BLOGS

Notes on Schools of Hindu Law

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Introduction

Hindu law, also known as Dharmashastra, is a complex legal system that governs the personal and social lives of Hindus. Over the centuries, several schools of Hindu law have emerged, each with its own unique perspective and set of principles. Even though each school has its own unique perspective and set of principles, they are all rooted in ancient Hindu texts and traditions. While there may be some overlap between the schools, each one has its own distinct contribution to the development of Hindu law.

Various Schools of Hindu Law

Dayabhaga and Mitakshara are two distinct schools of Hindu law that evolved in ancient India. These two schools of law have their unique features and origins and are widely practiced in different parts of India.

Mitakshara School

The Mitakshara school also know as the Manu School of law originated from the commentary written by Vijnaneswara, a famous Indian scholar, on the Yajnavalkya Smriti, one of the ancient Hindu texts that deals with the law. Mitakshara means “a reflection of light,” and it reflects the traditional Vedic principles of Hindu law. The Mitakshara school of law is prevalent in the northern and western parts of India and is the most commonly followed school of Hindu law. One of the most significant features of Mitakshara law is the principle of coparcenary.

The Manu School places a great emphasis on the role of the family and the importance of maintaining social order. It also emphasizes the concept of karma, which holds that a person’s

actions in this life will determine their fate in the next. Coparcenary is a system of joint ownership of property, where all the members of the family have a right to the ancestral property. This system applies to the property acquired by the father, grandfather, or great-grandfather, and it remains undivided until it is partitioned. The Mitakshara law also recognizes the right of a widow to inherit her husband's property.

Dayabhaga School

On the other hand, the Dayabhaga school also known as the Yajnavalkya School of law originated from a commentary written by Jimutavahana, a Bengali scholar, on the Yajnavalkya Smriti. The term Dayabhaga means "a book of compassion," and the Dayabhaga school of law is prevalent in the eastern part of India. Unlike the Mitakshara law, the Dayabhaga law does not recognize the principle of coparcenary. Instead, the Dayabhaga law follows the principle of succession by propinquity, which means that the property is inherited by the nearest heir. In the Dayabhaga law, the widow has a right to inherit her husband's property only in the absence of any other legal heirs.

Difference between Dayabhaga and Mitakshara Schools

The most significant difference between the Mitakshara and Dayabhaga schools of law is the principle of coparcenary. In the Mitakshara law, all the members of the family have a right to the ancestral property, whereas, in the Dayabhaga law, the property is inherited by the nearest heir. Another difference is the recognition of the right of the widow to inherit her husband's property. In the Mitakshara law, the widow has a right to inherit her husband's property, whereas, in the Dayabhaga law, she has a right to inherit only in the absence of any other legal heirs.

In conclusion, both the Mitakshara and Dayabhaga schools of law have their unique features and origins and are widely practiced in different parts of India. The Mitakshara law follows the principle of coparcenary and recognizes the widow's right to inherit her husband's property, whereas the Dayabhaga law follows the principle of succession by propinquity and recognizes the widow's right to inherit only in the absence of any other legal heirs.

Other Schools of Hindu law

1. Vyavahara School: The Vyavahara School, also known as the Dharma School, is based on the teachings of various ancient Hindu texts. This school places a great emphasis on justice and fairness in legal proceedings. It also emphasizes the importance of following established customs and traditions. The Vyavahara School is particularly prominent in southern India, including the states of Tamil Nadu and Karnataka.
2. Samvarta School: The Samvarta School, also known as the Smriti School, is based on the teachings of the Samvarta Smriti. This school places a great emphasis on the importance of following established customs and traditions. It also emphasizes the importance of individual morality and personal responsibility. The Samvarta School is particularly prominent in northern India, including the states of Uttar Pradesh and Bihar.
3. Parasara School: The Parasara School, also known as the Vyavastha School, is based on the teachings of the Parasara Smriti. This school places a great emphasis on the role of the king in maintaining social order. It also emphasizes the importance of following established customs and traditions. The Parasara School is particularly prominent in central India, including the states of Madhya Pradesh and Chhattisgarh.
4. Nandi School: The Nandi School, also known as the Smriti School, is based on the teachings of the Nandi Smriti. This school places a great emphasis on the importance of individual morality and personal responsibility. It also emphasizes the importance of following established customs and traditions. The Nandi School is particularly prominent in the southern state of Andhra Pradesh.

Each of these schools of Hindu law has its own unique perspective and set of principles. While there is some overlap between the schools, there are also significant differences in the way they approach legal issues. For example, the Manu School places a great emphasis on the role of the family and the importance of maintaining social order, while the Yajnavalkya School places a greater emphasis on individual rights and freedoms.