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Utility of mimamsa principle in Indian courts and court observation on decline in usage of mimamsa principles of interpretation

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Abstract

Ancient India boasted a rich intellectual tradition, producing profound philosophical and legal systems. Among these, Mimamsa principles of interpretation offer sophisticated frameworks for legal interpretation and reasoning. While modern jurisprudence, often influenced by Western traditions like those of Maxwell, has its merits, the ancient Indian systems provide a compelling alternative, rooted in deep philosophical insights and rigorous logical analysis and several Indian courts have taken advantage of this Mimamsa principles of interpretation.

Keyword: Mimamsa, maxwell, interpretation, decline in usage of mimamsa principle in Indian courts

Introduction

Mimamsa: The Science of Interpretation

Mimamsa, a school of Hindu philosophy, primarily concerned itself with the interpretation of Vedic texts. However, its principles of interpretation have broader applications, including legal texts. Mimamsa scholars developed intricate rules for understanding the meaning of words, sentences, and texts. These rules emphasize the importance of context, purpose, and the intention of the law maker.

Some instances of case laws decided are given as illustration of utility of Mimamsa in Indian court judgements

Case Law A. Gujarat Urja Vikash Nigam Ltd vs Essar Power Ltd on 13 March, 2008

At first glance there is an apparent inconsistency between Section 175 and Section 174 of the Electricity Act, 2003. While Section 174 says that the said Act will prevail over other laws, Section 175 says that the said Act is in addition and not in derogation of any other law (which would include Section 11 of the Arbitration and Conciliation Act, 1996.

In our opinion to resolve this conflict the Mimamsa principles of Interpretation would of great utility.

It is deeply regrettable that in our Courts of law, lawyers quote Maxwell and Craies but nobody refers to the Mimamsa Principles of Interpretation. Today many of our educated people are largely unaware about the great intellectual achievements of our ancestors and the intellectual treasury they have bequeathed us. The Mimamsa Principles of Interpretation is part of that intellectual treasury but it is distressing to note that apart from a reference to these principles in the judgment of Sir John Edge, the then Chief Justice of Allahabad High Court in Beni Prasad vs. Hardai Devi, (1892) ILR 14 All 67 (FB), and some judgments by one of us (M. Katju, J.) there has been almost no utilization of these principles even in our own country.

Case Law B. Premanand & Ors vs Mohan Koikal & Ors on 16 March, 2011

In this connection, we may also refer to the Mimamsa Rules of Interpretation which were our traditional principles of interpretation used for thousands of years by our jurists. It is deeply regrettable that in our law courts today these principles are not cited. Today, our so-called educated people are largely ignorant about the great intellectual achievements of our ancestors, and the intellectual treasury which they have bequeathed to us. The Mimamsa Rules of

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Interpretation are one of these great achievements, but regrettably they are hardly ever used in our law courts.

It may be mentioned that it is not stated anywhere in the Constitution of India that only Maxwell's Principles of Interpretation can be utilised.

Case Law C Supreme Court of India Rajbir Singh Dalal vs Chaudhari Devi Lal University & Anr on 6 August, 2008

No doubt, the ordinary principle of interpretation is that words should neither be added nor deleted from a statutory provision. However, there are some exceptions to the rule where the alternative lies between either supplying by implication words which appear to have been accidentally omitted, or adopting a strict construction which leads to absurdity or deprives certain existing words of all meaning, and in this situation, it is permissible to supply the words (vide Principles of Statutory Interpretation by Justice G.P. Singh, 9th edn. Pp 71-76).

We may also consider the matter from our traditional principles of interpretation known as the 'Mimansa Rules of Interpretation'.

The Mimansa principles were regularly used by our great jurists for interpreting legal texts (see also in this connection P.V. Kane's 'History of the Dharmashastra', Vol. V, Pt. II, Ch. XXIX and Ch. XXX, pp. 1282- 1351)

The anusanga principle (or elliptical extension) states that an expression occurring in one clause is often meant also for a neighbouring clause, and it is only for economy that it is only mentioned in the former (see Jaimini 2, 2, 16). The anusanga principle has a further sub- categorization. If a clause which occurs in a subsequent sentence is to be read into a previous sentence it is a case of Tadapakarsha, but when it is vice-versa it is a case of Tadutkarsha.

It can be seen that in the second sentence the word 'property' is qualified by the words 'given to her on her marriage', whereas in the first sentence there is no such qualification. Jimutvahana, using the anusanga principle of Mimansa, said that the words "given to her on her marriage" should also be inserted in the first sentence after the word "property", and hence there also the word 'property' must be interpreted in a qualified sense.

In our opinion, in the present case, the Anusanga principle of Mimansa should be utilized and the expression 'relevant subject' should also be inserted in the qualification for the post of Reader after the words "at the Master's degree level".

CIVIL APPEAL NO. 2684 OF 2007 system of interpretation which can help to resolve a difficulty. Principles of interpretation are not principles of law but are only a methodology for explaining the meaning of words used in a text. There is no reason why we should not use Mimansa Principles of Interpretation in appropriate occasions.

In Mimansa, the literal rule of interpretation is known as the 'Shruti' or Abhida' Principle. This is illustrated by the Garhapatya nyaya (In Mimansa Maxims are known as nyayas). There is the vedic verse: "Aindrya garhapatyam upatishthate", which means "By the Mantra addressed to Indra establish the household fire." This verse can possibly have several meanings viz. (1) worship Indra (2) worship Garhapatya (the household fire) (3) worship both, or (4) worship either.

It is not necessary to go into details, but reference can be made to the Book 'Mimansa Rules of Interpretation' by K.L.Sarkar which is a collection of CIVIL APPEAL NO. 2684 OF 2007 Tagore Law Lectures delivered by him in

1909. According to the Mimansa Principles, the Sruti Principle or literal rule of interpretation will prevail over all other principles, e.g., Linga, Vakya, Prakarana, Sthana, Samakhya etc. As a result of the above discussion, this appeal is allowed and the impugned judgment of the Full Bench of the High Court as also the judgment of the learned Single Judge are set aside and the writ petition filed by the private respondents before the High Court is dismissed. Rajbir Singh Dalal vs Chaudhari Devi Lal University & Anr on 6 August, 2008

Similarly, in Gujarat Composite Ltd. vs. Ranip Nagarpalika AIR 2000 SC 135, the Supreme Court interpreted the words 'Grog Minerals' to mean 'Grog & Minerals'. In Divisional Personnel Officer, Southern Railway vs. T. R. Challappan AIR 1975 SC 2216, the Supreme Court interpreted the words 'any party to an arbitration agreement' occurring in section 33 of the Indian Arbitration Act, 1940 to mean 'a person who is alleged to be a party to an arbitration agreement'.

We may also consider the matter from our traditional principles of interpretation known as the 'Mimansa Rules of Interpretation'.

Many of the Mimansa Principles are rational and scientific and can be utilized in the legal field (see in this connection K.L. Sarkar's 'Mimansa Rules of Interpretation' which is a collection of Tagore Law Lectures delivered in 1905 containing the best exposition of these principles in English. Most other books on Mimansa are in Sanskrit).

The Mimansa Principles of Interpretation, as laid down by Jaimini around the 5th century B.C. in his sutras and as explained by Sabar, Kumarila Bhatta, Prabhakar, Mandan Mishra, Shalighnath, Parthasarathy Mishra, Apadeva, Shree Bhat Shankar, etc. were regularly used by our renowned jurists like Vijñeshwara (author of Mitakshara), Jimutvahana (author of Dayabhaga), Nanda Pandit (author of Dattaka Mimansa), etc. whenever there they found any conflict between the various Smritis, e.g., Manusmriti and Yajñavalkya Smriti, or ambiguity, ellipse or absurdity in any Smriti. Thus, the Mimansa principles were our traditional system of interpretation of legal texts. Although originally they were created for interpreting religious texts pertaining to the Yagya (sacrifice), they were so rational and logical that gradually they came to be utilized in law, philosophy, grammar, etc., that is, they became of universal application. Thus, Shankaracharya has used the Mimansa Adhikaranas (principles) in his bhashya on the Vedanta sutras.

The Mimansa principles were regularly used by our great jurists for interpreting legal texts (see also in this connection P.V. Kane's 'History of the Dharmashastra', Vol. V, Pt. II, Ch. XXIX and Ch. XXX, pp. 1282- 1351).

In Mimansa, casus omissus is known as adhyahara. The adhyahara principle permits us to add words to a legal text. However, the superiority of the Mimansa Principles over Maxwell's Principles in this respect is shown by the fact that Maxwell does not go into further detail and does not mention the sub-categories coming under the general category of casus omissus. In the Mimansa system, on the other hand, the general category of adhyahara has under it several sub-categories, e.g., anusanga, anukarsha, vakyashesa, etc. Since in this case we are concerned with the anusanga principle, we may explain it in some detail.

It may be mentioned that the Mimansa Rules of Interpretation were our traditional principles of interpretation laid down by Jaimini, whose Sutras were explained by Shabar, Kumarila Bhatta, Prabhakar, etc. These Mimansa Principles were regularly used by our great jurists like Vijñaneshwara (author

of Mitakshara), Jimutvahana (author of Dayabhaga), Nanda Pandit, etc. whenever they found any conflict between the various Smritis or any ambiguity, incongruity, or casus omissus therein. There is no reason why we cannot use these principles on appropriate occasions. However, it is a matter of deep regret that these principles have rarely been used in our law Courts. It is nowhere mentioned in our Constitution or any other law that only Maxwell's Principles of Interpretation can be used by the Court. We can use any system of interpretation which helps us resolve a difficulty. In certain situations Maxwell's principles would be more appropriate, while in other situations the Mimamsa principles may be more suitable.

The Mimamsa principles of interpretation were created for resolving the practical difficulties in performing the yagyas. The rules for performing the various yagyas were given in books called the Brahmanas (all in Sanskrit) e.g. Shatapath Brahmana, Aitareya Brahmana, Taitareya Brahmana, etc. There were many ambiguities, obscurities, conflicts etc. in the Brahmana texts, and hence the Mimamsa Principles of Interpretation were created for resolving these difficulties.

Although the Mimamsa principles were created for religious purpose, they were so rational and logical that they subsequently began to be used in law, grammar, logic, philosophy, etc. i.e. they became of universal application. The books on Mimamsa are all in Sanskrit, but there is a good book in English by Prof. Kishori Lal Sarkar called 'The Mimamsa Rules of Interpretation' published in the Tagore Law Lecture Series, which may be seen by anyone who wishes to go deeper into the subject.

Conclusion

Mimamsa, a school of Hindu philosophy, has offered several benefits to Indian courts in interpreting laws and statutes:

Systematic Approach to Interpretation: Mimamsa provides a structured and logical framework for interpreting texts, including legal documents. This systematic approach helps courts to avoid ambiguity and ensure consistent interpretation of laws.

Emphasis on Contextual Understanding: Mimamsa stresses the importance of understanding the context in which a law or text was created. This helps courts to interpret laws in a way that aligns with the original intent of the lawmakers and the prevailing social and cultural context.

Focus on Precision and Clarity: Mimamsa emphasizes the importance of precise and clear language in legal documents. This helps to avoid misunderstandings and ensures that the law is applied fairly and consistently.

Emphasis on Equity and Justice: Mimamsa recognizes the importance of equity and justice in the application of the law. This helps courts to interpret laws in a way that promotes fairness and avoids unintended consequences.

Historical Significance: Mimamsa has a long history in India and has been used to interpret religious texts and legal documents for centuries. This historical significance adds weight to its use in modern legal interpretation.

Complementary to Modern Legal Principles: Mimamsa principles can be used in conjunction with modern legal principles to provide a more comprehensive and nuanced understanding of the law.

Helps in Filling Gaps in the Law: Mimamsa principles can be used to fill gaps in the law where there is no explicit provision or where the existing provisions are ambiguous.

Promotes Critical Thinking and Analysis: Mimamsa encourages critical thinking and analysis in the interpretation of texts, which is essential for sound legal reasoning.

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