HINDUISM AND LAW

Covering the earliest Sanskrit rulebooks through to the codification of “Hindu law” in modern times, this interdisciplinary volume examines the interactions between Hinduism and the law. The authors present the major transformations to India’s legal system in both the colonial and postcolonial periods and their relation to recent changes in Hinduism. Thematic studies show how law and Hinduism relate and interact in areas such as ritual, logic, politics, and literature, offering a broad coverage of South Asia’s contributions to religion and law at the intersection of society, politics, and culture. In doing so, the authors build on previous treatments of Hindu law as a purely text-based tradition and, in the process, provide a fascinating account of an often neglected social and political history.

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HINDUISM AND LAW:
AN INTRODUCTION

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### Chronology

<table>
<thead>
<tr>
<th>Period</th>
<th>Events</th>
</tr>
</thead>
<tbody>
<tr>
<td>c. 3rd century BCE</td>
<td>Rock and Pillar Edicts of King Piyadasi (Aśoka Maurya); Āpastamba Dharmasūtra</td>
</tr>
<tr>
<td>early 2nd century BCE</td>
<td>Gautama Dharmasūtra</td>
</tr>
<tr>
<td>mid–late 2nd century BCE</td>
<td>Baudhāyana Dharmasūtra (i.e., “Proto-Baudhāyana,” namely the early part consisting of the first and most of the second book)</td>
</tr>
<tr>
<td>1st century BCE</td>
<td>Vasiṣṭha Dharmasūtra</td>
</tr>
<tr>
<td>from early CE</td>
<td>South Indians involved in maritime trade settled on the coasts of Sumatra and Cambodia, and along the Straits of Malacca</td>
</tr>
<tr>
<td>c. 150</td>
<td>Sanskrit inaugurated as cosmopolitan language; incorporation of <em>ārtha</em> into Dharmasāstra texts and the concomitant incorporation of regional legal norms into the early <em>smṛtis</em> (dharmaśāstras)</td>
</tr>
<tr>
<td>c. 2nd century</td>
<td>Mānava Dharmasāstra (Manu Smṛti)</td>
</tr>
<tr>
<td>c. 4th–5th century</td>
<td>Yājñavalkya Smṛti</td>
</tr>
<tr>
<td>c. 400–700</td>
<td>Inscriptions begin to indicate strong presence of corporate groups; production of <em>smṛtis</em> with more detailed and pronounced sections on legal procedure</td>
</tr>
<tr>
<td>c. 5th–6th century</td>
<td>Nārada and Bṛhaspati Smṛtis</td>
</tr>
<tr>
<td>c. 7th century</td>
<td>Viṣṇu Smṛti</td>
</tr>
<tr>
<td>c. 7th–8th century</td>
<td>Kātyāyana, Parāśara, Vaikhānasa Smṛtis</td>
</tr>
<tr>
<td>c. 700–900</td>
<td>Temple building increases; earliest commentaries</td>
</tr>
<tr>
<td>c. 900–1200</td>
<td>Monumental temples built by regional rulers; earliest digests</td>
</tr>
</tbody>
</table>
Chronology

c. 1200  
Delhi Sultanate introduces state administration of law in Persian

13th–early 16th century  
Spread of South Asian populations in Indonesia

c. 1300  
Vernaculars begin to be used for legal documentation

c. 1365–1445  
Prāyaścitaviveka

1500  
First European colonial presence; formalization of vernacular government documents

c. 1510–80  
Raghunandana Bhaṭṭācārya

c. 1540–80  
Divyatattva

1772  
Judicial Plan of Warren Hastings, governor of Bengal; colonial administration becomes the central force in law; “personal law” institutionalized

1776  
Publication of A Code of Gentoo Laws

1794  
Publication of Jones’s translation of the Laws of Manu

1798  
Publication of Colebrooke’s A Digest of Hindu Law on Contracts and Successions

1810  
Publication of Colebrooke’s Two Treatises on the Hindu Law of Inheritance

1829  
Abolition of suttee (sati)

1830  
English replaces Persian as the administrative and diplomatic language

1833  
Slavery Abolition Act passed (in the UK), ends slavery throughout most of the British Empire, leading to an increase in indentured servitude that encourages the spread of South Asians to Mauritius, Guyana, Surinam, Trinidad, Jamaica, South and East Africa, and Fiji

1850  
Caste Disabilities Removal Act

1856  
Hindu Widows Remarriage Act

1859  
Code of Civil Procedure

1860  
Indian Penal Code; Code of Criminal Procedure
Chronology

1864         Pandits cease to be employed as law officers to the courts
1891         Age of Consent Act
1899–1902    Boer War in South Africa
1906         Zulu Rebellion
1923         Publication of *Hindutva: Who is a Hindu?* by Vinayak Damodar Savarkar (alias “Maharatta”)
1937         Hindu Women’s Right to Property Act (“Deshmukh Act”)
1945         Postwar diaspora of South Asians to the UK, the USA, Canada, Australia, New Zealand, continental Europe, and the Persian Gulf nations
15 August 1947 India becomes independent
1950         Constitution of India enacted
1952–5       “Hindu Code” debates
1955–6       “Hindu Code” Bills enacted
1955         Hindu Marriage and Divorce Act
1956         Hindu Succession Act
1956         Hindu Minority and Guardianship Act
1956         Hindu Adoptions and Maintenance Act
1985         Shah Bano decision
1986         Muslim Women (Protection of Rights on Divorce) Act
1992         Destruction of the Babri Masjid (mosque) in Ayodhya as part of a campaign to reclaim the site for a temple commemorating the Hindu god Rāma’s birthplace
ABBREVIATIONS OF INDIC TEXTS

BSm  Brhaspati Smṛti; ed. Rangaswami Aiyangar (1941a).
DhDN  Dharma Dwaita Nīrṇaya; ed. Gharpure (1943).
Kāvyādarśa  Kāvyādarśa; ed. Thakur and Jha (1957).
MDh  Mānavā Dharmaśāstra; ed. and trans. Olivelle (2005a); with the commentaries of Medḥāṭithi, Sarvajñanārāyana, Kullūka, Rāghavānanda, Nandana, and Rāmacandra: Mandalik (1886); with the commentary of Medḥāṭithi and trans. G. Jha (1920–9); with the commentary of Kullūka: Vidyasagara (1874).
NSm  Nārada Smṛti; ed. and trans. Lariviere (1989a).
Pāṇini  Aṣṭādhyāyi of Pāṇini; ed. Kielhorn (1880–5).
Patañjali  Vyākaraṇa Mahābhāṣya of Patañjali; ed. Kielhorn (1880–5).
PSm  Parāśara Smṛti; ed. Tarkalankara (1893).
List of abbreviations

SmC  Smyrticandrika; ed. Srinivasacharya (1914–21); trans. Gharpure (1948).
TMB  Tāṇḍya Mahābrāhmaṇa; ed. Chinnaswami Sastri (1936).
TV  Tantravārttika of Kumārilabhaṭṭa; ed. Abhyankar and Joshi (1970–7).
VDC  Vikramāṅkadevacarita of Bilhana; ed. Bühler (1875).
VDh  Vaiṣṇava Dharmaśāstra (Viṣṇu Śrīm); ed. Jolly (1881); ed. Olivelle (2000); ed. with the Keśavaśāmayanti commentary of Nandapanidita: Krishnamacharya (1964).
YSm  Yājñavalkya Śrīm; ed. Stenzler (1849); with the Mitākṣarā commentary of Viṣṇuśāvara: Pandey (1967); with the Balakridā commentary of Viṣvarūpācārya: Ganapati Sastri (1921–2).

EPIGRAPHICAL PUBLICATION SERIES
WITH ABBREVIATIONS
(citations by volume and record number)

CII  Corpus Inscriptionum Indicarum, Archaeological Survey of India.
EI  Epigraphia Indica, Archaeological Survey of India.
SII  South Indian Inscriptions, Archaeological Survey of India.