

Annexure-VI

UNIVERSITY GRANTS COMMISSION BAHADURSHAH
ZAFARMARG NEW DELHI - 110002

UNIVERSITY GRANTS COMMISSION WESTEN REGIONAL
OFFICE GANESHKIND, PUNE, 411007

MINOR RESEARCH

ANNUAL REPORT OF THE WORK DONE

ON THE PROJECT

(Report to be submitted within six weeks after completion of each year.)

1. Project report No. 1st /Final - Final report for the year 2013-14,
2014-15
2. UGC References No.F. - File No. 23-326/12 (WRO)
3. period of report from - 18 feb.2013 to 18 feb 2015
4. Title of research project : Matrimonial life and right of inheritance
in the Manusmruti and Yagnavalkya
Smruti.
5. (a) Name of the Principal Investigator : **Dr. Nilpaben karshanbhai
patel**
(b) Deptt. : **Sanskrit**
(c) College where work has progressed :
P.S. Science & H D Patel Arts college kadi, Gujarat.

6. Effective date of starting of the project : 18th february 2013.
7. Grant approved and expenditure incurred during the period of the report.
 - a. Total amount approved Rs. 115000
 - b. Total expenditure Rs. 124346
 - c. Report of the work done (Please attach a separate sheet) -
 - A. separate sheet attached herewith.


(i) **OBJECTIVES OF THE PROJECT** : Study of the main Smrutikars in view connotation of Dharma Shashtra, sacraments, Form and social status of the sons, types of the sons, The status of the woman, matrimonial life, right of inheritance of a wife and sons, in sapratibandha and Apratibandha Daya, Samsrushtadhana and Stridhan : Contribution of Manu and Yagnavalkya.

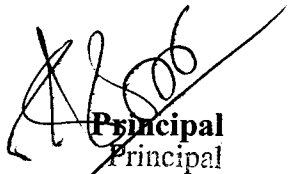
(ii) Work done so far and results achieved and publications, if any, resulting from the work (Give details of the papers and names of the journals in which it has been published or accepted for publication

NO. OF THE PUBLICATIONS OUT OF PROJECT : I have prepared two articles and presented in the national seminars. They are Published in an International Journal. These are the articles.

- (i) "मनुस्मृति में वर्ण-जाति विवेक - व्यवसाय - और आर्थिक कानूनी व्यवस्था"
Published by Principal Dilkhush Patel, Chief - editor, Atmaja, Academi Research Journal (An International Peer-Reviewed Research Journal) ISSN 2348-9456, Volume-II, Issue-1 July-Dec.2014.

- (ii) विक्रमोर्वशीयम् में मैत्रीकारसे, लगन और वारसाहक Published by i.c.Prin. karuna trivedi, for International journal of social science linguistics - A peer reviewed Referred journal ISSN No. 2319-2755, Year-4 Vol.1 (Published by society for social Action and Research Varanasi (U.P.) and Karuna publishing cottage, Gujarat (India)।
- (iii) Has the progress been according to original plan of work and towards achieving the objective. if not, state reasons - The work has been according to the original plan. - Yes
- (iv) Please enclosed a summary of the findings of the study. One bound copy of the final report of work done may also be sent to the concerned Regional office of the UGC. - The project has been completed.
- (v) Any other information - Enclosed the abstract and final report of the Minor research project.


Signature of the principal Investigator


Principal
Principal
P. S. Scank & H. D. Patel
Art's College KADI (N.G.)

Final Report – 2013-15

UNIVERSITY GRANTS COMMISSION
BAHADUR SHAH ZAFAR MARG
NEW DELHI – 110 002

PROFORMA FOR SUBMISSION OF INFORMATION AT THE TIME OF SENDING THE
FINAL REPORT OF THE WORK DONE ON THE PROJECT
2013-2015

1. Title of the Project: Matrimonial life and right of inheritance in the Manusmriti and Yagnavalkyasmruti
2. NAME AND ADDRESS OF THE PRINCIPAL INVESTIGATOR:
Dr. Nilpaben Karshanbhai Patel, P.S.Science & H.D.Patel Arts College, Kadi, Ta. Kadi, North Gujarat Pin: 382715
3. NAME AND ADDRESS OF THE INSTITUTION: P.S.Science & H.D.Patel Arts College, Kadi, Ta. Kadi, North Gujarat Pin: 382715
4. UGC APPROVAL LETTER NO. AND DATE : 23/326/12 (WRO), 18 Feb.2013
5. DATE OF IMPLEMENTATION : 18th Feb.2013
6. TENURE OF THE PROJECT : 2 Years
7. TOTAL GRANT ALLOCATED: 115000Rs.
8. TOTAL GRANT RECEIVED: 90000 Rs.
9. FINAL EXPENDITURE: 124346/- Rs.
10. TITLE OF THE PROJECT : Matrimonial life and right of inheritance in the Manusmriti and Yagnavalkyasmruti
11. OBJECTIVES OF THE PROJECT : Study of the main Smrutikars in view connotation of Dharma Shastra, Sacraments form and Social status of the sons, types of the sons, The status of the women, matrimonial life, right of inheritance of a wife and sons in sapratibandha and Apratibandha Daya, Samsrushtadhana and stridhana : Contribution of Manu and Yagnavalkya.
12. WHETHER OBJEC TIVES WERE ACHIEVED : Yes
13. ACHIEVEMENTS FROM THE PROJECT: One can study other Smrutis in the same manner in the modern social and legal context.
14. SUMMARY OF THE FINDINGS: Attached.
15. CONTRIBUTION TO SOCIETY: The Scholars and students can be guided to study Dharmashastra and nibandha literature.
16. WHETHER ANY PH.D. ENROLLED/PRODUCED OUT OF THE PROJECT: No.
17. NO. OF PUBLICATIONS OUT OF THE PROJECT: Two paper published, Refer attached publications.

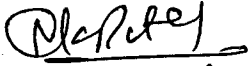
I have prepared two articles and presented in the national seminar, they are published in international Journal.

These are the articles,

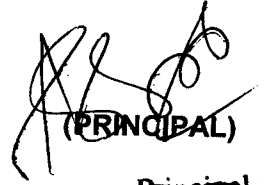
1. "Manusmriti me Varna-Jati Vivek- Vavsay- Aur Artik kanuni vyavastha"

Published by Principal Dilkhush Patel, Chef Auditor, Atmaja Academic Research Journal (an Internal peer-Reviewed Research Journal) ISSN 2348-9456, Volume- 2, Issue-1 July-Dec. 2014.

2. "Vikramovarshiyam me Maitrikararse lagna aur varshak" Published by IC. Prin. Karuna Trivedi, for internal Journal of social science linguistics- A peer reviewed Referred journal ISSN No. 2319-2755, Year 4, Vol-1 (Published by Society for social action and Research, Varanasi (UP) and Karuna publishing cottage, Gujarat, India.



(PRINCIPAL INVESTIGATOR)



(PRINCIPAL)
Principal
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Art's College KADI (N.G.)

Abstract of the Project

Matrimonial life and right of inheritance in the title Manusmriti and YagnavalkyaSmriti.

I have divided this project in nine chapters.

Chapter-1 - The connotation of Dharmashashtra, the form and its development.

connotation of Dharma and shastra, the sources of Dharma and scope of the Dharma Shastra, are discussed at length.

Chapter-2 - The introduction of the Smriti Literature.

Dharma shastra is the smritiliterature. So vedas shruti and Nibandhas are not considered. Manu, Atri, Vishnu, Harita, Angira, Yama, etc. 25 Smrutikars are introduced briefly here.

Chapter-3 - The subject matter of Manusmriti and Yagnavalkya smriti and their commentaries.

Here brief account of the twelve adhyayas of Manusmriti and of three adhyayas of yagnavalkya smriti are given and commentators of both the smruties and the status of Kulluka, Govindaraja, Vishvarupa and Vignanesvara is shown.

Chapter-4 - The connotation of Sacraments, their importance and form.

The connotation and objectives of the sacraments, number of the Sacraments, their form in brief and their legal, Social, spiritual and individual importance is shown.

Chapter-5 - The status of a woman in the matrimonial life and the her household life.

In this chapter the status of a woman as a wife, her house hold duties, her devoted life to her husband fulfilment of the objectives of a marriage, to save her from illegal relation and adultery, protection and her right of inheritance in various properties are discussed fully.

Her married life and the Household duties are considered of length in the second part of this chapter.

Chapter-6 - Types of sons and their status in the family.

There are twelve or thirteen types of the sons defined by the smrutikaras. Among them some are legal and some are illegal. Among them six have the right of succession and six or seven have right to get livelihood and the property.

Today only legitimate and adopted sons are accepted as legal, others are not considered.

This shows the broad view of the smrutikaras in view of the social interest.

Chapter-7 - The form of Daya, the right of a wife, son and daughter in the property.

The connotation Daya, right on property by birth or by division, peternal and ancestral property, right of the sons in such property, right through father in ancestral property, through mother in paternal property, undividable property, rightless sons such as Patita, blind, deaf or dumb by birth etc. right of division, time of division, right of a wife, and daughters and succession of property of childless one are discussed at length.

In the same way the form and right of succession of the samsrushta property and stridhana are also discussed fully.

Chapter-8 - Married life and right of succession in Manusmriti and Yagnavalkya.

To show the views of Manu and yagnavalkya on matrimonial life and inheritance this chapter is devoted.

The development of the right in inheritance can be established by this discussion.

Chapter-9 - Contribution of Manu and Yagnavalkya.

In this chapter the contribution of Manu and yagnavalkya in society, law, morality and right of sons, daughters and wife in the property such as own, ancestral, Samsrushta and sridhana are discussed.

As a conclusion it seems that both smuritikaras have kept the society,

human weakness and qualities, law before them and discussed all the issues in that perceptive.

CONTRIBUTION TO THE SOCIETY : Reaserch scholars can study such works of Dharma shastra and this will help to compare various values of the society, and the modern acts and moral values prevaling in the society. The students studying Manujsmruti and yagnavalkya smruti are guided with this view.

Summary

A DETAILED SUMMARY OF THE PROJECT

I have divided the whole project in the nine chapters.

In the first chapter the connotation of Dharma and Shastra is clarified on the basis of the vedic, Mahabharata, Puranic references and Achara-human behavior is the accepted sense by all Smrutikaras. Sruti (vedas), Smrutis and Nibadhagranthas are discussing the various Dharmas i.e. duties.. According to Manu Smruti, Smruti, Sadachara (good behaviour) and liking to own one self are the sources a Dharma. Yagnavalkya added desire arising from the proper sankalpa (determination). One can know Dharmas from the shishtas (honourable good persons) of the Parishad (Parishad). Vedas are considered Super authority then Smrutis are considered. Nibadhans are the treatises discussing verious topics separarley.

All the smruties are discussing the Acharas of the varnas, Ashramas, Varnashram, Common duties, Gunadharna and Apaddharma in detailes. Vyavaharas or disputes are also considered and lastly prayaschitta of the diferent sins - Pataka, Upapakaka and Mahapakaka are also considered.

In this chapter form and development of the dharmashashtra is dicusd in due course. This will lead to know the importance and status of the both Smrutikaras i.e. Manu and Yagnavalkya, as both are highly honoured in view of the Adismruti and systemetic smruti respectively. Only for this Reseason project was proposed and both the sruties are studied from the proposed point of view.

The scope of the Dharmashastra is very wide. It covers sociology, moral science - ethics, psychology, action and rebirth, economics, commerce, etc.

In the second chapter the Smruti Literature is introduced. Dharmashastra means smruties. Several smruties are enumerated by the different authors. Pt Ramasharma Acharya enumerates 13 smruties. Nimayasindhu, Nilakantha etc. enumerate about 100 smruties.

Some smutis are written in verses, Some in prose and some in mixed style. The language of smrutis is simple. Ramayana, and Mahabharata also discuss the some topics of the smruti literature. 'मनुराह, मनुरब्रवीत् मनोरनुशासनम्' show Manu's authenticity. Dharma shastra is found in the puranas. It is soud पुराणे धर्मनिर्णयः But Vedas and Manusmruti are the main sources of Dharma. Generdly 18 or 20 smrutis are authentically accepted. Yagnavalkya enumerates 20 smrutilikaras. Dr. P.V. kane has also introdyed many smrutis.

In this chapter a brief account a the Smrutikaras such as Manu, Atri, Vishnu, Harita, Angira, Yama, Samvartaka, Katyayana, Bruhaspati, Parashara, Vyasa, Shankha, Likhita, Daksha, Yagnavalkya, Ushana, Narada, Rushyashruna, Karshayani, Chaturavishatimara, Pitamah, Laugakshi, and Shattrinshamata Smratis are enumerated.

Some discuss only Ahnika, Prayaschitta, Vyavahara, Stridhana etc. the topics connected with the Dharmashastra. But Manu and Yagnavalkya discuss all the topics connected with the Dharmashastra. Among all the anothors of Dharmkshetra Manu, Yagyavalkya, Narada and Parashara are important.

Here Nibandhagrathas are not considered.

In the third chapter the topics discussed in both the smuries are given.

Manu is the father of the human race as referred in Rigveda. The opinions of Manu are considered as medicine. Pralayakatha is referred to by Shatapathabrahmana and many puranas. It is connected with Manu. The same episode is referred to by Bible and Kurana also.

Manusmṛiti available today is called Manavadharma shashtra or Manu dharmashashtra.

There are twelve chapters in the Manusmṛiti. In the first chapter the Samsarotparti is described. Manusmṛiti is narrated by Bhṛgu who often mentioned 'मनुग्रह, मनुखवीत, मनोरनुशासनम्' Manu is called omniscient ...

In the Shantiparva of Mahabharata Svayambhuva Manu and Prachetasa Manu are mentioned. Manu is believed to be flourished during 600 to 300 B.C. Dr. P.V. Kane is right in concluding the date.

Manu has Discussed the aims of the human life. i.e. Dharma, Artha, Kama and Moksha.

In the second chapter the defination a Dharma, sources of Dharma, the right to study Dharmashastra, fourfold coste system, and the first stage of life i.e. Brahmacharyashrama and various sacraments are fully discussed.

In the third chapter the stage of householder is discussed. Samavartana and Vivaha Sacraments are discussed in details. Selection of a bride, Savarna, Anuloma and pratiloma marrieges, eightfold marriages, the relation of a lady and a man, the duties of the householder, second marraiage, a poliendry, Shraddha Pankipavana branmins, Bhojanashuddhi and shraddhas are discussed at length.

In the fourth chapter the ways of livelihood (vrutti), Snatakavrata, fivefold great sacrifices, holy behaviour, vratas etc are found.

In the fifth chapter belongs to the holy behaviour (Shauchachara), Dravyashuddhi of the vessels in sacrifices, eatables, garments, the duties of a widow etc. are selected for discussion.

In the sixth chapter the duties of Vanaprastha, parivrajaka, Adhyatmayoga, Pravrajya, and tenfold Dharmas are considered. At the end Vedadhyayana and Sanyasa are discussed.

In the Seventh chapter the Rajadharma (duties of a king) is described. For the protection of the weak persons the king is needed. Brahma has created a king as a collection of the eight lokapalas. So Manu believes in the divine origin of the king. Manu has given the merits and advised a king to be away from demerits. The kingdom has seven Prakritis. i.e. Angas. The king is chief one. Chief Limba) i.e. anga. The king is chief one. King's assistants such as ministers, priest, chief of army etc, three shakhis - Mantra, prabha and Utsaha are expected, Four fold Upayas i.e. Sama, Dana, Danda and Bheda. Shadgunasadhana Sampattis, Duta (Ambassador) chara (spy), Danda, Twelfold kings (Dvadasharajavi mandala), the daily time table of king etc. are fully discussed.

In the eighth chapter court procedure, eighteen types of issues, court hearing along with three brahmins, fourfold pramanas- written, Bhukti, witness, and Divya, different types of crimes and punishments are fully discussed.

In the ninth chapter the duties of the men and women, protection of the women, illegal relations and punishments, Niyoga paddhati, the duties of a woman, duties of the women whose husbands are away, to marry second wife, Svayamvara, shulka, Daya, types of sons, Sridhana and order of its succession, samsrushta, Prayaschitta and various Punishments in view of the crimes and duties of the vaishyas and shudras are described.

In the tenth chapter twice born, four fold caste system, various Jaties (Castes) through the cross marriages, vratya, the Chandala (Low caste) dharma, common duties sadharana dharmas, various ways of earning livelihood, the ten aims of the life., Apaddharma and shudravrutti are discussed at length.

In the eleventh chapter types of Snatakes, various donotions, right to perform Soma sacrifice, to snatch away the property of a brahmin, prohibited actions and actions of the repentance etc. are discussed fully.

In the last chapter types of actions i.e. karmas the duties of an asetic, the self repentance the committee of the shishtas etc. are the topics of taken for consideration.

The subject matter of the yagnavalkya smriti.

Yagnavalkya himself has expressed the various dharmas of different castes, ashramas etc. i.e. Varnadharmas, Ashramadharmas, Varnashramadharmas and sanyasa dharmas.

Yagnavalkya has discussed all the topics in the three chapters and 1000 verses, while Manu described all these topics in 12 Chapters and 2700 verses. Yagnavalkya planned very nicely.

Three chapters are named as Achara, vyavahara and prayaschitta.

The first chapter is further divided in twelve Subchapters. It is begun with the introductory chapter. Brahmachari, vivaha, varnajati, gruhastha, Snataka, Bhakshyabhakshya, Dravyashuddhi, Dana, Shraddhas, Ganapatikalpa, Grahashanti and Rajadharmas are discussed fully in the first chapter, Ganapatikalpa and Grahashanti are the special features of this smruti.

In vyavahara there are 25 subchapters. Sadharana vyavahara matruka, Asadharana matruka, eighteen types of issues -i.e. vivada, Pramana, Runadana (non payment of debt), upanidhi, Sakshi, Likhita, Divya, Bhukti, Daya, Simavivada. (issues of territory) Swamipalavivada (Master - servant), Aswamivikraya, Dutta pradanika, dyuta Samahvaya, Sahasa i.e. theft, wrap etc). A dulary, and relation of the husband and wife are discussed.

This chapter is important in view of legal and social.

In the last chapter there are five Sub-chapters named - Ashaucha, apadharna, vanaprastha Yatidharm and Prayaschitta (repentances)

In comparison with Manu Yagnavalkya is more clear. According to manu branahmin can marry a shudra bride. Yagnavalkya does not favour it. Manu described Niyoga and he criticised later on. But yagnavalkya did not support it. Manu does not give right to take a property of her husband while Yagnavalkya gives a right of inheritance in absence of a son. Manu criticised Gambling but yagnavalkya made it a source of income under control of the king. Yagnavalkya defined the topics very nicely and critically.

At the end of this chapter the commentatars on Manu and Yagnavalkya such as Medhatithi, Govindaraja, Kulluka, Narayana, Raghavananda,

Ramachandra, the commentators on Manu and Vishvarupa, Vijneshvara, Asahaya etc. are referred to. Vijnanshvara, author of Mitakshara is the most important commentator on Yagnavalkya smruti.

In the forth chapter the connotation of sacrament is given. Then the motives of the saraments are described. All the sixteen sacraments are discussed. As marriage is the base of the matrimonial life, it is discussed fully. It is important from the view of the social welfare, Here the form and importance of the sacraments are discussed.

The fifth chapter is divided in two sections. First deals with the status of a woman in the matrimonial life and the household life.

Manu and Yagnavalkya allow Savarna, Analoma and praliloma marriages but yagnavakya does not favour a brahmin to marry a shudra - lowest caste lady. Second marriage was allowed in several circumstances. It was the duty of a husband, father and sons to project wife, daughter and mother respectively. The right of religious rituals was given to Savavna wife that is the first one. Husband was not allowed to discard wife totally. It was his duty to provide livelihood. Wife was expected to serve his family i.e. Husband, children etc in the joint family. The objectives of marriage were Dharma, Rati and progeny. It was believed that a person is free from the three debts Deva, pitru and Rushi. On begetting a son father is said to be free from these debts. Pancha Mahayagna, Ahnika, maintance of the family shraddha etc. are the duties of a house holder. Adultary is highley criticised. Both-husband and wife should he faithfull to each other mentally, physically and emotionally. Otherwise it was considered adultary. In case of wrap association with wife till menstruation or birth of child was avoided.

The ladies were considered holy i.e. Medhya vai yoshitah smrutah. Wife had no right in her husband property. Only unmarried daughters were considered to get married by her brothers.

A husband does have right on six fold stridhana which was considered most protected one.

In the next part of the chapter the married life and the duties of the house holder are discussed. Manu accepted the view to approach a wife after menstruation during twelve days excluding parvas, while yagnavalkya accept the above view and adds to follow the sexual desire of the partner because the sex is the natural instinct which may lead to keep relation with somebody else or adultery. Mitakshara discuss this issue in details on Mimansa basis i.e. Vidhi, Niyama and Parisamkhya. Ahnika, Panchamahayajna, shraddha and earning livelihood through religious manner are duties of a house holder.

In this chapter occasionally modern situation prevailing in the society and legal situation are also considered.

In the sixth chapter types of sons i.e. issues according Manu and Yagnavalkya are defined. Aurasa i.e. legitimate son, Putrikaputra i.e. a son of a daughter, Kshetraja i.e. form through wife according Niyoya, Dattaka i.e. adopted both kevala and dvamushyayana Gudhotpanna, Apavidha i.e. discarded one, kanina-born by the unmarried lady, sahodha i.e. carried in womb by woman of the time of the marriage, krita i.e. purchased, Punarbhava i.e. begot by remarried woman and Parashava i.e. Brahmin's son through a shudra-low caste lady.

Among these Aurasa, Putrikaputra kshetraja, Dattaka, Krutrima, Gudhotpanna Apavidha are Dayada or having right of a seccession, while kanina, sahodha krita, Paunarbhava, Svayamdatta and Shaudra are Bandhavas. They have no right of inheritance. They should be given food, garments and shelter.

All these types of the sons show that the born issues should not be kept Unprotected. and ladies should not suffer.

In modern times only legitimate and adopted sons are considered legel one. So the problem of the issues born through the couples living in relation and conditional marriages came level the judicial authoities. In such and illegal relations D.N.A. teste is condidered and fatherhood is determined.

The view of the Dharmakshetra is practical and social in the wider context.

The seventh chapter is important for the inheritance and succeding the property.

'Daya' is the word derived from the root da - to give, to donate. Riktha is the word also applied. Succession of the Riktha is the legal one to get ownership on the property. There two schools regarding the right of inheritance. One i.e. Mitakshara school belives that the right of the son i.e. issues is by birth. In Abhignana Shakuntala of Kalidasa Dushyanta accepts the right of a child lying in womb of a women of the Dhanamitra's legel wife i.e. married wife. Aother school i.e. that of Jimuvahana prevailing in Bengal and some parts of the southern India accept the right of the son after his father's death.

It is noteworthy that Dayabhaga of Jimulavahana, Dayatatva of Raghunandan, and Dayakrama of shrikrishna, Tarkalankara give the details of the prevailing customs and laws of inheritance. Mitakshara take the note of the viramirodaya is followed in varanasi. Followers of vivadarantakara vivadachandra and vivedachintamani are in the Mithila School, Followers of Vyavahara mayukha in Maharashtra, North konkana and Gujarat and Dravida Sampradaya follows Smrutichandrika and parasharamadhviya.

But after independence Hindu act of succession is prepared after consideration of all schools, particularly Mitakshara, vyavaharamayakha and Dayabhage.

The right of succassion is determined through shashtras and the customs prevailing in the society.

There are two types of daya i.e. Sapatibandha - indirect one and Apratibandh a i.e. direct one. A son has direct right of inheritance on his paternal property. But he does not have a direct right in the ancestral property. Son's right is considered through his father only.

A father can distribute his property by unseven share. But after the death of the father the uneven distribution is not allowed by manu and yagnavalkya. Mother also may get her share. The sisters have no night. Unmarried sisters must be get married by giving 1/4th part a the share. Married daughters may get something as a token of love. If any son does not desire to take one's share, Something must be given to him as a token of love and partision.

There are three standard of Partition

(i) At the desire of the father (ii) When the father's physical desire is ended the sons can demand for division and (iii) When father is passed away.

Undivided property is such as the property occupied through father, uncle etc. The property given as a token of love by father. (Paternal one), given by father at the time of death, the property by presented by friend, Bandhus, Donation received, the property earned through knowledge and skill, and property gained at the time of marriage. The garments ornaments etc. used can not be divided.

Generally it was believed that the right of succession follows the right of donating pindas to the ancestors.

The order of the succession given by Mitakshara is Gotraja sapinda a the blood relation sapinda samanodaka and Bandhavas. Gotraja sapinda relation lies up to seven persons.

In ancestral property the grand son has a right through father. But in the paternal property a son has direct right. If a person deceased has many wives of the same caste then they have right to get equal share. But if the person passed away has many wives of the different castes, then the sons may have right of succession through mother. If a brahmin has four wives of different castes then the property will be divided in ten parts. Four of brahmin's sons, three to Khatriya's sons, two to Vaishya's sons and one to Shudra's sons. But today such divisions are not legal one. More over legally one may have only one wife who may be belonged any caste or other caste.