

Ethnobiological Studies from *Manusmruti*: IX. *Niyoga Prathaa*, A Natural Process of Artificial Insemination

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INTRODUCTION

Modern science has successfully implemented the process of artificial insemination to facilitate women for carrying children, whose husbands are either sterile (eunuch) or have some serious hereditary defects. Even women, not interested to take up the burden of marriage, yet want to have children get benefited through artificial insemination, from sperm banks. It is now possible to preserve eggs from females and transplant an young embryo (formed by the union of egg and sperm in a test tube) into the uterus of any woman acceptor, where it will continue to grow, that enables a sterile women to bear children. In this context cloning of animals is one step ahead and subsequently there is programme for cloning of human beings.

But such above activities to have human child, are often associated with serious social and psychological problems. Conception, materialized through aid of instruments in the hospital environment, could hardly have the emotional satisfaction of a natural method. There are either objections for the use of any sort of artificial means to achieve conception, feeling that this is contrary to the natural moral laws. More over the name of the doner of the semen is kept secret and the possibility of expectation can not be ruled out, that the youth planning for marriage could both have the same father (may be of different mothers) produced through artificial insemination. This may result to serious abnormal hereditary defects with children produced out of that couple in future (Winchester, 1951).

In our search (Padhy et al., 1997 a,b; Dash and Padhy, 1997 a,b; 1998 a,b,c,d,e; Padhy et al., 1997), for solutions to such problems in ancient Indian literatures from ethnobiological point of view, it is referred to *Niyoga Prathaa* (Engagement custom), which was prevalent in the Indian scenario since the vedic period as evident from the legendary epic *Manusmruti*. This process was followed and socially recog-

nized upto the end of *Mahaabhaarata* era of *Dwaapara yuga*. The multiple aspects of the process pertaining to its application and social recognition, are thoroughly dealt in *Adhdhaaya IX* of *Manusmruti*.

WHAT IS NIYOGA ?

The sanskrit word *Niyoga*, in literary sense means engaging some one to perform a specific work. But *Niyoga* process, as depicted in *Manusmruti* is referred to a socially allowed sexual relation with a female (who has either have a sterile husband or a widow without issue) by another specific man other than her husband, with the only intention to have a child (son). But this process was expected to occur under specific circumstances preserving certain ethical sense.

It is evident from *Sslokas* 65 to 67/ IX that *Niyoga Prathaa* was started by the King Vena, who was also a royal sage. It is also pointed out that either *Niyoga* or remarriage of widows was not mentioned in the rules concerning marriage, yet a widow was allowed to bear child engaging another man. It seems that King Vena was a social reformer, but *Smruti* has belittled him for his intellect being destroyed by lust. He was blamed for causing confusion of castes (*Varnassankaras*), which was socially not encouraged (Dash and Padhy, 1998 e). But in course of time reformation process of *Niyoga Prathaa* was accepted in the society as evident from many instances of *Mahaabhaarata* (birth of Dhrutarashtra, Pandu, Bidura, Karna and five Paandavas).

WHO WAS ALLOWED FOR NIYOGA ?

Maharshi Manu has declared:

"I will next propound the law (applicable) to women in times of misfortune; i.e. when there is no male offspring (*Sl* 56/IX)."

Further *Ssloka* 59/IX states:

DEBARAAD BAA SAPINDAADBAA
STRIYAA SAMYAMGNIYUKTAYAA,
PRAJEP SITAADHIGANTABYAA
SANTAANASYA PARIKSHAYE (SI 59/IX).

Meaning: On failure of issue (by her husband) a woman who has been authorised, may obtain (in the) proper (manner prescribed), the desired offspring by (cohabitation with) a brother-in-law or (with some other) *sapinda* (kinsman of the husband) (Buhler, 1886).

More over a widow, who has no children (SI 60, 62/IX) or a virgin (SI 69, 70/IX), whose marriage was settled but the expected husband died before nuptial (probably remarriage of such was socially prohibited) were also permitted for *Niyoga* in order to have a child.

The Hindu philosophy believes that, a son is essential for a person to offer *ssraaddhas* after his/her death and to the fore fathers and predecessors as well. In this context one sanskrit saying is as follows :

"Putraarthe kriyate bhaaryaa"

Meaning: Wife is meant to have a male offspring (for inheritance), that is why in case of contingency (misfortune) *Niyoga* was allowed to have a male child appointing the brothers or *Sapinda* with the wife of the deceased person concerned. This shows that there was eagerness to maintain the genetic traits of families. Even the widows of twice born man (*Dwijā: Braahmana/Kshatriya/Vaissya*) are not appointed with any other man, nor of her husband's caste, as this could lead to produce *Varnassankaras* (SI 4/IX) (Dash and Padhy, 1998 e).

ETHICAL AND SOCIAL RESTRICTIONS CONCERNED TO NIYOGA

But subsequently with reference to *Ssloka* 59/IX sited above, it is cautioned that:

- * The wife of an elder brother is for his younger (brother), equivalent to the wife of a *Guru*, but the wife of the younger is declared (to be) the daughter-in-law of the elder (SI 57/IX).
- * An elder (brother) who approaches the wife of the younger and a younger (brother who approaches) the wife of the elder, except in

times of misfortune (*Niyoga*), both become out castes, even though (they were duly) authorised (previously) (SI 58/IX).

- * But when the purpose of the appointment to (cohabit with) the widow, has been attained in accordance with the law, those two shall behave towards each other like a father and a daughter-in-law (SI 62/IX).
- * If those two (being thus) appointed, deviate from the rule and act from carnal desire, they both will become out castes, (as men) who defile the bed of a daughter-in-law or of a *Guru* (SI 63/IX) (Buhler, 1886). Such a male, who lasciviously dallies with the widow after *Niyoga* is called *Didhishoopati* a socially degraded one (SI 173/Ad III).

The above *Sslokas* bring out the restricted social relations of a person with his brother's wife. The association between the two sex partners of *Niyoga Prathaa* was purely for the purpose to have the child. They are not expected to continue their sexual relation after the purpose is over and should behave socially as they were before the *Niyoga*. In order to enforce the above relationship, certain physical and psychological restrictions are also prescribed to check any sort of passionate expressions between two partners.

PHYSICAL AND PSYCHOLOGICAL RESTRICTIONS DURING NIYOGA

BIDHABAAYAAM NIJUKTASTU
GHRUTAAKTO BAAGYATO NISSI,
AEKAMUTPAADAYET PUTRAM NA
DUITEEYAM KATHANCHANA (SI 60/IX).

Meaning: He (who is) appointed to (cohabit with) the widow, shall (approach her) at night anointed with clarified butter and silent (and) beget one son, by no means a second (Buhler, 1886).

Coating of ghee all over the body during cohabitation, was likely to restrict or make conscious some one for physical embracing the female and maintaining silence (no conversation) during the process, was just to avoid any kind of expression of compassion. This was followed to discourage further intimacy with the female partner. All these reinforce the idea that *Niyoga Prathaa* was in no means for sensual enjoyment,

but insemination only. More over the man should go for the process with all feelings of sane and holyness (purity), being dressed in white garments only once in each season. (*Rootu Kaala* - ovulation period) (*Sl 70/IX*). Probably ascertaining such a period of ovulation, was known to ancient people as reflected in *Sl 45/III*. The *Niyoga* period is expected to close up after begetting one son. But there is amendment to this dictum by some sages, prescribed for the second son. (*Sl 61/IX*).

EXPECTED REASONS FOR THE FAILURE OF NIYOGA PRATHAA

The whole process of *Niyoga* can be summarised as follows:

- a. It was allowed at the time of misfortune of a female appointed with a brother-in-law or other specific person with due open permission from her husband or family members (in case of a widow).
- b. The process was not for any sort of sensual pleasure, but only for insemination during the ovulation period.
- c. Any sort of intimacy or continuity of sexual relation of the participants was avoided by putting physical, psychological, ethical and social restrictions, as this may lead to further sex adultery. In this context, the son born from a female without *niyoga*, is known as *Kunda* (if the husband of that female is living) and *Golaka* (if the female is a widow), declared illegitimate with lower social status (*Sl 156,175 / III*).
- d. Children so produced were socially recognised and are attributed as son of the concerned husband (either who is deceased or living but permitted for *Niyoga*).

But however, a deep study into the various facts relating to *Niyoga Prathaa* shows that this system was not much successful in ancient days. The following points need to be examined regarding the biological and social acceptance of the procedure.

1. It is advised to approach the female only once in a month during the *Rootukaala*. In such circumstances, chances for fertilisation may be meagre and the possibility of ascertaining the *Rootukaala* with crude methods fol-

lowed during ancient times may be wrong.

2. The *Niyoga Prathaa* was aimed to have a male child. If considered from modern genetic point of view, as 50% sperms carry 'Y' chromosome, the theoretical possibility of having a son is again 50%.
3. The physical, ethical, social and psychological restrictions during the commencement of *Niyoga* is certainly difficult for a common man to follow strictly, often acts as an inhibitory cause for the success of the process.
4. The restrictions imposed upon, if not followed properly, it may lead to serious social consequences (*Bhrashtaachaara*) resulting into outcasting them. As such the criticism in the *Smruti* for king Vena, who was the procreator of the procedure, was an evidence for the social nonacceptance of the procedure in the beginning. But however in course of time it was adopted in the society.
5. More over one can anticipate the psychological trauma of the female after failure of *Niyoga*, even after passing through the hardship of the process. Specially the sexual urge, which can over rule all the bindings of the ethical sense, may be a supplementary factor for the mental failure of the female.

Keeping all these aspects in view alongwith the bare necessity of a son as a social need, the then society has recognised twelve types of social offsprings as son. Out of these, six are declared to be kinsman and heirs (Group-A) and other six not heirs but kinsman (Group-B). All these sons are entitled to perform funeral rituals at par like a legitimate son (No.1. Gr.A).

RECOGNISED RACIAL OFFSPRINGS

Group - A (Social status: Kinsman and Heirs)

1. *Ourasa Putra* (*Sl 166/IX*): Known as the legitimate son, first in rank, to whom a man begets on his own wedded wife. The rank of this son is recognised every where, in all ages, in all community, civilisation and religion.
2. *Kshetraraja Putra* (*Sl 167/IX*): Son who has begotten on the appointed wife of a dead man, eunuch or a diseased person through *Niyoga*. This is similar to the process of artificial insemination as per modern science.

The examples of *Kshetraraja Putra* are available in *Mahaabhaarata*, such as, the birth of Dhritaraashtra, Pandu, Bidura and five Paandavas. In this context, the birth of five Paandavas is attributed to different divine powers like Dharma, Indra, Vaayu and Aswini Kumaras. May be, this was an attempt not to disclose the original source of appointment (as sperm banks). The sons, so produced are called *Kshetraraja*, as the female is to be considered to be the Kshetra or the soil and man is declared to be the seed (Sl 33/IX).

3. *Daatrima Putra* (Sl 168/IX): The son to whom his parents have affectionately give with *Sankalpa* (conforming the gift with liberation of water from a crunch) to a man as his son at the time of distress, known as the adopted son, law fully and socially recognised even in the present day society.
4. *Krutrima Putra* (Sl 169/IX): Boy from equal caste with intrinsic virtues and rational qualities, if considered as a son, was declared as *Krutrima* (Artificial) Putra. It seems that this type of relation with a person is developed out of affection and appreciation of his qualities. Moreover in India a disciple (*Sishya*) is also considered as a son.
5. *Gudhotparnna Putra* (Sl 170/IX): If a child be born to a married women, the source of appointment of which is not known, is considered as secretly created (*Gudhotparnna*) and shall belong to the man to whose wife he was born. Acceptance of such a child with doubtful parentage, certainly needs a big heart (magnanimity). It may occur due to the loose character of the female. As interpreted by some other commentators, this acceptance is possible under the condition that there is no suspicion of the female had intercourse with a male of lower caste. Probably the husband excuses the female and the child is considered equal to that of *Kshetraraja Putra*, produced out of *Niyoga*.
6. *Apabiddha Putra* (Sl 171/IX): If a boy is received as a son after he has been deserted by his original parents (may be due to commitment of certain faults) falls in this category. But he must be of equal caste and acceptance of such a son, is out of sympathy and mag-

nanimity.

Group - B (Social status: Kinsman but not Heirs)

7. *Kaanina Putra* (Sl 172/IX): A son to whom a damsel secretly bears in her parental house before marriage is termed so. Such offsprings of unmarried girl belong to him who weds her afterwards, when she declares it.

Two such events can be observed in *Mahaabhaarata*, birth of Vyaasadeva from Satyavatee (daughter of a fisherman King) and saint Paraassara. Satyavatee declared this event when she wanted to appoint Vyaasadeva to produce children out of her two widow daughter-in-law Ambikaa and Ambaalikaa and another maid. The sons were Dhritaraashtra, Pandu and Bidura. The second event is that the birth of Karna from Kunti (mother of Paandavas) by appointment with Sun God (*Soorya*). Kunti declared this in order to drag Karna to the side of Paandavas, before the onset of *Mahaabhaarata* war; but Karna declined to accept the offer.

These two events indicate that the emergence of a *Kaanina Putra* was kept secret but accepted at the time of contingency and emergency.

8. *Sahodha Putra* (Sl 173/IX): If some one marries knowingly or unknowingly a conceived woman, the child in her womb belongs to him who weds her. The word *Sahodha* means a son received with the bride and accordingly he was designated so. Examples of such sons are not available in *Mahaabhaarata*, yet such occasions are found in the modern day society, where a woman illegally and/or forcefully made conceived by some one, accepted by a person out of sympathy. Such features are pictured in Indian cinema as example for a basis of social reformation.
9. *Kreetaka Putra* (Sl 174/IX): If a man buys a boy from his parents for the sake of having a son, he is known as a son bought. The child may be of equal or unequal caste. Some interpreters say that the child is bought by his good qualities but not by caste. However selling or purchasing a child is considered to be a social crime in the present day society.

Such practice makes national news as tribal people are exploited to do so out of poverty.

10. *Paunarbhava Putra* (Sl 175/IX): It is the son of a remarried women (who after being abandoned by her first husband) or of a widow who of her own accord contracts the second marriage. This son has the funeral rights for the first husband of his mother.
11. *Swayamadatta Putra* (Sl 177/IX): He, who having lost his parents (orphan) or being abandoned (by them) without (just) cause, gives himself to a man, is called a son self given (*Swayamdatta*).
12. *Paaraassaba Putra* (Sl 178/IX): It is the son hailed from a *Ssudra* female out of lust by a *Braahmana* male. This example indicates that any child of *Anuloma* product (higher caste father with lower caste mother) are entitled for funeral rights of their father under contingency.

Out of all the above twelve except the son begotten on the wife, eleven are considered as substitute for a son and are taken in to the account in order to prevent the failures conducting the funeral ceremony of a person. Over and above all these, a person who is blessed with a daughter only, he can make his daughter as an appointed daughter (i.e. *Putrikaa*) by saying to her husband at the time of marriage that the male child born of her, shall perform his (maternal grand father's) funeral rites (Sl 127/IX). Further it is declared that the son and the daughter are equal on the basis of even genetic inheritance (Sl 130/IX). Accordingly there is no difference between a son's son and son of an appointed daughter, neither with respect to worldly matters nor to sacred duties (Sl 133/IX). Hence the rank of such a son (*Putrikaa* son) comes next to *Ourasa Putra* (No. 1 Gr.A.).

DISCUSSION

It can be noted here that out of these twelve type of sons, two are recognised which are produced out of the self contribution of the male i.e., the No.1. *Ourasa* (Legitimate child) and No.12. *Paarasassaba* (illegitimate child produced out of *Ssudra* female); No.2,5,7,8 and 10 are recognised because of coming from the womb of the recognised wife (may be produced

under any circumstance without the involvement of the husband) which elevates the status and importance of women in the society and the faith incurred upon them; No. 3,4,6,9 and 11 are the sons accepted as a social need, may be out of love affection and compulsion. If the position of these eleven type of sons (other than the *Ourasa* one) are considered from the present day social stand point, their recognition is of ambiguous and of questionable significance. But possibilities of occurrence of such sons cannot be ruled out in the present society. And in many instances, they are not honoured with the right social status as it was in the ancient days. This shows that the social custom of the ancient culture was much more scientific, rational, ethical and wide open as well, compared to the pseudo open present society. Hardly any husband can give open permission to bear a child from another man, may be how much the appointed person is kith and kin to him. It is also difficult to accept a son produced by the female before marriage (*Kaanina*) or carried during marriage (*Sahodha*) by the recognised husband. Similarly a son produced out of the married wife from an unknown source (*Gudhotparnna*) and open social recognition to him, is out of question with the modern society. All these indicate that the need of a son was very much indispensable for the social security of the families. The open declaration and recognition of all these representative sons are nothing except to build the society more sane, disciplined and secured. Interestingly emphasis is also laid on production of less children (may be a step for family planing), as the eldest son was known as *Dharmaja Putra* (i.e. son begotten for the fulfillment of the law) encouraged and all the rest children are considered to be *Kaamaja Putra* (offsprings of sensual desire) discouraged (Sl 107/IX). The importance of the eldest son in social, economical and spiritual upliftment of the family is clearly dealt in chapter IX of *Manusmruti*.

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KEY WORDS Ethnobiology. *Manusmruti*. *Niyoga prathaa*. Natural Means of Artificial Insemination.

ABSTRACT The biology of artificial insemination can be traced out in the legendary epic *Manusmruti*, which was expected to occur under restricted natural conditions of physical, Social, Psychological and Ethical environment. This process was named as *Niyoga Prathaa* (engagement custom) and was prevalent in the ancient Indian society. The success and failure of the process, its social recognition as well and the acceptance of the alternative racial offsprings as substitutes of the legitimate sons, is discussed in this paper.

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