

It more differences
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**ASSIGN
BUSTER**

It is a running commentary on the Smriti of Yajnavalkya. Although the authority of Mitakshara was accepted throughout India, yet the exact practice of law differed in different parts of the country on account of differences in the customary rules followed by them. Hence the Mitakshara School itself was subjected to further sub-divisions and consequently five sub-schools developed in course of time. All the sub-schools regarded the authority of the Mitakshara as supreme but some differences between them particularly relating to adoption and inheritance made their emergence quite conspicuous. Every sub-school under the Mitakshara preferably acknowledged the authority of certain treatises and commentaries, written in a particular region. These five sub-schools are as under: 1. The Benaras School, 2.

The Mithila School, 3. The Dravida or Madras school, 4. The Bombay or Maharashtra school, and 5. The Punjab school. Mayne writes that the variances between the sub-divisions of the Mitakshara School are comparatively few and slight.

Except in respect of the Maharashtra school, the division serves no useful purpose nor does it rest on any true or scientific basis. It is to a certain extent misleading as it conceals the fundamental identity of doctrine between the so-called Mithila, Benaras, Maharashtra and Dravida schools, etc. and suggests that there are more differences than do really exist. Sometimes it is suggested that variance between the sub-divisions of the Mitakshara appeared on account of the fact that the glosses and commentaries upon the Mitakshara are received by some of the schools but are not received by all. Another reason for the difference is that the

commentaries in a particular province which follows the Mitakshara put a particular gloss on it and have agreed upon it among themselves.

As it has been pointed out earlier, the differences between the sub-divisions of the Mitakshara related to adoption and inheritance, they have now been swept away by the two legislations, namely the Hindu Succession Act, 1956 and the Hindu Adoption and Maintenance Act, 1956. The geographical limits of these schools cannot be clearly defined, however one may say that:—

1. Benaras School:

The Benaras School applied to whole of Northern India except in certain regions of Punjab where customs and usages differed from the Mitakshara itself or from other work such as Virmitrodaya and Nimaya Sindhu. The following commentaries besides the Mitakshara are accepted in this school:

1. Virmitrodaya 2. Dattaka Mimansa 3.

Nimaya Sindhu 4. Vivada-Tandava 5. Balambhatti, and 6. Subodhini.

2. Mithila School:

This school prevailed in Tirhoot and North Bihar. The Mitakshara was kept in high esteem here and the law laid down by it was fully acceptable to them except in few matters. It was rightly observed by the Privy Council that ' the law of Mithila school is the law of Mitakshara except in a few matter in respect of which the law of Mithila school has departed from the law of the Mitakshara '.

Besides Mitakshara, the following commentaries are acceptable to this school:— 1. Vivad Ratrakar, 2. Vivad Chintamani 3. Smriti-sara or Smriti Tattvasara 4. Madan Parijata.

3. The Dravida or Madras School:

The whole of the province of Madras is governed by this school.

This school was sub-divided into Tamil, Karnatak and Andhra School for which, however, there was no justification. The following commentaries are held in high esteem in this school:— 1. Smriti Chandrika, 2. Parasara Madhavya, 3.

Saras wati Vilas, 4. Virmitrodaya, 5. Vyavhara Nirnaya, 6.

Dattaka Chandrika, 7. Dayavibhag, 8. Kesava Vaijayanti, 9. Madhavi, 10. Nimaya Sindhu, 11.

Narada Rajya, 12. Vivada Tandava.

4. The Bombay or Maharashtra School:

This school prevails in almost whole of Bombay or Maharashtra including Gujarat, Kanara and the parts where Marathi language is spoken as local language. The authority of following commentaries besides Mitakshara was accepted in this school: — 1. Virmitrodaya, 2. Nirnayasindhu, 3.

Parasara Madhavya, 4. Vivada Tandava.

5.

The Punjab School:

This school prevailed in the north-west part of the country, called the East Punjab. This school is chiefly governed by customs. The following authorities are mainly accepted in this school:— 1. Mitakshara, 2.

Virmitrodaya and 3. Punjab customs. The five sub-schools of the Mitakshara School have been given above. The main works which supplement the

Mitakshara in each may be laid as under:— (1) The Benaras School:

Virmitrodaya Dattak Mimansa Nirnaya Sindhu Subodhini Vivadatandava (2)

Mithila School: Vivad Chintamani Vivad Rathakara Smrita-Sara (3) The

Dravida or Madras School: Smriti Chandrika Virmitrodaya Parasara Madhava

Dattaka Chandrika (4) The Bombay or Maharashtra School: Nirnayasindhu

Vivadatandava (5) The Punjab School: Punjab customs Virmitrodaya