

THE
KĀMARŪPA SCHOOL
OF
DHARMAŚĀSTRA

Naliniranjan Sharma

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Foreword by : Biswanarayan Shastri

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DHARMAŚĀSTRA

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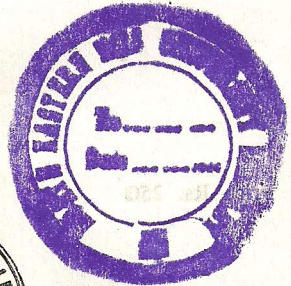
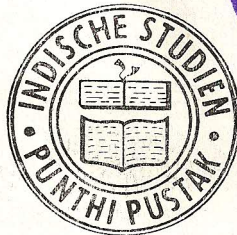
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DEDICATION

Offered to the holy feet of my father Acarya Manoranjan Shastri, Smṛti-Vyākaraṇa-Mīmāṃsā-Vedānta Śāstrī, Smṛti-Mīmāṃsā-Vedānta Tīrtha, Smṛtiratna, Dharmasāstrācārya, Darśanācārya, as a token of devotion from a humble son.

FOREWORD

In Sanskrit literature the word *dharma* is used to mean something more than what is conveyed by its English rendering i.e. religion. One comes across with the word *dharma* in the *Rgveda* and other vedic literature. In the *Rgveda* the word *dharma* is used both as noun and adjective, and according to MM. P. V. Kane, the word *dharma* "occurs at least fifty-six times".¹ The intended meaning is not the same in all places of occurrence of the word in the *Rgveda* and other vedic literatures.

In the post-vedic literatures also the word *dharma* is used to convey different shades of meanings. For instance, Jaimini begins his *Mīmāṃsā-sūtra* by the aphorism "*athāto dharma jijnāsā*", meaning discussion on *dharma*, and next he defines *dharma* as "*codanā-lakṣaṇo'rtho dharmah.*" It is clear that what Jaimini means by the word *dharma* is the vedic rites. Kaṇāda has used the word *dharma* to convey the sense what is meant as the character of categories (*Padārtha*). Praśastapāda named his commentary on *Kaṇāda-sūtra Padārthadharma-saṁgraha*. "That the word *dharma* in *Kaṇāda-sūtra* connotes something different from the conventional meaning is evident from the lampoon by his opponent pointing to irrelevancy of his preamble to the text that followed."²

In the *purāṇas* and other classical literatures the word *dharma* is generally used to convey the meaning of religious practices and social customs. Keeping in view the uses of the word and its connotation one may say that *dharma*

1. MM. P. V. Kane, *History of Dharmashastra*, Vol. I.

2. *dharmam vyākhyāsyāma-nasya*

ṣaḍ padārthopavarṇanam/

saṁudraṁ gantukāmasya

himavad gamanopamā//

meant individual behaviour of a person within the family and society to which he or she belongs, the ultimate goal of human being and the means and methods, including 'dos' and 'dons' for reaching that goal. The sense of sin and virtue also comes into that realm. Thus in its long journey from the age of *Rgveda*, the age of robust optimism and open society, to the late mediaeval period through hitherto unknown region, full with new beliefs and social values, the word *dharma* assumed added dimensions.

In the religious tradition in India, which has its origin in the *śrutis* (the *Vedas*, the revealed scriptures) and *smṛti* (what is remembered by human teachers) are the authority on *dharma*. To be precise, the *Vedas* are the only source and authority on *dharma*, and *smṛti* is also given that status because those are the recollections by the well-versed in the *Vedas*, and thus *smṛti* derives its strength from the *Vedas*. Manu puts *smṛti* next to the *Vedas* in its authority to *dharma* and states that in the event of a contradictory views between the *Vedas* and *smṛti* the former is to be accepted superior to the latter (*śruti smṛtyorvirodhe tu śrūṭireva garīyasī*). In theistic view both *śruti* and *smṛti* are the two commandments of God (*śruti-smṛti mamaivājñe*).

Śruti means the *Vedas* and *dharmaśāstra* stands for *smṛti* (*Śrutistu vedo vijñeyo dharmāśāstrantu vai smṛtiḥ*). "Smṛti in the widest acceptance of the term includes the six *vedāṅgas*, the *sūtras*, both *Śrauta* and *Grhya*, *itihāsa* i.e. the *Mahābhārata* and the *Rāmāyaṇa*, the *Purāṇas* and the *nīti-śāstras*".

Thus *dharmaśāstra* comprises of both spiritual and mundane aspects of life of society and it deals with religious and civil laws of the ancient and mediaeval time of India.

The emergence of *dharmaśāstras* can be traced to the social evolution in the Indian society caused by internal and external forces such as advanced use of means of livelihood and invasion from across the border.

Kāmarūpa was an independent country since epic age when it was known as *pragjyotisa*. It neither formed a part of the empire of Ashoka, Samudra Gupta, Akbar and Aurangzeb. Being in the eastern periphery and far away from the centre of the mainstream it developed its own socio-religious customs and ritualistic procedure without deviating from the basic principles and with in the broad framework of the Vedic culture.

That the Vedic culture was deep-rooted and the study of the *Vedas* was also carried on in the state strictly in accordance with the prescribed norms and approved procedure has been testified by the royal land grant inscriptions from the seventh century onward.

The date when *dharmaśāstra* was first composed or compiled and since when it was accepted as a class of socio-religious literature cannot be precisely stated. From a discussion in *Nirukta* by Yaska it appears that *dharmaśāstras* were in existence prior to *Nirukta*. Some scholars are of opinion that the reference of *dharmaśāstra* in *Nirukta* is interpolation. Anyway, the works of Gautama, Baudhāyana and Āpastamba are definitely the works of *sūtra*-age and may be pushed back to 3rd to 5th century B.C.

With the passage of time as the society evolves the ritualistic procedure of religious rites had undergone changes and rules for performing those rites had also to be modified for making them widely acceptable. Thus *dharmaśāstra* are the mirror on which changing face of society is reflected. Apart from this, people living within a geographical limit or under certain rulers develop new habit, belief and view of life. The seers with a view to accommodate the new ideas and ideals had to modify the *dharmaśāstra* and new works were composed incorporating new code of socio-religious conduct. Such changes may be noticed not only in religious practices but in civil laws also. The different rules of inheritance, the rules to exclude daughters from claiming *dāya*

(inheritance) was introduced, such instances in hundreds may be cited.

From an analysis of the changes, it may be stated that such changes may be traced to time and place. The change of food habit is a classical example to show the change in social behaviours in respect of time and place also. The meat-eating habit of the Vedic age changed totally and completely to give place to vegetarian food. If it is good in respect of time, the fish-eating in the North-east India proves the change in food habit due to the influence of the people of the region who were numerically in majority. The compilers of *Dharmaśāstras* were working on a compromise formula. While prohibiting meat eating they made a concession for eating the meat of five species of animal (*pañca pañcanakhā bhakṣyāḥ*). With the spread of Tantricism meat-eating became common food habit, however, restriction was imposed to prohibit indiscriminate meat eating. That the meat of only those animals and birds can be partaken which are offered and sacrificed to the Goddess.

Dharmaśāstra composed in the eastern region made provision for fish eating and offering fish in *śrāddhas* etc. However, in their ingenuity they prohibited eating of certain varieties of fish of the same species, perhaps, to restrict the fish eating to the minimum.

The ancient Assam known by the name *Prāgjyotiṣa* and *Kāmarūpa* included parts of Bangladesh, West Bengal and some portion of Bihar also. The land is mentioned by the name *Prāgjyotiṣa* in the *Rāmāyaṇa*, the *Mahābhārata* and royal inscriptions, while the name *Kāmarūpa* occurs for the first time in the stone pillar inscription of Samudragupta in Allahabad, and Kalidasa's *Raghuvamśa* (Canto IV) and the classical literature of later date.

Huen Tsang who visited this land in 640 A.D. mentions some of the characteristics of the region and also says that the language of the region differs from that of the mid-land.

The land of Assam (*Prāgjyotiṣa* and *Kāmarūpa*) was inhabited by people belonging to different ethnic groups, known as *Kirātas* in the Puranic terminology. They ruled over this region and belonged to a well-developed society. It is not precisely known when the Vedic culture entered into the land of *Prāgjyotiṣa* and its age-old vehicle, Sanskrit. The date may be pushed back to the 5th century B.C., if not earlier.

Coming down to the historical period we find that from 4th century A.D. the land was a distinct entity and was recognised as an important region.

The Bhauma-Varman dynasty of *Kāmarūpa* traces its origin to Naraka, the son of Bhūmi by Varāha-Viṣṇu. The flourishing stage of Vedic culture is evident in the subsequent period from the references in the copper plate inscriptions and statues etc. According to the old norms a land is considered a separate region if a big river keeps it out of bound or a mountain stand in between or the speech differs from that of the people living in other regions.

In the region of *Kāmarūpa* which was much bigger than the truncated Assam of today the scholars and the leaders of the society composed *dharma śāstras*, with some deviation here and there, within the broad frame of the Vedic and Puranic culture. The date of an early *smṛti*-digest writer namely *satakavi*-viśveśvara may be traced to the twelfth century, which was followed by host of others for more than six hundred years. All these works though do not agree on certain minor points they maintain the same trend. All of them uphold some common rites of the region, called *deśā-cāra* and *strī-ācāra* and also strictly follow the *dāyabhāga* rules of inheritance against *mitākṣarā*.

Naliniranjan Sharma has made an attempt to establish that a new School of *Dharmaśāstra* was developed in ancient and mediaeval Assam, which, he termed as "*The Kāmarūpa School of Dharmaśāstra*". The work has been prepared as

his thesis for the Ph.D. Degree of the Gauhati University and the degree was conferred on him by the University on his dissertation.

Dr. Sharma in the introductory part of his work has given a brief description of the land known as PRĀGJYOTIṢA and KĀMARŪPA and also traced the spread of Aryan culture from the Vedic and Puranic sources in the state. Further he refers to the Royal Inscriptions issued by the kings of Prāgjyotiṣa-Kāmarūpa from the 7th century A.D. to prove the high level of Sanskrit studies in this region. The religious trend traceable in the inscriptions are used to show its development through the ages. In the second chapter the author gives the meaning of *dharma* as the word has been used in different Vedic and Sanskrit texts. In this context he has also discussed "the Buddhist canonical literature where the word *dharma* is used to carry several senses". He traces, the source of *dharma* in the Vedas, *Śrauta-sūtras*, *Grhya-sūtras* and *Dharma-sūtras*.

Then the author tries to describe the scope of *Dharmaśāstra* and the subject-matter dealt with in the *Dharmaśāstras*. After these preliminaries he has mentioned six schools of *Dharmaśāstras* such, as the Bombay School, the Madras School, the Benaras School, the Mithila School, the Bengal School (Gauḍa School) and the Punjab School. The Kāmarūpa school has not been mentioned as one of the schools of *Dharmaśāstras* in the above list. He has stated that "Kāmarūpa or Assam is influenced or governed by the Bengal School of *Dharmaśāstra* in most of the matters of religious and social laws." Saying thus the author has referred to the *Kāmarūpa-Nibandhas* as a distinct work of *Kāmarūpa Smṛti* and on this premise he has mentioned some of the socio-religious practices which are observed only in Kāmarūpa. Of the festivals "*Ambubācī*" and prohibition of ploughing during this period may be mentioned among such others. In this context he has discussed astronomical calculation of Solar and Lunar months for performing *Daiva* and *Paitra* rites peculiar to Kāmarūpa. In order to establish a separate

school of *Dharmaśāstra* pertaining to Kāmarūpa he has given names of *Smṛti*-digest writers from the twelfth century onward and also name of some works and explains their importances.

Of all these *Smṛti*-digest writers of Kāmarūpa MM. Pītāmbara Siddhānta Vāgīśa of 16th-17th century is the most prominent one. He composed a number of works covering all the aspects of religious, social and civil practices which are named as KAUMUDĪS. There are 18 KAUMUDĪS, according to some, 28 to his credit. In fact the number is enlarged by splitting one work into two parts (For instance, though *Tithi-Kaumudī* includes *Grahaṇa* also, some scholars mention *Grahaṇa Kaumudī* as a separate work). Dr. Sharma has given the names of the *Kaumudis* ascribed to Siddhānta Vāgīśa and added a few more to the list. It may be noted that Pītāmbara compares well with Vandyaghaṭīya Raghunandana of Bengal.

Pītāmbara in his *Kaumudīs* seems to be original in dealing with various socio-religious aspects of the society. He quotes the views of Maithila-scholars very often and rarely that of Gauḍa scholars either for refuting them or in support of his views. In fact Pītāmbara, a scholar extra ordinary, is the main architect of the Kāmarūpa School of *Dharmaśāstra*.

Naliniranjan has dealt with the works of Siddhānta Vāgīśa elaborately. He has also mentioned the works of Pītāmbara's successors and discussed the contexts of their works.

The dissertation on *Dharmaśāstra* particularly that of Kāmarūpa by Naliniranjan Sharma apart from being a scholarly work will also throw lights on socio-religious and economic condition of the society of mediaeval Assam.

In writing this Foreword to the thesis by Sriman Naliniranjan, the worthy son of my guru Acharya Manoranjan

Shastri I feel emotionally surcharged recollecting the love and affection I was fortunate to have from my late teacher.

In this context I may mention that in 1964 I read out a short paper entitled. "The Kāmarūpa School of Dharmasāstra" in the International Oriental Congress, held in New Delhi. I feel happy to see that what I have very briefly discussed in my paper invited attention of scholars and Sriman Naliniranjan Sharma has produced a valuable volume on the said subject.

I am sure this work in an almost unexplored field of Oriental studies will be of immense benefit to the researchers and readers as well.

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M. A. D. LITT.

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At the very outset I express my gratitude and indebtedness to Late Pandit Tirthanath Sarma, Ex-Principal, Pragjyotish College, Ex-President, Asom Sahitya Sabha and a renowned scholar in Sanskrit and Assamese for asking me to write a book in English on the Kamarupa School of Dharmasastra. I had completed my Ph.D. on this subject as suggested by him in 1989, under the supervision of my erstwhile colleague Dr. Kali Prasad Sinha. My father Late Acharya Manoranjan Shastri, an exponent of the Kamarupa School of Dharmasastra helped me with necessary informations about the manuscripts and other materials in preparing the thesis.

I offer my gratefulness to the Gauhati University authorities for permitting me to publish the thesis.

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I offer my gratefulness to Dr. Biswanarayan Shastri for writing the foreword.

It is Shri S. K. Bhattacharyya, Proprietor of M/S Punthi Pustak who took the responsibility for publishing this book. Otherwise, it will not come to the eyes of the learned readers.

I shall be failing in my duty, if I do not offer my thanks to the employees of the M/S Punthi-Pustak and the workers of the Press for taking keen interest in Publishing this book and for bringing it out in such a short period of time.

N. R. Sharma.

Chapter III : THE KĀMARŪPA SCHOOL
OF DHARMAŚĀSTRA

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NOTE ON METHODOLOGY

Underlining :

The main Heading and Sub-headings of a Chapter are given in block letters and underlined.

All book names in the main text are underlined. The initial letters of such words as Veda, Brāhmaṇa, Purāna etc. are given in Capital when these are written individually but when these words are suffixed with other words as Ṛgveda, Aitareyabrāhmaṇa etc. they are written in small type.

The Sanskrit words like Dharma, Artha, Āśrama etc. are written in their uninflected forms with the initial letters in capital. The words ending in a consonant, e.g., Karman and Parvan are, however, used in their inflected forms, with the only exception that the word Varman suffixed with other words is written in its substantive form as Avantivarman.

The technical words such as Śrāddha, Aśauca, Vrata, Prāyaścitta etc. are written with the initial letter in Capital without underlining them.

The names of authors and books in the quotations occurring in foot-notes are written without the initial letter in capital. The names of books in such quotations are also not underlined. Only the names of books from which the reference is made is underlined.

Typing

The foot-notes are typed in double space like the text itself in order to make it convenient for putting diacritical marks as the quotations are mostly in Sanskrit and written in Roman script.

SCHEME OF TRANSLITERATION

अ = a	क = k	त = t	श = ś
आ = ā	ख = kh	थ = th	ष = ṣ
इ = i	ग = g	द = d	स = s
ई = ī	घ = gh	ध = dh	ह = h
उ = u	ङ = ṅ	न = n	क्ष = kṣ
ऊ = ū	च = c	प = p	ज्ञ = jñ
ऋ = ṛ	छ = ch	फ = ph	Anusvāra = ṅ
ॠ = ṝ	ज = j	ब = b	Visarga = ḥ
ए = e	झ = jh	भ = bh	
ऐ = ai	ञ = ñ	म = m	
ओ = o	ट = ṭ	य = y	
औ = au	ठ = ṭh	र = r	
	ड = ḍ	ल = l	
	ढ = ḍh	व = v	
	ण = ṇ		

ABBREVIATIONS

AB	—	Aitareyabrāhmaṇa.
AV	—	Atharvaveda.
AGR	—	Āśvalāyanagrhyasūtra.
ADH	—	Āpastambadharmasūtra.
AP	—	Amśaparakāśikā
BS	—	Brahmasūtra.
Br. Up	—	Bṛhadāranyakaupaniṣad.
Ch. Up	—	Chāndogya upaniṣad.
Ch.	—	Chapter.
Chs.	—	Chapters.
Comm.	—	Commentary.
CHA	—	Cultural History of Assam.
EHK	—	Early History of Kāmarūpa.
Ep. Ind.	—	Epigraphia Indica.
G. Br.	—	Gopathabrāhmaṇa
GDh.	—	Gautamadharmasūtra.
Gp	—	Gūḍhārthaparakāśikā.
HA	—	Hastyāyurveda.
HDH	—	History of Dharmaśāstra.
IAA	—	Inscriptions of Ancient Assam.
KK	—	Kālakaumudī.
KP	—	Kālikāpurāṇa.
Ks	—	Kāṇvasamhitā.
Ks	—	Kāmarūpasāsanāvalī.
K.S.S.S.	—	Kāmarūpa Saṃskṛta Sañjīvanī Sabhā.
MS	—	Manusamhitā.
Ms	—	Manuscript.
MBH	—	Mahābhārata.

Mahan. Up	—	Mahānārāyaṇa upaniṣad.
PGS	—	Pāraskaragrhyasūtra.
Preta. K	—	Pretakaumudī.
PS	—	Prācyaśāsanāvalī.
Rv	—	Ṛgveda.
SB	—	Śatapathabrāhmaṇa.
SV	—	Sāmaveda.
SK	—	Siddhāntakaumudī.
Sk	—	Śrāddhakaumudī.
SHK	—	Social History of Kāmarūpa.
Sm. gr. Sam	—	Sāṃkhyāyanagrhyasaṃgraha.
Sam. Kau.	—	Samkrānti kaumudī.
TS	—	Taittirīyasaṃhitā.
TA	—	Taittirīya āraṇyaka.
TB	—	Taittirīyabrāhmaṇa.
Tandya. Br.	—	Tāṇḍyabrāhmaṇa.
Yv.	—	Yajurveda.
Y. Smṛti	—	Yājñavalkyasmṛti.
YT	—	Yoginītantra.

PREFACE

The object of this dissertation is to present a connected account of the Dharmaśāstra literature of ancient Assam, i.e., Kāmarūpa, which once covered the whole of Assam and some portions of Bengal and Bihar. The literature, that has been produced in Assam in the early and mediaeval periods bears marks of a rich cultural heritage. There were numerous Assamese scholars who wrote on different branches of study like Veda, Vyākaraṇa, Kāvya, Darśana, Dharmaśāstra and so on. Of all the works of those scholars those on Dharmaśāstra are most remarkable.

An attempt has been made here to furnish an account of the Dharmaśāstra works, compiled or written in this part of India, and the writers of those works. Scholars like Vedācārya, Nilāmbarācārya, Dāmodaramiśra, Pītāmbarasiddhāntavāgīśabhaṭṭācārya and others are regarded as authoritative writers in this field and their precepts are sincerely followed by the people of Assam.

A number of Digests and Nibandhas on Dharmaśāstra were compiled by a good number of scholars during the last 700 years. Digests and Nibandhas compiled since 13th-14th century upto the 19th century can be found in different places of Assam. Traditionally it is believed that *Śrāddhabhāṣya*, *Kālakaumudī*, *Smṛtiratnākara*, *Smṛtisāgara*, *Smṛtisāgarasāra*, *Gaṅgājala*, *Makhapradīpa*, *Śrāddhakaumudī*, *Pretakaumudī*, *Dāyakaumudī* and a good number of other such works were written in ancient Assam, i.e., Kāmarūpa. Most of the treatises are found in manuscript form and written in old Assamese script.

Though the opinions of scholars like Bhavadeva, Halāyudha, Aniruddhabhaṭṭa, Jīmūtavāhana etc. of Bengal and Vācaspatimiśra, Lakṣmaṇopādhyāya, Śrīdattopādhyāya etc. of

Mithilā are honoured and followed in Assam yet there are differences of opinion of the authors of Digests of Kāmarūpa with the authors of Bengal and Mithilā. Some of the Scholars of Kāmarūpa tried to refute the opinions of the neo-smārta protagonists of Bengal, particularly Raghunandanabhaṭṭācārya. But that is not the only thing that projects the Dharmaśāstra tradition of Assam, because, apart from refuting the views of other established authorities, the scholars of Assam could build up independent system covering the usual aspects of Dharmaśāstra so as to suit the local social traditions.

There are some peculiar customs prevailing in Assam which are traditionally recognised by the people as authoritative. In support of such practices Kāmarūpīyanibandhakāras had to find out and quote dicta from ancient scriptures as well as to abandon some dicta which had been considered to be against the prevailing customs. This is how an independent system grew up. References to and quotations from *Kāmarūpīyanibandha* can be found in the works on Dharmaśāstra written by some of the Smṛtikāras of other parts of India, specially those of Bengal and Mithilā. Very little research has so far been done by modern scholars about the works on Dharmaśāstra, specially the Digests and Nibandhas, compiled or written in ancient Assam, i.e., Kāmarūpa, during last 700 years and about the authors of those treatises.

Paṇḍit Ramānātha Gosvāmī, Vidyālakṣmī, Paṇḍit Tārānātha Smṛtītīrtha, Paṇḍit Gopālacandra Bhāgavati Tarkasmṛtītīrtha, Paṇḍit Raghunātha Śiromaṇi and a few other traditional scholars were, however, pioneers in this field of study. They edited and published a limited number of Nibandhas compiled in Kāmarūpa. The interest they have evinced was perhaps due to the fact that Bangīya Saṁskṛta Śikṣā Pariṣat and the Assam Sanskrit Board prescribed works also on Kāmarūpasmṛti in their respective courses of study. Amongst the modern scholars, Professor Ghanakānta Śarmā, wrote some research articles on this subject and got them published in different journals. Dr. Biswanarayan Shastri has also done some works on this line. Till now Acharya Manoranjan

Shastri has however, made the largest and best contributions to this area of study with a good number of learned articles on several authors and their works. He had collected a large number of manuscripts (about 1600) with the help of Late Bhagavan Chandra Goswami, then a professor in the Nalbari Sanskrit College. The manuscripts were preserved in the library of the Kāmarūpa Saṁskṛta Sañjīvanī Sabhā at Nalbari. Acharya Shastri prepared a Descriptive Catalogue of some of the manuscripts of that large collection. The Catalogue, however, remains to be published as yet.

A four page Brief note on Dharmaśāstra works and writers from Kāmarūpa (i.e., Assam) is appended to the *History of Dharmaśāstra* (Vol. I, Part II), the magnum opus of MM P. V. Kane. But a complete and co-ordinated of the works on Dharmaśāstra written in Kāmarūpa and of the authors of those works remained to be prepared.

An attempt is, therefore, made here to prepare a comprehensive and systematic account of the treatises on Dharmaśāstra compiled in ancient Assam, i.e., Kāmarūpa during the mediaeval period and of the authors of those works.

With these prefatory words, I now humbly present this work for its assessment by the authorities, because, as Kālidāsa observes :

“ā paritoṣād viduṣāṁ na sādhu manye prayogavijñānam”.

GAUHATI UNIVERSITY
15th August, 1993.

Naliniranjan Sharma.

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