has been recovered from the storehouse of the past. So nothing more can be said about Kubera as the author of the DC, until, at least, his SnC or any other work is found.

Although the result of the above discussion would appear plausible, it cannot be termed as final unless an unequivocal and definite proof leading to the same conclusion is found. Even if the existence of the DC before the DM were proved certainly and finally, Marulakara's assertion

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that the very small digest on the subject of adoption, provides the necessary format and base for the erection of a grand edifice of the Dattakamandrikā may have only some truth, if not wholly unwarranted.

The whole edifice of the discussion and its conclusion that has gone before is crumbling down as an instance of literary jugglery when viewed in the context of the findings made by Ikhwar Chandra Vidyasagar in his draft of Hindu Widows Remarriage Act, and Golap Chandra Shastri Sarkar, on the authenticity of the Dattakamandrikā. Sutherland knew that the work was not the production of Kubera, but he mistakenly attributed its authorship to Devana-Bhatta. Mendlik and Payne also hold that the author of the work is certainly not Devana-Batta. Robert Lingat informs that the British authorities adopted the LC, as if it were a classical work on the subject of adoption along with the LC, a work of authority in practice and purporting to be by one Kubera-bhatta, (implying that they took the LC also as a work of classical nature) and appends a note to his statement that this work which was at first attributed to Devanabhatta was suspected of being a forgery made in Colebrooke's circle. P. V. Kane also reports the tradition

among Bengali Panditas that the DC was fabricated by a Pandita called Raghunarni to support the claim of an adopted son to a Raja and refers his statement to G.C. Shastri Sarker. According to G.C. Shastri Sarker and others, the perorational verse of the DC is said to reveal Raghunarni's authorship. If the verse, which is in the amustup metre, is written in two lines, the first and the last syllables of both the lines taken and written together in the same order will yield the name Raghunarni. Lalit Mohan, in his commentary on the DC, refers to the tradition assigning the authorship of the work to Raghunarni, the royal preceptor in the court of Krishna-nagara, who, fearing that it might not receive recognition as an authentic work of law, withheld his name and attributed its authorship to Kubera. That the recent works were hardly regarded in the courts will be substantiated by what J.W. Barrett says in this regard.

The courts used less and less the recent miscellaneous works

13. एकणा चित्त्रिका दार्शनिकों को नग्र।
    कानौर्मा विन्दन्धाराप्रमाण नं चक्रणानिलित। ॥ दः दः । पश्चात्
14. दः व, उपपत्तिस्वरूपः पुस्तकाक्षर-परं-खण्डः ॥ दः व, पश्चात् ॥-०
15. पूर्वे व दुर्दा रंगाचार राम गुरुणाम रामनिग्नान कहाको विशिष्टतः
    परम्पर अनुमा विषयायन वनागम ममल्लव्र अरुणाचलः परानसात् सत्तानिसिद्ध।
    दः व, पश्चात् ॥-०
and relied more and more upon the ancient works which had been translated. The pandit as a professor of living science was rejected for the more or less fossilized treatises which would head the pandit's list of references. Derrett also tells about this tradition amongst the Benali pandits who without question accepted that the RC was the work of Rashumani, a well-known pandit of the 1790 period, teacher of Raghunara Sromani, whom we find as a pandit of the Supreme Court in the 1820's and in 1916 as a referee in some litigation, the author of the Sidhanta-nirnaya and the Panyabharatamsabda-nikika-padyavala. He further reports the allegation that he foisted this text upon the courts when an authority was needed to prove a particular point. That forgeries did occur, though the phenomena was not widespread, during this period is acknowledged by him also. However, he discounts the truth of the tradition and thinks that the doubts regarding the origins of the Pat-sacondrika were symptomatic and that the rumours in Calcutta were false. He does not believe that persons as highly placed as Rashumani would stoop to forgeries only to win available awards. The Calcutta and Allahabad High Courts acknowledged the

17. Ibid, p. 256.
authenticity of the work and refused to place any reliance on the tradition and the Supreme Court of India has not reopened the question whenever the opportunity to do so presented itself.

Notwithstanding the courts' disregard of the tradition, there is truth in it. Granted that persons of his standing could not stoop down to forgeries for winning prizes, the possibility, however, could not be ruled out if the purpose were different, as it is in the present case.

H. McLennan and his father, both of whom were almost contemporaries of Ramman, take the work seriously, but their silence in this regard is intriguing and revealing. 22 G. C. Sarkar Sastri 23 visited a descendant of Raghunath Vidyabhushan and verified the fact for himself; he also saw a copy of the ms. with him and conclusively clinches the question of authenticity of the LC. Dr. V. P. Upadhyaya has also dealt with the subject and ascribed its authorship to Raghunath Vidyabhushan. 24

(b) Place of Birth

Marulkara thinks that since the LC is regarded as a work of authority in Bengal, the author of this work must

22. terrett, J. L. N., RLEI, fn. 1, p. 255.
24. Hindu Vidyā Ka Upabandhastotra: Eka Ālokanātmake Adhyayan, being the thesis for the D. Litt. degree, under print with the International Law Agency; 91 Luckerganj, Allahabad.
also be a Bengali Pandita. It is now established by the authorities on the subject, like G.C. Sarkar Sastri and others subscribing to the thesis that Raghunand haled from Bengal.

(c) Personal History and Religious Beliefs

Nothing much is known about his personal history. He is said to be a Bengali pandita who was held in high esteem as an erudite scholar. He was the guru of the prince of the Krishna-nagara empire and a teacher of Raghurama. Siromani who was a pandita of the Supreme Court in the 1820's, has already been noted above. He has been alleged to be a literary forger, but looking at the wide acclaim and recognition that his works, the LC received, this blemish of his character is drowned in the din of welcome.

Reconstruction of one's personality and religious beliefs from a legal work that one has written where as a rule, one is not free to impose or introduce one's own views and beliefs, is not a flawless and trustworthy technique. If a Muslim jurist or one coming of any other different religious group produce a legal work on Hindu law, this can certainly be not used as a source of his religious beliefs, though it may provide an insight into the erudition of its author. There is hardly any scope for interference with the provisions of law. The author of the LC, like Nandapandita or any other writer of a digest of Hindu law, has done nothing

25. LC, Upodghata, p. 10.
beyond reconciling different similar as well contradictory texts of law from the _sūtras_ and _dharmaśūtras_ and evolving legal rules for application in the courts. Nevertheless, an attempt in the case under study may not prove entirely fruitless.

The author of the _Dattakacandraśī_, Paphumāni, was a devotee of Lord Siva; he invokes the favour of Lord Candrikāla, i.e., Siva in the invocational verse of the _gītā_. Like Nandasundita, he is also an orthodox believer in the pinda theory of the Brahmanical religion. He considers it obligatory for a man to beget a son who is believed to be instrumental in the spiritual salvation of his father and other deceased ancestors. A son is also considered essential for the propagation of the family line. This accounts for his subscription to the theory of adoption. On adoption, the adoptee has relation of a _sāpinda_ in both the families in the case of a son of two fathers (dyvämuśvāyana) and in the family of the adopter only in the case of an absolutely adopted son.

He subscribes to the theory of blood-relationship but he holds that it extends only to the third degree in the natural family when a child is given in adoption.  

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27. _ibid_. p. 2.
28. _ibid_. pp. 32-34.
29. _ibid_. p. 32.
relationship is held to be a determining instrument for prohibition in marriage between different persons. 30

He also believes in the caste-system of Hindu religion. A person adopted from a family of a different class is not entitled to full rights in matters of religious rites and inheritance as he is in case he belongs to the caste of the adopter. 31 The first preference in the case of an adoption, therefore, must fall on the issue of a brother where available. 32

He appears to be liberal in matters concerning women, as for instance, he considers a woman per se competent to give or take a son in adoption where she is not dependent on her husband. He declares her independence in such matters on the authority of Yajnavalkya. 33

Inspite of the fact that he considers a male issue essential for the spiritual welfare of a man, he is one with others to prohibit such immoral practices as obtaining a son through appointment or to affiliate one through a means that smacks of immorality. 34

30. EC, p. 37.
31. EC, p. 6-7.
32. EC, p. 8. (सागर भाट - सुरेन्द्र सर्व जल्दीकेकी.)
33. ... । "मात्र एक गण्डरुप करते हैं गण्डरुप करते हैं..." जनमे राजनिविजय...। ||... । जनमे राजनिविजय...।...
34. EC, p. 4.
Neither he nor Nandapandita have a single word to speak in favour of the [woman] son who in fact is a body-born son of a man himself, though begotten on a re-married woman. It is indicative of the scant regard they have for a woman who, failing in her first matrimony on any count, remarries another man.

(d) His works

The author of the LC says that he has written another work of law, the Sapticandrika in which he treated of eighteen topics of litigation. It included the subject of adoption, but it was not discussed in detail there. But unfortunately the work is not available now. If at any time in future it is found, it is likely to shed additional light on the life and career of the author of the LC.

The Dattakacandrika which is said to be a literary forgery in the name of Kubera by Raghumani Vidyabhusana, is a small and concise direct written in a terse and unambiguous style on the subject of adoption. It deals with almost all aspects of adoption. For the sake of convenience, it may be split into six chapters.

The first chapter deals with the purpose of adoption, who may adopt, who may give in adoption and description and selection of a son. The second describes the procedure of

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35. दत्तकाचार्यानं नोक्तालं तस्मिनं - रघुनाथदेवकिं तरुणमाणकं जयां निधित्वादर्शयति | वर्ण: न जन्म विद्यो विपर्ययो चिन्तामण्डल ||

LC, p. 2.
adoption as propounded by Saunaka, Vasistha and Baudha-yana, the results of adoption made without adherence to the prescribed procedure and that an adopted son may be a son unto two fathers. In the third chapter are described obsequial rites to be performed by the adopted son, both of the absolute and dyvyamavāyana form and the relation of sapinda in the adoptive and natural families. Next are described in the fourth chapter the impurities of the adopted son on the occasions of death and birth and his matrimonial rights in both the families. The fifth chapter deals with the succession of the adopted son lineally and collateral, both ex-parte-paterna and ex-parte-materna amongst the twice born as well as the Śūdras, while the sixth treats of the cases where he is excluded from inheritance.

The maturity with which the exposition of the subject is executed in proper detail and division merits rich tributes and is, beyond doubt, an improvement in technique of the IA.

(e) Place of Raghunand Vidyabhūsana among other Direct-writers

Manu, Yājñavalkya, Sārticandrika and others treat of the law of adoption but their treatment is very brief and not consolidated at one place. According to P.V. Kane, "It is only in such late works (belonging to the 17th century and later times) like the Vyavahāra Dvēṣkha, the Dattaka-mīmāṃsā, the Śaṁskēra Kaustubha, the Dattakacandrika, that
the dattaka receives an elaborate treatment.\textsuperscript{36} Hosts of the works dealing exclusively with the law of adoption have since appeared, e.g., \textit{Dattakamānīśāsā}, \textit{Dattakacandrīka} (other than the ones that are the subject of the present study), \textit{Dattakadomana}, \textit{Dattakesidūntī-pāñjari}, \textit{Dattaka-kaustubha}, \textit{Dattaka-dīpaka}, \textit{Dattaka-bhūṣana}, \textit{Dattaka-tilaka}, \textit{Dattaka-kaumudi}, \textit{Dattaka-dīdbiti}, \textit{Dattaka-viveka} and several others that find mention in the list of works on \textit{dharmaśāstra} by P. V. Kane.\textsuperscript{37} He further states that 'modern times, the IL and the EC have been regarded by the Privy Council as of the highest authority in matters of adoption.'\textsuperscript{38} The British authorities in India adopted this work as an authority in practice. Derrett refers to the possibility of this work having been written in response to British request or encouragement,\textsuperscript{39} and this accounts for the preferential treatment that it received in the British Indian courts. It would not be off the mark to record here that C. C. Czanne, in his \textit{Traité d'origine des Successions} (Paris, 1844) relies substantially, besides the \textit{Mitākṣarā}, on the \textit{Dattakacandrīka}, obviously, to apply the law to people living in the Indian territories under French possessions.\textsuperscript{40}

\textsuperscript{39} Derrett, J., J.
\textsuperscript{40} \textit{Ibid}, fn. 1, p. 228.
The Company in British India needed the services of pandits trained in legal education and for this purpose Sanskrit colleges, one at Benares and another at Calcutta were established as part of Warren Hastings' plan. The list of works used at Calcutta from 1821 to 1831 included among others the \textit{Dattakacandrika} and the \textit{Dattakamimamsa}.\footnote{Ibid, pp. 237-38.}

Sir William Macnaghten observed that the \textit{Dattakamimamsa} and the \textit{Dattakacandrika} were respected all over India as works of authority on the particular subject of adoption.\footnote{Vice Collector of Madura v. Mootoo Ramalinga. 12 Moore's Indian Appeals, 397, p. 437.} It has been observed above that the courts relied more upon the ancient works which had been translated. The place of \textit{Raghuvaran Vidyabhushana} \textit{via a via} other digest-writers can be well determined from the fact that Sutherland chose the LC and the FC from a wide selection of the texts on adoption, in order to make his translations of original works on that subject. In fact, the LC was so highly regarded on its merits that any question regarding its authorship even could be neglected and the Supreme Court has since refused to re-raise the question whenever an opportunity to do so arose.