

It religious or spiritual  
benefit i.e., capacity  
to



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It is a not easy to determine.

But this much is clear that in his hands the principle of spiritual benefit was utilised to free the father from the legal fetters of the joint family system and to frame an order of succession in accordance with more equitable principles. Mile Jimutvahana rested his scheme primarily on Manu's text. Probably the divergence between their view was, in part, due to this different approach. While Jimutvahana undoubtedly made the doctrine of religious efficacy very generally the determining factor in the law of succession, the proposition, that, in the Dayabhag school, that doctrine was universally and without exception the sole test cannot be said to be altogether free from doubt.

" In a number of cases it was repeatedly held that religious efficacy was the sole test for determining the order of heirs under the Dayabhag system. Later, on the earlier decisions, that the doctrine of religious efficacy was not always the guiding principle of inheritance under the Bengal school of law and that it could not be consistently applied in all cases, therefore, in case not contemplated by the Dayabhag the doctrine of propinquity could be applied, or in such cases, religious efficacy alone could not be the test without giving due weight to propinquity.

#### **Inheritance under the Dayabhag System:**

The principle of succession according to the Dayabhag School is marked by two outstanding features: (i) The rule of religious or spiritual benefit i.

e., capacity to confer spiritual benefit on the deceased, (ii) Single mode of succession, i. e., devolution of the deceased male Hindu's property by succession.

Thus, in Dayabhag system the basis of determining the order of heirs is capacity to confer religious or spiritual benefits on the paternal and maternal ancestors. The basis of the rule of religious benefit is the Pravara Shradha ceremony which is considered as one of the most important of the twelve kinds of Shraddha mentioned in the Dharmashastra. There are three different kinds of offerings to the deceased ancestors in the course of ceremony, on the basis of which, three categories of heirs have been classified in Dayabhag system. The different kinds of offerings are: 1) Pinda an entire take called undivided oblation.

2) Pinda lapa remnants of pinda which cling to the palm, called a divided oblation. 3) Libation of water. Pinda could be given by sapinda only. Pinda lepe could be given by Sakulyas and the last, i. e.

, libation of water by Samodakas. Thus the classes of heir, determined on the basis of their competence to offerings can be put in the following order:— 1) Sapinda 2) Sakulyas 3) Samanodaka 4) Preceptor 5) Disciple or pupil 6) Government (Escheat)

#### **Doctrine of Religious Efficacy:**

The foundation of the doctrine are to be found in the religious duty of a Hindu to offer pindas and water to his deceased ancestors on the occasion of their parvana shraddha. The offering of these oblations, and conferred spiritual benefit. According to Dayabhag School of thought to the person <https://assignbuster.com/it-religious-or-spiritual-benefit-ie-capacity-to/>

capable of conferring this spiritual benefit in the largest measure. The legal theory of religious efficacy had nothing to do with the actual act of the offering of these oblations; it concerned itself only with a person's capacity to do so.