# SACRED LAW AND SOCIAL ORDER: DHARMAŚĀSTRA'S LEGACY IN MEDIEVAL ASSAM

Dr. Anindya Bandyopadhyay*

## Abstract

This paper explores the adaptive transmission and regional integration of the pan-Indian *Dharmaśāstra* tradition in medieval Assam, a culturally diverse frontier of the Sanskritic world. It argues that *Dharmaśāstra* functioned not as a fixed legal code but as a flexible ideological framework, enabling the assimilation of *sāstric* norms through processes of Sanskritisation, royal patronage, and cultural negotiation. Drawing upon *Buranji* chronicles, inscriptions, and sāstric texts, the study demonstrates how local *Dharmaśāstrakāras* selectively incorporated regional customs into their normative discourse, while deliberately avoiding engagement with the judicial components of *Dharmaśāstra*—such as *vyavahāra*, civil and criminal procedure, and *rājadharma* (royal duties). This conscious omission suggests both an acknowledgement of Assam's distinctive legal ecology and a lack of political impetus to systematise adjudicatory frameworks in *śāstric* terms.

The findings reveal a distinct socio-legal order in which the classical *varṇa* hierarchy was pragmatically reduced to a Brahmin–Śūdra binary, shaped by the limited presence of *Kṣatriya* and *Vaiśya* groups and the egalitarian impulses of Neo-Vaiṣṇavism. Kinship structures retained patrilineal joint family models, with prevalent practices such as polygyny and socially sanctioned divorce. Inheritance customs reflect a synthesis of Dharmaśāstric norms with indigenous institutions such as the service-based *Paik* land tenure system of the Ahoms. The practice of *sati* appears marginal and voluntary, diverging significantly from its portrayal in broader Indian contexts.

The paper concludes that Dharmaśāstra in medieval Assam

*Head & Assistant Professor, Department of Sanskrit, University of Kalyani, Kalyani, Nadia, West Bengal. Pin: 741235, India E-mail: anindyasans21@klyuniv.ac.in

served as a dynamic vehicle for legitimising local socio-political realities through theological accommodation rather than juridical enforcement. By integrating tribal customs and administrative conventions into the Sanskritic ideological fold, Dharmaśāstra facilitated Assam's inclusion within the broader Indic civilisational matrix while preserving regional particularities. Assam thus offers a compelling example of Dharmaśāstra's resilience as a pluralistic, adaptive tradition—one that privileged orthopraxy through orthodoxy in a frontier setting.

## Introduction

The *Dharmaśāstra* tradition, one of the most enduring legal and intellectual legacies of classical India, offers a window into the social imagination of ancient and medieval South Asia. Far from being a rigid body of prescriptive law, *Dharmaśāstra* represents a dynamic and layered discourse on *dharma*—normative order, moral obligation, and customary practice. Extending across more than two millennia, this literature served as a sophisticated site of reflection on idealised conduct, social hierarchy, and the regulation of everyday life. Yet its authority did not derive from codified statutes or state enforcement, as in the modern understanding of positive law, but rather from its embeddedness in a shared cultural logic, shaped by memory, tradition, and regional adaptation.

Scholars such as J.D.M. Derrett (1973:9) and Patrick Olivelle (2005a:62,64) have cautioned against equating *Dharmaśāstra* with state-imposed law. Rather, it functioned as an expert tradition—what Olivelle calls a "second-order discourse"—concerned with interpreting and systematizing social customs. The texts themselves, often attributed to mytho-historical sages like Manu and Yājñavalkya, were composed over centuries by Brahmin intellectuals whose authority rested not in political power but in scriptural hermeneutics and ritual capital. Their claims to universality were mediated through a careful accommodation of regional variation, guild practices, and caste-based norms. Thus, while the tradition maintained a Brahmanical ideal, it also served as a capacious archive of localized moral economies.

This paper explores the impact of this tradition on medieval Assamese society and culture—a region situated on the northeastern frontier of the Indian subcontinent, historically characterized by

its ethnolinguistic diversity and non-Vedic substratum. Despite its distance from the Sanskritic heartland, medieval Assam exhibits clear signs of *Dharmaśāstric* influence, particularly in legal customs, social organisation, kinship patterns, and ritual life. The transmission of *smṛti* norms into Assamese society occurred not through political coercion but through processes of cultural assimilation, Sanskritisation, and religious patronage.

In advancing this inquiry, the paper builds on the proposition that *Dharmaśāstra* was not a fixed legal code but a regulatory ideology—a flexible framework that allowed for the absorption and legitimation of local practices. The Assamese example illustrates how a regional society, often excluded from the so-called "Aryan core," engaged with and adapted the *Dharmaśāstra* tradition to suit its own historical and cultural conditions. By examining this interaction, we gain a more nuanced understanding of how pan-Indic normative frameworks shaped the lived realities of diverse communities across the subcontinent.

## Approaching Dharmaśāstra as a Socio-Cultural and Juridical Source

Before delving into the specific influence of *Dharmaśāstra* on medieval Assamese society, it is imperative to first reconsider how we approach *dharma* literature more broadly. Rather than viewing these texts solely as doctrinal religious treatises or rigid legal codes, we must acknowledge them as crucial socio-cultural sources that offer insight into the normative imagination of ancient and medieval India. They reflect both the intellectual elite's vision of order and the pragmatic accommodations necessary to govern a diverse subcontinent.

A fundamental challenge in studying the *Dharmaśāstra* tradition lies in the absence of historical self-disclosure. The texts, self-consciously cast in the idiom of Vedic timelessness, rarely provide concrete information about their own authorship or temporal context. As scholars such as Patrick Olivelle have noted, we are left to extrapolate the processes by which these texts emerged and functioned. Yet, what is clear is that these works represent a tradition of considerable internal coherence, methodical hermeneutics, and a stable intellectual architecture—what Olivelle calls a "meta-discourse" or second-order reflection on custom (Olivelle 2005a: 62, 64). Rather than recording custom directly, they theorize it, reshaping lived practices into *śāstric* norms.

This juridical tradition, while upholding the Veda as its ultimate

authority, consistently acknowledges that *ācāra* (custom)—particularly *śiṣṭācāra*, or the practice of the learned—is a binding source of *dharma*. Indeed, the *nibandhakāras* and *Mīmāṃsakas* expended great hermeneutical effort to validate custom, even elevating it to the level of lost or forgotten Vedic mandates. This theological move enabled the incorporation of diverse regional practices into a unified normative vision. As Olivelle argues, this was not simply a passive recording of social realities, but a conscious intellectual endeavor to legitimate pluralism under the Vedic canopy.

This flexibility is explicitly reflected in the legal texts themselves. The *Manusmṛti*, *Nāradasmṛti*, *Bṛhaspati*, and *Kātyāyana* all affirm the binding authority of local conventions—those of guilds, castes, regional groups, and even heretical sects. *Nāradasmṛti* (10.2–3) articulates this clearly:

> *pāṣaṇḍanaigamaśreṇipūgavratagaṇādiṣu |*
> *saṃrakṣet samayaṃ rājā durge janapade tathā ||*
> *yo dharmaḥ karma yac caiṣām upasthānavidhiś ca yaḥ |*
> *yac caiṣām vṛttyutpādānaṃ anumanyeta tat tathā ||*

> "The king must protect the conventions of heretics, corporate bodies, guilds, religious groups, and others in both urban and rural areas. Whatever their duties, rituals, and livelihoods, he must recognize and uphold them."

Such passages reveal a legal pluralism rooted in consensus, not codification. Royal courts were expected not to legislate universally, but to enforce locally accepted norms, thereby affirming the autonomous juridical authority of non-state actors. Indeed, the *vyavasthās*—settled decisions of regional communities—were to guide not only local adjudication but also royal judgments.

Modern scholars have interpreted this ideological structure variously. Vincenzo Squarcini terms it the "brahmanical regulatory project" (2011:135), while Burton Stein provocatively calls it a "Brahmin conspiracy" (1969), emphasizing its strategic accommodation of regional difference under a centralizing orthodoxy. These formulations highlight how the *Dharmaśāstra* tradition expanded its influence through inclusion rather than uniformity. The real authority, from this perspective, lay not in the Veda per se, but in the ability of the tradition to subsume and regulate local custom by sacralizing it—sometimes through invented genealogies of lost Vedic origins.

This mode of "orthopraxy through orthodoxy" ensured that communities not traditionally under Brahminical influence—such

as those in northeastern India—could be symbolically integrated into the Sanskritic sphere. What appears at first as a theological fiction—the derivation of custom from forgotten Vedic sources—is in fact a socially integrative strategy that legitimizes diverse practices under a pan-Indian normative order.

It is within this framework that the current study explores how medieval Assam, geographically and ethnically peripheral to the Aryan heartland, came under the cultural and legal sway of the *Dharmaśāstra* tradition. By tracing how local customs were codified, sanctioned, and Sanskritised, we gain insight into the mechanics of cultural assimilation, legal continuity, and the ideological expansion of the Brahmanical order into the Assamese socio-cultural sphere.

## Historical Context and Methodological Premises

The history of ancient Assam—particularly of Kāmarūpa—represents the evolution of a distinctive regional civilization shaped by a complex matrix of geography, ethnicity, and cultural interaction. Though sharing broad affinities with the greater Indian cultural sphere, this region developed unique sociocultural and religious characteristics that set it apart from other parts of India. These peculiarities stem largely from its ecological diversity, the intermingling of tribal and non-tribal populations, and the interplay between indigenous practices and Aryan influences.

The full historical narrative of ancient Assam remains, to a significant extent, partially reconstructed. Nevertheless, literary and epigraphic sources offer valuable insights. Mythological figures such as Naraka, Bhagadatta, Bhīṣmaka, Bāṇa, and Babruvāhana— recurrently mentioned in the *Purāṇas*, the *Mahābhārata*, and the *Rāmāyaṇa*—symbolize the early Aryanization of this region. The narratives suggest that Aryan cultural elements reached Assam long before the Common Era. This is further corroborated by early Sanskrit treatises such as the *Hastyāyurveda* of Palakapya and the works of sage Sāmagāyana, which allude to the fauna and rituals of the region.

More concrete historical evidence comes from copper-plate inscriptions issued by various rulers of ancient Kāmarūpa, which not only indicate the spread of Vedic culture but also the assimilation of local customs within a Sanskritic framework. The precise period of Aryan migration and settlement in Assam remains uncertain; however, internal evidence from the epics and the *Purāṇas* confirms that by the time of the *Mahābhārata*, the region was already incorporated

into the broader Indic world. Legends associated with Naraka—who is credited with establishing Brahmin settlements and driving the *Mlecchas* and *Kirātas* into peripheral zones—symbolize this process of cultural integration and social stratification.

Texts such as the *Hara-Gaurīsaṃvāda* further reinforce this narrative, describing how Bhagadatta brought one hundred Vedic Brahmins from Kānyakubja to Kāmarūpa to perform sacrifices, signifying the introduction of orthodox ritualism into the region. Similarly, several *Tantric* texts—*Kālikāpurāṇa, Yoginītantra, Devībhāgavatapurāṇa, Hevajratantra, Mañjurīmūlakalpa*, and Tibetan chronicles like Taranātha's *History of Buddhism in India*—highlight the dynamic and syncretic religious landscape of ancient and early medieval Assam, where Brahmanical, Buddhist, and tribal elements coexisted and overlapped.

The arrival of the Tai-Ahoms in the 13th century marked a major historical transition. Sulāphā (Sukhāpā), the first Ahom ruler, founded the Ahom kingdom in 1228 CE after migrating from the east. The Ahoms were originally part of the broader Tai-Shan ethnolinguistic group, and their migration brought a new layer of cultural complexity to Assam. Other related tribes such as the Khāmtis, Phākiyals, Narās, and Aitoniyas followed, populating the eastern frontier of the region. Over time, the Ahoms underwent a process of rapid acculturation, gradually abandoning their indigenous *Tau* religion and embracing Hinduism. This transformation catalyzed a broader wave of assimilation among the diverse ethnic communities of the region.

*Vernacularizing Dharma: Legal Consciousness and Cultural Pluralism in Medieval Assam through the Buranjis*

The social fabric of medieval Assam evolved as a complex and dynamic synthesis of tribal and Indo-Aryan cultural elements. While the process of Sanskritization commenced relatively early, its initial impact was largely restricted to the ruling elites and Brahminical circles. It was only with the political consolidation under the Tai-Ahom rulers that this process began to permeate deeper layers of society, resulting in a broader cultural assimilation. The most vivid and enduring documentation of this transformation is preserved in the *Buranjis*—a corpus of indigenous historical chronicles, originally composed in the Ahom language and subsequently in Assamese.

The *Buranjis* stand out as a unique genre within South Asian historiography. Commissioned first by the Ahom monarchs and

later maintained by both state and private actors, these chronicles encapsulate more than six centuries of Assamese history. Drawing from administrative records, diplomatic exchanges, judicial proceedings, and eyewitness testimonies, they furnish a rare, continuous narrative of political, social, and legal developments. Far from being mere annals of events, the *Buranjis* offer crucial insights into customary laws, kinship structures, caste dynamics, ritual practices, and governance mechanisms.

George A. Grierson, in his *Linguistic Survey of India*, aptly recognized the centrality of *Buranjis* in Assamese intellectual life, noting that a knowledge of these texts was considered an essential attribute of elite status. Their narrative style—marked by brevity, clarity, and an absence of ornamental prose—makes them particularly valuable for reconstructing premodern Assamese society with a high degree of historical fidelity.

The methodological orientation of the present study rests on two interrelated propositions. First, it reconceptualizes *Dharmaśāstra* not merely as a fixed doctrinal canon but as a dynamic normative discourse that continuously negotiated with, and adapted to, regional socio-cultural contexts. Second, it positions the *Buranjis* as a critical lens for examining how this Sanskritic legal tradition was vernacularized in medieval Assam. While scholars such as Professor Naliniranjan Sharma, in his seminal *The Kāmarūpa School of Dharmaśāstra*, have highlighted certain regional deviations and ritual particularities, his analysis remains largely centered on religious customs and omits broader socio-legal dimensions such as family law, inheritance practices, or dispute resolution mechanisms.

This study therefore departs from earlier scholarship by arguing that the *Buranjis*, when read alongside epigraphic sources and the legal reasoning of Kāmarūpa's *śāstric* jurists, represent a vernacular extension of the pan-Indian *Dharmaśāstra* tradition. The Brahmin law-recorders of the region were not merely exegetes but active mediators between textual orthodoxy and lived reality. Their task often involved selectively validating prevailing customs through *śāstric* citations while discarding or modifying prescriptions that conflicted with local norms. Thus, the classical Sanskritic model of dharma provided the ideological scaffolding, whereas the *Buranjis* captured its localized articulation in practice.

In this light, the *Buranjis* emerge not simply as chronicles of political events but as repositories of legal consciousness and cultural adaptation. They document a society negotiating its way through legal pluralism—where customary practices, tribal traditions, and

Sanskritic jurisprudence coexisted and interacted in complex ways. This paper contends that without engaging with the *Buranji* corpus, it is impossible to grasp how the so-called "little tradition" of Assamese society received, reinterpreted, and at times resisted the normative imperatives of the "great tradition" of *Dharmaśāstra* literature.

## Caste Structure and Social Stratification in Medieval Assam

To begin with, it is essential to examine the structure of the caste system in medieval Assamese society, which reveals significant deviations from the normative varṇāśrama framework found in other parts of India. The caste system in medieval Assam presents a distinctive case within the broader history of Hindu social organisation in South Asia. While outwardly aligning with the *varṇāśrama* framework—the idealised fourfold classification of society into *brāhmaṇa, kṣatriya, vaiśya,* and *śūdra*—the Assamese caste structure evolved with marked deviations shaped by regional, historical, and ideological contingencies.

### *Limited Evidence for the Classical Varṇa Scheme*

Concrete historical evidence for the presence of all four classical *varṇas* in Assam is notably scarce. The available inscriptional and literary sources overwhelmingly focus on the *Brāhmaṇas*, particularly in the context of land grants and royal patronage. References to *Kṣatriyas* and *Vaiśyas* are strikingly rare. Most epigraphs remain silent on the intermediary *varṇas*, suggesting that while the *Brāhmaṇas* held a prominent and legitimised role in society, the other *varṇas* either lacked institutional presence or were absorbed within broader social categories.

Some early texts do attempt to project an idealised image of *varṇic* order. For instance, the *Kālikāpurāṇa* (Chapter 38) describes the semi-legendary king Naraka as having subdued the Kirāta chieftain Ghaṭaka and subsequently introduced a Vedic social order by settling Brahmins and representatives of the four varṇas in Kāmarūpa. Similarly, the copperplate of Balavarman III (9th Century CE) identifies Bhagadatta as *varṇāśramāṇāṃ gururekavirah*—"the sole preceptor of all the *varṇas* and *āśramas*"[1]—while the Nidhanpur copperplate of Bhāskara Varman claims that the king was divinely created to restore order to a disorganized *varṇāśrama* structure (*avakīrṇa-varṇāśrama-dharma-vibhāgāya nirmitaḥ*).[2] The Gauhati grant of Indrapāla (r. 960–990 CE) similarly states that the duties of

the four *varṇas* and *āśramas* were properly observed during his reign (*samyag-vibhakta-caturāśrama-varṇa-dharma*).[3]

However, such declarations likely reflect aspirational ideals of Brahmanical kingship rather than social realities. They served primarily to legitimize royal authority through the idiom of dharma and orthodoxy, rather than document actual societal structures.

## On-the-Ground Realities: A Dualistic Social Division

A more accurate reflection of Assamese social stratification emerges from indigenous historical accounts and modern scholarship. In *Burañji Vivekratna*,[4] Maniram Dewan (17 April 1806 – 26 February 1858) observes that Assamese society was essentially divided into just two categories: *Brāhmaṇas* and *Śudras*, with no real presence of *Kṣatriyas* or *Vaiśyas*. He mentions a lone *Kṣatriya* figure—Jitari, a migrant from the Drāviḍa region—who is said to have founded a minor principality, but this remains an isolated and largely anecdotal reference.

This bifurcated view is echoed in the works of Dr. P.C. Choudhury, who in *The History of Civilization of the People of Assam* (p. 316), identifies the *Brāhmaṇas* and *Śūdras* as the principal social divisions of Assamese Hindu society. While he concedes the possible presence of *Vaiśyas*, he notes that their social identity was neither strongly institutionalized nor distinctively recognized. Haliram Dhekial Phukan in *Assam Burañji* supports this interpretation, as does B.M. Das, who writes in *The People of Assam* (p. 11) that Assamese society consisted mainly of the *Bāmun* (Brāhmaṇas) and *Sudir* (non-Brāhmaṇas), with the latter comprising several occupational and hierarchical sub-castes.

## The Impact of Neo-Vaiṣṇavism and Cultural Pluralism

The limited functional presence of the varṇic structure in Assam is also attributable to the region's deep-rooted pluralism and the powerful socio-religious reform movements that shaped its cultural ethos. Most significant among these was the Neo-Vaiṣṇava movement initiated by Śaṅkaradeva in the 15th and 16th centuries. Emphasizing spiritual equality, personal devotion (*bhakti*), and community participation, this movement directly challenged the ritual supremacy of caste hierarchies and offered an inclusive religious platform open to all social groups.

The ideological thrust of Neo-Vaiṣṇavism undermined the rigid application of *varṇāśrama-dharma* and promoted a more fluid and integrative model of society. In practice, this meant that caste did

not always determine occupation or ritual status as rigidly as it did in many other parts of India. Professional mobility and ritual access were not exclusively governed by birth, leading to a more permeable and negotiable caste order.

### Adaptive Brahmanism and Localised Hierarchies

Despite the absence of a full-fledged *varṇa* structure, the ideology of Brahmanism retained considerable normative influence in Assamese society. The *Brāhmaṇas* occupied a ritually privileged position and were key recipients of royal patronage, especially in land grants, temple administration, and legal arbitration. Their authority was symbolically reinforced through *śāstric* references in inscriptions and religious literature.

However, the *varṇa* system in Assam functioned less as a rigid social blueprint and more as a legitimizing discourse that was selectively invoked and pragmatically adapted. The empirical social order—shaped by a mix of tribal customs, regional identities, and religious innovations—produced a localized form of Brahmanical stratification. This regional variant was partial, negotiated, and embedded in the pluralistic realities of Assamese society.

In sum, caste in medieval Assam did not conform strictly to the canonical *varṇāśrama-dharma* model. While Brahmanical texts and royal inscriptions articulated the ideal of a fourfold social order, actual practice suggests a dualistic social division shaped by both ideological assertions and regional circumstances. The *Brāhmaṇas* retained ritual and social authority, but the broader caste system evolved through adaptive engagements with tribal traditions, localized needs, and egalitarian religious currents. The resulting structure was not a replication of the classical *varṇa* hierarchy but rather a flexible and negotiated framework reflective of Assam's complex cultural landscape.

## Family and Kinship Structure in Medieval Assam

Like much of traditional India, medieval Assamese Hindu society was organized around the patriarchal joint family system. This structure was patrilineal and patrilocal, typically comprising male members of a lineage, their wives, sons, and unmarried daughters. Evidence of such kinship arrangements is found in several epigraphic records. The *Nidhanpur Copperplate Grant* of Bhāskaravarman (7th century CE) records land grants made jointly to multiple brothers, indicating the prevalence of collective family ownership.[5] Similarly,

the *Parbatiya Copperplates* of Vanamaladeva (5th century CE) mention four brothers—Cuḍāmaṇī, Detobha, Garga, and Sambhu—residing together, exemplifying the joint family tradition.[6]

## Polygyny and Co-Wives

Polygyny was widespread in medieval Assam, practiced not only by kings and nobility but also among commoners. The presence of multiple wives within a household often led to strained intra-familial relations, especially among co-wives. Despite the principle of primogeniture, succession disputes were not uncommon. A notable instance is recorded in the *Darrang Rāj-Vaṃśāvalī*, which narrates how, upon the death of King Biswa Singha, his third son was installed as ruler by his mother—an act that contravened the expected succession of the elder sons, Malladev (Naranārayana) (1540-1583)[7] and Sukladhwaj (Chilarai), who were then away pursuing education in Varanasi.[8]

## Adoption, Divorce, and Social Attitudes in Medieval Assamese Society

### Adoption

In continuity with broader Indian traditions, adoption was a recognized and meaningful institution in medieval Assamese society, particularly among childless men seeking to ensure the continuation of lineage and the performance of posthumous rites. The adopted son was legally and ritually regarded as equivalent to a biological heir. A notable illustration of this is documented by Hiteswar Barbarua in *Ahomar Din: A History of Assam under the Ahoms* (p. 33), where he recounts that the queens of Sukhampha, also known as Khora Rāja (r. 1552–1603 CE), adopted a boy named Chetiar Nahar. Their intent was to establish him as heir, thereby preventing the throne from passing to the son of a rival co-wife. Though their plan was ultimately thwarted by the untimely death of the adopted child (ibid., pp. 66 ff), the episode clearly reflects the legal and political significance attached to adoptive kinship in royal households.

### Divorce

While divorce appears to have been rare among the aristocracy and not widely documented, textual references suggest that it was not entirely unknown in medieval Assam. G.R. Barua, in *Assam*

*Buranji* (1876: 200), alludes to instances where women left their original husbands and entered into new marital alliances, implying a socially sanctioned practice of divorce and remarriage. A prominent example is that of Gaurāma Kunwārī, the daughter of the chief of Gaur, famously termed the "Assamese Cleopatra" by historian S.K. Bhuyan. Initially married to the king of Kāmta, she later transferred her allegiance—and presumably her marital bond—to Detchung, the Kachari ruler (r. 1531–1536).[9]

An even more explicit reference comes from the reign of Suhenpha (r. 1488–1493 CE), who reportedly divorced his queen and handed her over to a Naga youth after she praised the latter's beauty in the king's presence.[10] Although systematic records on the grounds for divorce among commoners are lacking, it may be inferred that factors such as infidelity, incompatibility, or infertility could have justified marital dissolution within social norms.

## Social Attitude

The social ethos of medieval Assamese society was deeply hierarchical and governed by strict codes of respect and decorum. Deference to elders, officials, and those of higher caste was expected in everyday interactions. Commoners were required to bow their heads in the presence of higher-ranking individuals, although Brahmins were generally exempt from this obligation, reflecting their elevated ritual status.[11]

J. Butler, in his *Travels in Assam*, observed that within family structures, even the sequencing of marriage adhered to customary hierarchies: a younger brother could not marry before the elder unless the latter formally permitted it in writing. This social expectation is echoed in the Dharmaśāstric framework of Raghunandana, as found in his *Udvāhatattva* (pp. 60–61), which affirms the precedence of the elder sibling in matters of marriage and family dharma. These norms illustrate a society deeply rooted in patriarchy, caste consciousness, and ritual propriety, albeit one not entirely closed to renegotiations and practical adaptations.

# Inheritance and Land Tenure in Medieval Assam

## Dharmaśāstric Foundations of Succession

Inheritance practices among Assamese Hindus were broadly informed by *Dharmaśāstra* norms, yet adapted to local conditions. As Gunabhiram Barua observes, in the absence of a direct male

heir, the deceased's property could devolve upon a male kinsman. Nevertheless, these rules were not applied inflexibly: fathers sometimes bequeathed land during their lifetime to daughters or sons-in-law, even though daughters had no automatic claim upon paternal estates.[12] Widows, by contrast, possessed a recognized right to a share of their husband's property. Moreover, gifts (*stridhana*) presented to women at marriage or on other occasions remained their personal property throughout life and reverted to their heirs upon death.

## *Emergence of Land Rights*

In practice, dedicated landholding rights for individuals developed gradually toward the late medieval period. Under the Ahom administration, all adult males nominally qualified to receive two *puras* (approximately 2.66 acres) of arable land in exchange for state service. However, actual land distribution occurred through the **Paik system**, a corvée-labor military framework reflecting the Ahoms' Southeast Asian origins.

### THE PAIK SYSTEM AND STATE LAND

By the early 17th century, Momai Tamuli Borbarua (in 1608) reformed and professionalized the Paik organization, a project completed under Sutamla Jayadhwaj Singha (r. 1648–1663). In this scheme:

- **Paiks**: Every able-bodied male (ages 16–50) not belonging to the nobility, priesthood, high castes, or servile classes was enrolled as a *paik*.
- **Gots**: Paiks were grouped into units of four (*gots*), each rotating one member for public works and militia service. During a paik's absence, his *got* maintained his land and dependents.
- **Khels**: By mid-17th century, paiks were reclassified into occupational or territorial divisions called *khels*, replacing earlier clan-based (*phoid*) structures.

In return for military and public service, each paik received:

1. **Service Land** (*gaa mati*): Two *puras* of rice-cultivable land, non-hereditary and non-transferable.
2. **Hereditary Holdings**: A tax-free homestead (*basti*) and kitchen garden (*bari*), both heritable and salable.

SOCIAL COMPOSITION AND DECLINE

By the reign of Rudra Singha (c. 1714), paiks comprised an estimated 90 percent of the population, with the landed aristocracy forming roughly 1 percent and the remainder constituting servile or specialized professional groups. The Paik system—with its reciprocal obligations—underpinned the Ahom economy and military. However, internal contradictions and the pressures of the Moamoria Rebellion (1769–1805) precipitated its collapse by the late 18th century.

Despite the system's rigidity, the Ahom monarch occasionally exercised discretionary patronage. For example, Swargadeo Gadadhar Singha (r. 1681–1696) granted 100 *puras* of land each to two Brahmin supporters—Tangali of Bokakhat and Raja Charan of Morangi—as rewards for their loyalty during his period of concealment.

## Sati in Assamese Society: A Marginal Practice Rooted in Individual Choice

The practice of *sati*—the self-immolation of a widow on her husband's funeral pyre—was never institutionally entrenched in the social fabric of ancient and medieval Assam. While orthodox Brahmanical ideology emphasized *pativratā-dharma* (wifely fidelity) as the highest virtue for women—demanding unwavering loyalty even in the face of spousal immorality or moral lapses—this did not culminate in a normative *sati* tradition in Assamese Hindu society.[13]

The extant historical record offers only isolated instances of *sati*, notably the case of a concubine of King Bhaskaravarman (r. c. 600–650 CE), who immolated herself upon the monarch's death. Another reference occurs in the *Kathā-Guru-Carita* (p. 31), which records that the mother of the saint Śaṅkaradeva committed *sati* after her husband's death. Both instances appear to reflect acts of personal grief and devotion rather than expressions of socio-religious compulsion. Unlike in other regions of India, where *sati* sometimes functioned as a socio-religious imperative, these Assamese cases suggest the practice was voluntary and devoid of institutional encouragement.

However, the scenario changes when Assamese royal women married into dynasties outside the region. In such cases, they were expected to conform to the prevalent customs of their marital domains. Altekar, in *The Position of Women in Hindu Civilization* (p. 123), notes that a Nepalese queen named Rājyavatī performed *sati* in

the early 7th century CE. According to him (pp. 143–44), Rājyavatī may have been a daughter of King Harṣavarman of the Śālastambha dynasty, who was married to Jayadeva II of the Lichchavi dynasty in Nepal. Though born into an Assamese royal family, her observance of *sati* appears to have stemmed from the ritual expectations of her adoptive homeland.

In summary, *sati* in the Assamese context was not a culturally embedded or widely practiced institution. The few known cases are either deeply personal acts or products of external cultural imposition. This marginality of *sati* underscores the regional distinctions in gender norms and widowhood practices within the broader Hindu world.

## Conclusion

This study has sought to highlight the adaptive and context-responsive character of legal thought in ancient and medieval Assam, situating it within the broader Dharmaśāstra tradition. Rather than functioning as a rigid, codified system of jurisprudence, Dharmaśāstra in Assam operated as a normative idiom—one that mediated between textual orthodoxy and the demands of local custom and socio-political reality. Legal regulation in this frontier region was less about strict enforcement and more about cultural assimilation, legitimation, and interpretive flexibility.

A notable feature of the Kāmarūpa School is the absence of dedicated treatises on *vyavahāra* (judicial procedure) or codified civil and criminal law. This omission should not be misconstrued as a lack of legal sophistication. On the contrary, it reflects a strategic posture: the assumption that local personal and customary laws could be harmonised with the broader Dharmaśāstra corpus—particularly through reliance on the Bengal School and other regional traditions. The jurists of Assam, while grounded in śāstric authority, prioritised theological accommodation over legal codification. Practices such as *sati*, which remained marginal and voluntary, serve as exceptions that confirm the broader pattern of convergence between *śāstric* ideals and lived customs.

To conceptualise this legal hermeneutics, W.V. Quine's (1960) metaphor of the ship repaired at sea proves instructive. Like sailors refurbishing their vessel without ever setting it ashore, Dharmaśāstra scholars worked within an inherited textual tradition while gradually adapting it from within. Legal reform in this context did not entail systemic rupture or wholesale revision but occurred through

incremental reinterpretation—preserving the structural coherence of the tradition even as specific norms were re-evaluated.

Thus, the resilience of Dharmaśāstra lies not in its rigidity but in its capacity for negotiated continuity. The Kāmarūpa legal milieu illustrates this flexibility with clarity: it exemplifies how a śāstric tradition could remain authoritative while accommodating regional diversity and indigenous institutions. By privileging adaptation over absolutism and integration over imposition, the Dharmaśāstra tradition in Assam offers a model of pluralistic jurisprudence—one that foregrounds the dynamism of Hindu law as a living, evolving framework attuned to both textual fidelity and social relevance.

## Notes

1.  *bhūpālamaulimaṇicumbitapādapīṭhas tasyātmajo bhūd bhagadattanāmā|*
    rājā prajarāñjanalabdhavarṇo varṇāśramāṇāṃ gurur ekavīraḥ||
    *The Nowgong Copper Plate Grant of Balavarman III*, lines 8–9, Verse 7. See Bhattacharyya, P. N. (1932). *Kāmarūpaśāsanāvalī* (pp. 88–109). Rangpur: Rangpur Sahitya Parisad.
2.  *Nidhanpur Copper Plate Grant*, lines 34–35. See Bhattacharyya, P. N. (1932). *Kāmarūpaśāsanāvalī* (pp. 11–27). Rangpur: Rangpur Sahitya Parisad.
3.  *Gauhati Copper Plate Grant*, Verse 18. See Bhattacharyya, P. N. (1932). *Kāmarūpaśāsanāvalī* (pp. 117–124). Rangpur: Rangpur Sahitya Parisad.
4.  Maniram Dewan's *Burañji Vivekratna* (mid-19th century) is a historical chronicle that offers valuable insights into pre-colonial Assamese society. Written in Assamese, it reflects Dewan's observation that only two varṇas—Brāhmaṇas and Śūdras—prevailed in Assam, with Kṣatriyas and Vaiśyas largely absent. The work combines historical narrative with social commentary and remains an important early example of indigenous Assamese historiography.
5.  B.K. Barua, *A Cultural History of Assam*, p. 128
6.  P.C. Choudhury, *The History of the Civilization of the People of Assam to the twelfth century A.D..*, p 120
7.  Naranarayan (Assamese: নৰনাৰায়ণ; Kamtapuri: নৰনাৰায়ণ) (r. 1540–1587) was the last sovereign ruler of the unified Koch kingdom of Kāmatā. Succeeding his father Biswa Singha, Naranarayan presided over the political and cultural zenith of the kingdom. With strategic military campaigns led by his brother, the formidable general Chilarai, he extended Koch suzerainty over much of the Brahmaputra valley—including the Ahom, Kachari, Tripura, Manipur, and Jaintia kingdoms. His expansionist momentum, however, was eventually checked by the advancing forces of Sulaiman Karrani of Bengal.
8.  *Darrang Rāj Vaṃśāvalī*, Verse 266. See Sharma, N. (Ed.). (1973). *Darrang Rāj Vaṃśāvalī*. Gauhati: Assam State Archives.
9.  *Kachari Buranji*, Introduction, p. IX. See Bhuyan, S. K. (Ed.). (1930). *Kachari Buranji*. Guwahati: Department of Historical and Antiquarian Studies, Assam.
10. *Assam Buranji*, p. 73. See Barua, G. R. (Ed.). (1876). *Assam Buranji*. Guwahati: Publication Board Assam.
11. *Assam Buranji*, p. 203. See Barua, G. R. (Ed.). (1876). *Assam Buranji*. Guwahati: Publication Board Assam.

12. *Ibid.,* p.201
13. Sengupta, S. (1989). Women and religion. In *Proceedings of the Seminar on Status of Non-Tribal Women in Assam.* Dibrugarh: Dibrugarh University.

## Select Bibliography

Barua, B. K. (1951). *A cultural history of Assam.* Guwahati: Lawyers Book Stall.

——— (1986). *A cultural history of Assam* (3rd ed.). Gauhati: Bina Library.

——— (Ed.). (1876). *Assam Buranji.* Guwahati: Publication Board Assam.

——— (1955). *Assam Buranji.* Guwahati: Publication Board Assam.

Bhattacharya, D. N. (Trans.). (2008). *Kalikā Purāṇa* (in Assamese). Guwahati: Bani Mandir.

Bhattacharyya, P. N. (1932). *Kāmarūpaśāsanāvalī.* Rangpur: Rangpur Sahitya Parisad.

Bhuyan, S. K. (Ed.). (1930). *Kachari Buranji.* Guwahati: Department of Historical and Antiquarian Studies, Assam.

Boruah, N. (2010). *Historical geography of early Assam.* Guwahati: DVS.

Butler, J. (1848). *Travels and adventures in the province of Assam, during a residence of fourteen years.* London: Smith, Elder and Co.

Choudhury, P. C. (1959). *The history of the civilization of the people of Assam to the twelfth century A.D.* Guwahati: Department of Historical and Antiquarian Studies, Assam.

Das, B. M. (1960). *The people of Assam.* Guwahati: Firma KLM.

Derrett, J. D. M. (1973). *Dharma«s"astra and juridical literature.* Wiesbaden: Harrassowitz.

Dhekial Phukan, H. (1930). *Assam Burañji.* Guwahati: [Original publication; reprint details to be provided].

Dewan, M. (2002). *Burañji Vivekratna.* Dibrugarh: Dibrugarh University Coordination Committee.

Grierson, G. A. (1903). *Linguistic Survey of India* (Vol. 5, Part 2). Calcutta: Office of the Superintendent of Government Printing, India.

Hoernle, A. F. R. (1897). The Nowgong copper plate grant of Balavarman III. *Journal of the Asiatic Society of Bengal, 66,* 285–297.

Lariviere, R. W. (1989a). *The Nāradasmṛti* (2 vols.). Philadelphia: Department of South Asia Regional Studies, University of Pennsylvania. Reprinted in 1 vol. Delhi: Motilal Banarsidass, 2003.

——— (1997). Dharma«s"astra, "real" law and "apocryphal" smṛtis. In B. Kölver (Ed.), *Law, state, and administration in classical India* (pp. 97–109). Munich: R. Oldenbourg.

——— (2005). Law and religion in Hinduism. In *The encyclopedia of religion* (2nd ed., Vol. 8, pp. 5343–5347).

Olivelle, P. (2005a). *Manu's code of law: A critical edition and translation of the Mānava-Dharma«s"astra.* New York: Oxford University Press.

——— (2005b). *Language, texts, and society: Explorations in ancient Indian culture and religion.* Florence: Firenze University Press.

————— (Ed.). (2009b). *Dharma: Studies in its semantic, cultural, and religious history.* Delhi: Motilal Banarsidass.

Sengupta, S. (1989). Women and religion. In *Proceedings of the Seminar on Status of Non-Tribal Women in Assam.* Dibrugarh: Dibrugarh University.

Sharma, M. M. (1978). *Inscriptions of ancient Assam.* Guwahati: Department of Publication, Gauhati University.

Sharma, N. (1980). *The Kāmarūpa school of Dharma«s"astra.* Guwahati: Gauhati University.

————— (1972). *The Kāmarūpa School of Dharma«s"astra.* Guwahati: Gauhati University.

————— (Ed.). (1973). *Darrang Rāj Vaṃśāvalī.* Gauhati: Assam State Archives.

Shastri, B. (Ed.). (1982). *Yoginī Tantra* (Sāhitya-Vyākaraṇa-Mīmāṃsā Śāstrī, Kāvyatīrtha). Delhi & Varanasi: Bharatiya Vidya Prakashan.

Squarcini, F. (Ed.). (2011). *Boundaries, dynamics and construction of traditions in South Asia.* London: Anthem Press. http://www.jstor.org/stable/j.ctt1gsmzkg

Stein, B. (1969). Politics, peasants, and the deconstruction of feudalism in South India. *The Journal of Peasant Studies, 1*(3), 285–326.

————— (1969). Early Indian historiography: A conspiracy hypothesis. *Indian Economic and Social History Review, 6*(1), 1–9. https://doi.org/10.1177/001946466900600103

Taranātha. (1970). *History of Buddhism in India* (L. Chimpa & A. Chattopadhyaya, Trans.). New Delhi: Motilal Banarsidass.

Quine, W.V. 1960 (1960). *Word and Object.* MIT Press.