

Mimansa rules of interpretation and its applicability in the current legal system of India

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Abstract

The Mimansa rules of Interpretation were laid down by Jaimini in his Sutra around 600 BC and it can be considered to be one of the most scientific and rational which can even be utilised in present legal scenario. In spite of such rich traditional heritage, we Indians undervalued our own system and always run after the principles laid down by westerners such as Maxwell and Craies. In this article an attempt has been made to discuss the scientific and reasonable characteristics of this principle and the necessity of its application in the present legal system of India. Even if it is sparingly utilized by our Hon'ble Courts, it never failed to resolve disputes in a justifiable manner as done by our forefathers.

Keywords: *Mimansa, Interpretation, applicability, Legal System, India*

Introduction

“It is deeply regrettable that in our Courts of law, lawyers quote Maxwell and Craies but nobody refers to the Mimansa Principles of Interpretation”. (Vijay Narayan Thatte & ors v. State of Maharashtra & ors). Bharatiya parampara is not only rich in the field of science and philosophy but its contribution towards law is also commendable. The advent of British rule diminished the value of our native jurisprudence and traditional socio-legal principles by imposing a common law system in the country. Mimansa rules of Interpretation which is a part of great intellectual treasury of India originally utilized for solving conflict between Shruti (listening) and Smriti (remembering) pertaining to yagna but later it came to be utilized for interpreting legal text also. But the irony is that today our so-called lawyers are largely ignorant and literally failed to acknowledge and utilise the great intellectual achievements of our forefathers in this regard.

Historical Background

Around 3rd Century B.C. Jaimini gave a systematic shape to Mimansa Sastra, where 2745 sutras were divided into twelve chapters. Purva Mimansa is one of the six schools of Hindu philosophy

which aims at Moksha (liberation), which lost prominence in Vedanta philosophy but its importance remained as paramount as before in the legal sphere. Initially these principles were evolved to solve the conflict in finding the meaning of rules governing performance of Yajna, but eventually it became useful in interpreting legal texts.

Meaning

Interpretation is a process to determine the true meaning or intent of the framers of any document. Mimamsa which etymologically means the thought inspired by the desire to know and is the science of interpreting the Vedic sentences. These scientific rules of interpretation were developed by the Indians in the ancient period and its utilisation was evident from the writings of jurist such as Vijnāneśvara (author of Mitākṣārā), Jimutavahana (author of Dayabhāga), Nanda Pandit (author of Dattak meemaansa). Mimamsa rules of interpretation are so scientific and reasonable that in some aspects it is superior to principles provided by westerners and the present Indian legal system should be encouraged to apply these in appropriate cases.

Nature and Application

धर्मं प्रतीयमाणे हि वेदे कर्णात्मना I
इतिकर्तव्यता भागं मीमांसा पुरायिष्यति II

The famous sloka of Slokavartika of Kumarila states that Mimamsa is a tool to find out the Dharma laid down in the Veda. The Mimamsa principle of Interpretation, while interpreting any statement, identifies it into either Bidhi (obligatory statement) or Arathwada (non-obligatory statement). An Arathwada may not have any legal force by itself but it is not always useless and sometimes it can also help to clarify an ambiguous Bidhi by adding reasons to it. Six widely accepted and applicable axioms on Mimamsa rules of interpretations used by jurist are: Sarthakta, Laghawa, Arthiktwo, Gunapradhan, Samanjashya, Vikalpa. Apart from these axioms four famous rules of interpretation provided by Mimamsa are:

1. Shruti Principle (It is similar to the Literal rules of interpretation);
2. Linga principle (In this principle intention of the text is interpreted with some suggestive words and expressions; Supreme court of India applied this principle in U.P. Bhoodan Yagna Smriti v. Brij Kishore ;
3. Vakya principle (In this principle syntactical arrangement of the text is done to provide reasonable meaning to the text);
4. Prakaran (In this principle the text is constructed by referring to other text in order to add proper meaning to the text)

Shruti principle is resorted to only when the intention of the text is clear in absence of that it can lead to absurdity and efface the intention of the law. To find out the true intention of any statement Mimansakar created the Linga, Vakya and Prakaran principles of interpretation. It is important to note that Lord Denning also pointed out that the modern method of interpretation is to find out the intention rather than finding literal meaning of the text. The Supreme Court of India in the case of Charan Lal Sahu v. Union of India acknowledged the Mimansakar, Linga, Vakya and Prakaran principles of interpretation which aims to find out the intention of the statement.

The scientific and systematic nature of Mimansa principle can be understood from the categories and subcategories that have been made to principles for clear construction. For example, in Vakya principle the Adhayaahra and Anusanga subcategories were added to supply missing words and expressions; upakarasha and Aparaksh were utilized for relocation of clauses in a sentence for clear interpretation. It is noteworthy to mention that in modern times we can find similar rules of interpretation from Maxwell permitting violence to the statute in exceptional cases. In S.S. Kalra v. Union of India in fact the Supreme Court of India held that “sometimes courts can supply words which have been accidentally omitted”.

In Tribhuwan Misra v. D.I.O.S., the Saamanjasy principle of interpretation was used to reconcile two opposite rulings of division benches and that was done on the authority of the maxim- *lost horse and burnt chariot* (Nasarhatastva Dagdhartha Nyaya). In Mahabir Prasad Dwivedi v. State the Anusanga principle of interpretation was used in detail to make the statute more democratic and equitable which could not have been done with western principle. By applying the Laghawa principle of interpretation in Vinay Khare v. State of U.P. the Allahbad High Court solved the controversy of selection between candidates when they got equal marks in total by focusing on their written test instead of personal interview to minimise the scope of biasness, favouritism and arbitrariness.

According to Justice Markandey Katju Mimamsa principles are superior to Maxwell’s principles in two aspects, viz.:(1) Mimamsa rules can be used not only for interpreting statutes but also judgments, whereas Maxwell’s principles can only be used for interpreting statutory laws, (2) Mimamsa rules are more detailed and systematic than Maxwells principles.

Conclusion

Mimamsa principles sometimes may lead to different results however it does not diminish their utility in toto. For example, while interpreting the word ‘Sapinda’ both the two schools of Hindu law, i.e., Dāyabhāga and Mitaakshara accepted sapinda’s right to inherit but their way of interpreting its meaning was different. Dāyabhāga defined ‘Sapinda’ as ‘the person who has the right to offer Pinda (Rice balls) in Shraddha Ceremony of the deceased’, whereas Mitakshara interprets it as ‘particles of the body’ (nearer in blood). It is a fact that principles of interpretation

are good servants but bad masters as they are not rules of laws but only methodologies to resolve certain difficulties. But the importance of Indian jurisprudence which is similar and sometimes superior to the western rules of interpretation should be given priority by the current judicial mechanism instead of running after westerners' propaganda.

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