A BOGUS PASSAGE IN JOLLY'S NĀRADA-SMṚTI

The most important organizing principles in the treatment of legal procedure in the metrical smṛtis are the vyavahārapada-s or titles of law. The Manu-smṛti is the first to have listed the specific number of topics as 18, although as Kane has rightly pointed out the use of such topics in discussions of legal procedure is attested both explicitly and implicitly from the earliest strata of the dharmāśāstra. It has been observed that one of the essential differences between the Manu-smṛti and the Nārada-smṛti is the innovation made by Nārada in subdividing the number of 18 vyavahārapadas into 132 subdivisions. While it is true that the Nārada-smṛti is in general more systematic and analytic than the Manu-smṛti, it is not true that the original text of the Nārada-smṛti claims that there are 132 subdivisions of the titles of law. This can be shown from an examination of the passage of the Nārada-smṛti in question.

In his 1885-86 edition of the Nārada-smṛti Julius Jolly included the following verses:

1.20 “Another division of these titles is 132. It is said that it has 100 branches because of the various kinds of human activity.”
1.21 “Non-payment of debt has twenty-five. Deposits has six. Partnership has three divisions. Resumption of gift has four.”
1.22 “There should be nine divisions for Non-performance of a Service. Four for Wages. Two concerning Sale Without Ownership and one for Non-delivery of What was Sold.”
1.23 “There are four divisions for Cancellation of Sale. One for Breach of Contract. Twelve concerning Fields. Twenty divisions for Men and Women.”
1.24 “Inheritance has nineteen divisions. Assault has twelve. Verbal abuse and Physical abuse—three divisions for both.”
1.25 “Gambling and betting on animals has one division. Miscellaneous has six divisions. Thus all of these divisions total 132.”
To which he added this note (p. 10), "It must be owned that the style and language of these verses has a very suspicious look." The panḍitas of the Dharmakośa, p. 15, felt the same thing about the last five verses given above: "etat ślokapañca-kam āsuddhīhahulaṃ vṛttaduṣṭaṃ ca."

There is no doubt that these are strange verses. Verse 21ab is hypermetric, for one thing. That is not grounds for rejecting the whole passage, but it does add to the suspicion about that verse. More meaningful is the unusual enumeration of subdivisions of the titles of law (vyavahārapadas). This is as far as I know, unique in the literature on legal procedure. It is even unique within the text of the Nārada-smṛti itself since these numbers are not mentioned under the specific treatments of the respective titles of law found later in the text. Indeed, in reading the Nārada-smṛti's treatments of the titles of law, it is not at all clear what the four divisions of Cancellation of Sale would be or what the twelve subdivisions of Disputes Over Fields would be to mention only two examples. Since there is no definite enumeration of such subdivisions in the treatments of the titles of law, then perhaps the total number of subdivisions (prabhedaś, verse 1.25) – 132 – is intended to convey simply that the subject of vyavahāra is complex with a "large number" of aspects. But then the question becomes – why the specific number 132? This is not at all a conventional way of expressing a "large number". One would expect rather, 100, 108, 1000, or 1008 to serve this purpose.

A further suspicion about these verses is raised by the fact that verses 21–25 are completely unknown to any other mūla-smṛti, bhāṣya, or nibandha. These verses are unique. This is unusual, indeed, because the 18 titles of law have been the organizing principle for texts on legal procedure since the Manu-smṛti. These vyavahārapadas differ slightly in their sequence and wording from text to text, but the enumeration of the titles of law remains the basis for the treatment of adjective and substantive law. The Nārada-smṛti is a singularly important text on these subjects and if it had made such an innovation in the analysis of legal procedure as to make clear that there were, say, four subdivisions of the title of Recession of Purchase, this would surely have been noted subsequently by one of the hundreds of writers on dharmaśāstra. Not only are these subdivisions not found in any other work, but they occur in a single manuscript. Of the 49 manuscripts which I have collected for a new edition of the Nārada-smṛti, only one has these five verses – the manuscript containing the valuable commentary of Asahāya. These two facts: non-occurrence in other texts and non-occurrence in other manuscripts are strong evidence for their rejection as bogus verses which have found their way into a single Nārada manuscript.

Verse 1.20 above is a different matter. This verse, or a portion of it, is found in eleven texts according to the Dharmakośa p. 14. This presents a problem since this verse states that there are 132 subdivisions of the vyavahārapadas (esāṃ).