

Ancient Indian Rules of Interpretation and Its Relevance in Contemporary Society

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Abstract

In ancient India there was tremendous development of mathematics, astronomy, medicine, grammar, philosophy, literature and law. This is evident from the large number of legal treatises in ancient India. The Mimamsa Sutra or the Purva Mimamsa Sutras, written around 600 B.C. by Rishi Jaimini is one of the most important ancient Hindu philosophical texts. It forms the basis of Mimamsa, the earliest of the six orthodox schools (darshanas) of Indian philosophy. According to tradition, sage Jaimini was one of the disciples of sage Veda Vyasa, the author of the Mahabharata.

The Mimamsa Rules of Interpretation were created for resolving the practical difficulties in performing the Vedic Yajnas. The rules for performing the various yagyas were given in books called Brahmanas e.g., Shatapath Brahman, Aitreyas Brahman, Taitreyas Brahman etc. There were many ambiguities, conflicts, incongruities in the texts and hence principles of interpretation had to be created for this purpose. Thus, the Mimamsa principles were originally created for religious purpose, but they were so rational and logical that subsequently they began to be used in law, grammar, logic, philosophy etc.

In this paper, one aspect of our native Jurisprudence, viz. our traditional principles of interpretation, has been dealt with, and the aim is to study the same in the context of its obscurities and relevance in the contemporary society.

The principles of interpretation of statutes mainly relied on in our law courts are those dealt with in the works of Western jurists like Maxwell and Craies. However, in our country we had developed from very early times a scientific system of interpretation known as the Mimamsa Principles and these were regularly followed by our renowned jurists like Vijnaneshwara (author of *Mitakshara*), Jimutvahana (author of *Dayabhag*), Nanda Pandit (author of *Dattak Mimamsa*) etc. Most of these principles are rational and scientific, and in some respects superior to the principles obtaining in Western Law.

IndexTerms: Interpretation, Jurisprudence, Mimamsa, Jamini

I. INTRODUCTION:

One of the major functions of a Judge is to interpret the law so that it can be effectively applied to a fact or a situation before him.

Salmond describes Interpretation or Construction as the process by which courts seek to ascertain the meaning of the legislature through the medium of authoritative forms in which it is expressed.¹

According to Gray, the process by which a judge (or indeed any person, lawyer or layman, who has occasion to search for the meaning of a statute) constructs from the words of a statute book, a meaning

¹ Salmond, Interpretation Of Statutes 152 (Glanville Williams Ed. 11th Edn, 1957)

which he either believes to be that of the legislature, or which he proposes to attribute to it, is called 'interpretation'.²

The main task of the Judge would therefore, be to discover the true meaning of the words used by the legislature, and its intention in the enactment, since it is presumed to have expressed its will in the words of the enactment.

The English courts have developed a number of principles which are of immense help in the construction and interpretation of statutes, which have become sanctified, not by prescription but by usage over centuries. Maxwell on the interpretation of Statutes have come to be recognized as an authority in this field symbolizing the canons of interpretation evolved by the English Courts over several centuries.

The purpose of this paper is to examine if an alternative can be suggested from the ancient Indian Jurisprudence for the principles of interpretation of statutes symbolized by Maxwell. One such alternative system of interpretation prevalent in India is the Mimamsa system promulgated by the Indian thinkers over ages. This paper is intended to bring forward the most celebrated work of Jaimini Rishi on the Mimamsa rules of Interpretation. The paper seeks to analyse the same mostly based on the English translation of the treatise of the Sanskrit Manual done by Kashi Prasad Saksena in 1941 and the same will be done in the context of its obscurities and relevance in the contemporary society.

Lately, there have been attempts in judicial pronouncements and treatises to project this system as a credible and viable alternative.

Thus, it becomes necessary to examine as to how far the principles of mimamsa could replace or supplement the canons of construction to be adopted by the Indian courts as compared to the Maxwellian system. Here it is necessary to make a brief survey to highlight the broad thinking of the Indian systems of knowledge.

II. JAIMINI

Jaimini was an ancient Indian scholar who founded the Mīmāṃsā school of Hindu philosophy. He is considered to be a disciple of sage Veda Vyasa, the son of Parāśara. Traditionally attributed to be the author of the Mimamsa Sutras and Jaimini Sutras, he is estimated to have lived around 4th to 2nd century BCE.³ Some scholars place him between 250 BCE and 50 CE.

Jaimini is most known for his great treatise Purva Mimamsa Sutras, also called Karma-mimamsa ("Study of Ritual Action"), a system that investigates the rituals in the Vedic texts. The text founded the Purva-Mimamsa school of Ancient Indian philosophy, one of the six Darśanas or schools of Ancient Indian philosophy.

Dated to 4th century BCE, the text contains about 3,000 sutras and is the foundational text of the Mimamsa school. The text aims at an exegesis of the Vedas with regard to ritual practice (karma) and religious duty (dharma), commenting on the early Upanishads. Jaimini's Mimamsa is a ritualist (karma-kanda) counter-movement to the Self-knowledge (Atman) speculations of the Vedānta philosophy. His Mimamsa Sutra was commented upon by many, of which Śābara was among the earliest.⁴

² J.C.Gray, The Nature And Sources Of The Law 176-178 (2nd Edn. 1924)

³ James Lochtefeld (2002), The Illustrated Encyclopedia Of Hinduism, Vol. 1, Rosen Publishing, Isbn 978-0823931798, Pages 310, 438, 537-538

⁴ Purva Mimamsa Sutras of Jaimini Archived 9 June 2007 at the Wayback Machine

III. MIMAMSA

Mimamsa, which etymologically means the thought inspired by the desire to know, is the science of interpreting the Vedic sentences. It is the traditional way of explaining the Vedas. It is also called as the Nyaya. The Mimamsa sastra developed at a time when people got lost in the Vedic tradition and the Vedas were exposed to misrepresentation by the mediocre people.

The actual performance of the srauta sacrifices involves many intriguing issues like the deity, substance, order, procedure, injunctions and arthavadas. Many a time it poses problems regarding proper interpretation. The Mimamsa sastra has developed many principles of maxims discussing the very intricate problems of these performances. These principles were found very useful in ascertaining the import of the Vedas. The maxims are very popular among the Sanskrit scholars that very frequently do the Sanskrit scholars resort to them while interpreting their principle texts. There were scholars in the past who gave a serious thought to the analysis of principles of Mimamsa. But around the third Century B.B., Jaimini studied many of his predecessors and had given an orderly shape to the Mimamsa sastra. His text, the Mimamsa sutra is in 2745 sutras divided into twelve chapters. His scholarly text required an exhaustive scholium for a clear understanding of the system and Sabaraswamin of the fifth Century A.D. explained the sutra in a very detailed manner dividing the sutra in 907 sections or adhikarana each presenting the discussion about a particular Mimamsa topic and the final conclusion arrived at. Later Prabhakarabhatta and Kumarilabhatta of 600-650 A.D., commented on the Bhasya of Sabara in their own paving way to the formation of two distinct schools. In course of time, many scholars also attempted at presenting the summary of the sections and maxims in small treatises.

In recent times, Dr. K.L.Sirkar worked on the Mimamsa rules of interpretation in the Tagore lecture series for the first time. Dr. Ganganath Jha, Dr. Garge, Dr. P.V.Kane, Dr. Devasthali and others also threw light on the utility of these Mimamsa principles in vyavahara and other contexts. The relation of Mimamsa with many other sasthanas became evident in passing time.

Now coming to the relation of the Mimamsa and Dharmasastra, it can be stated without any hesitation that the very subject matter of the Mimamsa sastra is the Dharma only. The very first sutra of the Mimamsa sastra reads ‘Athato Dharmajigyasa’ meaning, ‘now therefore a desire to know the Dharma’.

It means that when the Veda makes an exposition of Dharma, the Mimamsa sastra fills the part of being an apparatus for knowing Dharma. It supplies the directive principles.

Jaimini also wrote a version of the Mahabharata narrated to him by his preceptor Vyasa, but today, only the Ashvamedhika Parva of his work is available.⁵

IV. THE IMPORTANCE OF MIMAMSA

Coolebrooke – “ It will be observed as has been intimated in speaking of the members of an Adhikarana in the Mimamsa that, a case is proposed, either specified in Jaimini text or supplied by his scholiasts. Upon this a doubt or a question is raised and a solution of it is suggested which is refuted and a right conclusion established in its stead. This disquisition of the Mimamsa bears therefore a certain resemblance of juridical questions and infact the Hindu Law being blended with the religion of the people, the same modes of reasoning are applicable and applied to the one as to the other. The logic of the Mimamsa is the logic of the Law, the rule of interpretation of civil and religious ordinances. Each case is examined and determined upon general principles and from the cases decided, principles may be

⁵ "The Jaimini Bharata: A Celebrated Canarese Poem, with Translations and Notes". Printed at the Wesleyanmission press. 1852.

collected. A well worded arrangement of them would constitute the Philosophy of Law, and this is in truth what has been attempted in Mimansa. Jaimini's arrangement is not however is not philosophical and I am not acquainted with any elementary work of this school in which a better distribution of work has been achieved."

V. MIMANSA RULES AND PRINCIPLES OF INTERPRETATION

Jaimini's Sutras fully deal with the rules of interpretation with reference to two questions ;

1. that of determining the meaning and interpretation of words and sentences and
2. ascertaining their precise legal character.

The rules and principles dealt with by the Sutras may be divided into the following five classes:

CLASS I : Elementary principles which may be called the axioms of interpretations.

CLASS II : General Principles as to the Interpretation of words and texts

CLASS III : Specific Rules and Settled Points called the Nyayas (maxims), each applying to a particular case.

CLASS IV : Broad and general principles as regards the application of texts.

CLASS V : Rules specifically bearing upon the character and Interpretation of Smriti texts and usages.

CLASS I : Elementary principles which may be called the axioms of interpretations

Six Axioms of Interpretation:

1. Sarthakya :

"Every word and Sentence must have some meaning and purpose attached to it." Karika has explained this axiom in a very few expressive words, "More words, more meaning". It means that if the sense which is attached to the passage is borne out by a part of it, then the remaining portion must be given an additional sense otherwise the construction would be defective. The mistake of interpreting a passage so as to leave some part of it without any meaning is called *Anarthakyadosha* or the fault of assuming meaninglessness. Hence, the Vedas having this *Anarthakyadosha* cannot claim the perfection of eternity."

This first axiom has been universally recognized in other systems of law as well. In English case *Reg vs. Bishop of Oxford* (LR. 42 Q BD. 245), it has been held, " A statute ought to be so construed that, if it can be prevented, no clause, sentence or word shall be superfluous, void or insignificant."

2. Laghava :

"The construction which makes the meaning simpler and shorter is to be preferred." It enunciates the simple rule that when one rule or proposition would suffice, more must not be assumed.

3. Arthaikatva :

"A double meaning should not be attached to a word or sentence occurring at one and the same place."

4. GunaPradhana :

If a word or a sentence purporting to express subordinate idea clashes with the principle idea, the former must be adjusted to the latter or must be disregarded altogether.

This principle is generally expressed by the maxim, "the great and the small fish" i.e., the great fish eating up the small.

Illustration – In Sutra 9 Ch. III Bk III of Jaimini, we come across the following :

"When a Guna Sruti (auxillary clause) clashes with a Mukhya Sruti (mandatory clause), the latter is to prevail as Veda."

5. Samanjasya : Contradictions must not be too easily assumed

Jaimini has laid down this principle in his first book in Sutra 9 Chapter II thus : “The inconsistencies (you assert) are not actually found. The conflicts consist in difference in application (of the injunction). The real injunction is not affected by application. Therefore there is consistency.”

This principle means that the proper course for reconciling apparently conflicting texts is to see whether they apply to different sets of facts and to different purposes.

6. Vikalpa – When there is a real contradiction, one of the contradictory matters may be adopted at option.

According to the English Principles of Interpretation, if one provision of law is contradicted by a subsequent one, the latter provision of law prevails as having a repealing character. In the Vedas, there is no such presumption of one command being subsequent to another in point of time. Vikalpa principal says that whichever law is more in consonance with reason and justice should be preferred. However, conflict should not be readily assumed and every effort should be made to reconcile conflicting texts. Option is allowed where the contradiction cannot possibly be explained away. It is allowed only as the last resort as option means ignoring the authority not only of one but two texts.

CLASS II : General Principles as to the Interpretation of words and texts

These Principles form the science of interpretation of the Hindu system of Law and they are its backbone. The General Principles of the Mimamsa rules of Interpretation in the words of K.L.Sarkar, the learned Tagore Law Professor are as follows:

1. Sruti Principle of Construction –

When a verb and a case governed by it have a self-evident meaning and thus form a complete and independent sentence, this is called a Sruti. No attempt should be made to strain or twist its meaning.

The term Sruti is treated as a synonym of the Vedas, but is has been used as a special sense in the Mimamsa. Sruti is always used to refer to a passage of the Vedas which clearly expresses its meaning and intention as soon as it is pronounced. (Savara Bhashya III. 14 p. 313(Jibananda’s edition) Sruti is a text which requires no extraneous aid for its meaning to be understood.

Parthe Sarathi Misra in his treatise, ‘Shashtradipika’, (p.299 Benaras edition) says, “ When an expression is capable of application on the bare hearing of it, it is a Sruti.”

Laughakshi Bhashkara and Apadeva define Sruti to be “an independent pronouncement.”

The expression literal construction is therefore equivalent to the sruti construction of the old Aryans.

E.g. The Expression, “By the Mantra addressed to Indra, establish the household fire.” The expression ‘establish the household fire’ is clear and explicit, so it is a Sruti.

The same idea has been expressed by Maxwell in the following passage :

“When the language is not only plain but admits of but one meaning, the task of interpretation can hardly be said to arise. It is not allowable, says Vattel, to interpret what has no need of interpretation. *Absoluta sententia expositore non eget.* Such language best declares, without more, the intention of the law giver and is decisive of it.”

Importance of Sruti Principle – The cardinal principle of interpretation is that where an independent proposition is stated in clear grammatical language, that proposition must be accepted as it is, however disagreeable as it may be. The interpreters cannot twist and distort it to suit their own views. This is called the literal principle.

Jaimini says that where this rule is applicable, no other rules of interpretation should be resorted to.

2. Linga Principle –

When the meaning of the word or an expression is not clear on the face of it and its latent force or suggestive power has to be brought out by the suggestive power of some other word or expression, it is called a Linga.

The Sruti or literal principle is one of loyalty and faithfulness, but the other principles are based more or less on critical reasoning.

3. Vakya Principle of Construction –

Where what is apparently a complete sentence has in order to make out a satisfactory sense, to be read as a part of a sentence connecting it with some other clause, this is called a matter of vakya or syntactical arrangement. The principle of construction consisting of this process is called the Vakya Principle of Construction.

The Vakya Rule of Interpretation is quite similar to the Mischief Rule of Interpretation.

Mischief means—Voluntarily Cause injury or loss to someone.

The Mischief Rule in the content of interpretation means-to prevent the misuse of provisions of the statute. Mischief should not have a place in the statute. If an attempt is made to add Mischief in any statute, then it must be prevented by the Mischief Rule.

The Rule of Mischief says that the statute should be construed in such a way to suppress the Mischief.

‘Smith v/s Huggins’ is a good example in this context. It is based on the ‘Street Offence Act’. It provides for prohibition of inducement by prostitutes over roads to the passing public. This act was interpreted in such a way to misuse it by not including the inducement by prostitutes from the windows and balconies of their houses. But Court said while rejecting this agreement that the inducement by prostitutes from the windows and balconies of their houses is also prohibited under this act, because the purpose of this act is to prevent prostitution, that is, protect the on goes from the effect of a prostitute’.

In Vakya, some violence is done to the text e.g., by connecting two separate sentences, or by adding words or expressions, or by transferring words or expressions up or down a sentence. This violence may sometimes become necessary to save the text from becoming meaningless or absurd, just as the surgeon may have to do violence to the body (by operation) to save the patient's life. For this purpose the Uha principle (use of reason) is employed. In this connection it may be mentioned that Maxwell also permits doing violence to the statute in exceptional situations. He says "where the language of a statute, in its ordinary meaning and grammatical construction, leads to a manifest contradiction of the apparent purpose of the enactment, or to some inconvenience or absurdity, hardship or injustice, presumably not intended, a construction may be put upon it which modifies the meaning of the words, and even the structure of the sentence. This may be done by departing from the rules of grammar, by giving an unusual meaning to particular words, by altering their collocation, by rejecting them altogether, or by interpolating other words, under the influence, no doubt, of an irresistible conviction that the legislature could not possibly have intended what the words signify, and that the modifications thus made are mere corrections of careless language and really give the true intention.

4. Prakarana Principle of Construction –

When the sentence or clause by itself does not indicate its purpose but its purpose becomes clear when read with some other text appertaining to some other topic, this is called a case of prakarana.

When a subject is divided into parts or topics which are again subdivided into subordinate parts and this subdivision is continued till sections or paragraphs are arrived at, such sections or paras are generally termed Prakaranas.

CLASS III : Specific Rules and Settled Points called the Nyayas(maxims), each applying to a particular case.

The specific principles of Mimansa are termed Nyayas or maxims, Mimansa Nyaya or Adhikarana, which Colebrooke has translated as Maxim, is a specific rule or a settled point on some subject or the other.

A maxim of Roman Law is a judicial principle by judicial savants, but Nyayas are decided by a process of arguments pro and con and form the conclusion thereof. In this respect they may be said to resemble the head-notes of modern case law.

Jaimini's maxims of Interpretation are of great binding force.

Popular Maxims :

1. थः कारथति सक्रोत्ये ब | The maxim that causing (a thing) to be done is to do it. It means that he who causes a thing to be done by another is the real doer of it. Its equivalent Latin maxim is "Qui facit per alium facit per se". Anandagiri has made use of this maxim on Brahmasutra Bhashya I.2.21
2. Nemo debet bis vexari pro una et eadem Causa – It is a rule of law that a man shall not be twice vexed for one and the same cause. Yajnavalkya (Vyavahara Adhyaya, sec 9) lays down the same principle in these words : "Nor should one already charged be allowed to be charged again."
3. Acta exteriora indicant interiora Secreta – Acts indicate the intention. Jaimini [II i. 1] has also said the same in his Sutra : "Words relating to action bear on what passes in consciousness, from them external acts proceed."
4. Accessorium Non Ducit Sed Sequitur Suum Principale – The incident shall pass by the grant of the principal, but not the principal by the grant of the incident. The principal has been expressed in different forms in the Mimansa Shastra. [Jaimini III iii 9]: " When a subordinate matter clashes with the principal, the latter is to prevail.

VI. DEALING WITH CONFLICTS –

In the Mimansa system there are three ways of dealing with conflicts which have been fully discussed by Shabar Swami in his commentary on Sutra 14, Chapter III, Book III of Jaimini.

(1) Samanjasya Principle (Principal of Harmonious Construction)

(2) Vikalpa Principle (Principal of preferring one out of two or more)

(3) Badha Principle (Principal of barring a thing owing to inconsistency)

(1) The Samanjasya Principle has been laid down by Jaimini in Chapter II, Sutra 9 which states "The inconsistencies asserted are not actually found. The conflicts consist in difference of application. The real intention is not affected by application. Therefore, there is consistency.

Jimutvahana (author of Dayabhaga) one of our greatest jurist, found that there were two apparently conflicting texts of Manu and Yajnavalkya. The first stated "a son born after a division shall alone take the paternal wealth". The second text stated "sons, with whom the father has made a partition, should give a share to the son born after the distribution". Jimutvahana, utilizing the Samanjasya principle of Mimansa, reconciled these two texts by holding that the former applies to the case of

property which is the self-acquired property of the father, and the latter applies to the property descended from the grand-father.

- (2) Vikalpa Principle of Mimansa applies in a situation of conflict where it is impossible to reconcile the two conflicting texts despite all efforts. Vikalpa principal says that whichever law is more in consonance with reason and justice should be preferred. However, conflict should not be readily assumed and every effort should be made to reconcile conflicting texts. It is only when all efforts of reconciliation fail that the Vikalpa principle is to be resorted to
- (3) Badha Principle of Mimansa applies in a conflict where there are two conflicting irreconcilable texts but one overrides the other because of its greater force (similar to the doctrine of ultra vires). The principle of Badha is discussed by Jaimini in the tenth chapter of his work. Badha primarily means barring a thing owing to inconsistency. Jaimini uses the principle of Badha mainly with reference to cases where Angas or sub-ceremonies are to be introduced from the Prakriti Yagya (i.e. a yagya whose rules for performance are given in detail in the Brahmanas) into a Vikriti (i.e. a yagya whose rules of performance are not mentioned anywhere, or are incompletely mentioned). In such a case, though the Angas or the sub-ceremonies are to be borrowed from the Prakriti Yagya, those of the sub ceremonies which prove themselves to be inconsistent with or out of place in the Vikriti Yagya, are to be omitted.

Applicability of Mimansa Rules of Interpretation –

Sir John Edge, the then Chief Justice of Allahabad High Court, has referred to the Mimamsa principle in *Beni Prasad v Hardai Bibi*.

Similarly, Gunapradhan Axiom of the Mimamsa principle was applied for interpretation of section 419 of UP Sales Tax Act in *Amit Plastic Industry, Ghaziabad v Divisional Level Committee, Meerut*.

Knowledge of Mimansa Principles enables one to creatively develop the law.

A few examples of utilization of Mimansa Principles in some judgments is given below:

1. In *Sardar Mohammad Ansar Khan v. State of U.P.*⁶ the controversy was as to which of two clerks appointed on the same day in an Intermediate College would be senior, and hence entitled to promotion as Head Clerk. Now there is no rule to cater to this situation. However, Chapter 2, Regulation 3 of the U.P. Intermediate Education Regulations states that where 2 teachers are appointed on the same day, the senior in age will be senior. Using the *atidesh Principle of mimansa* it was held that the same principle which applies to teachers should be also applied to clerks, and hence the senior in age would be senior.

The atidesh principle originated in the practical difficulty of performing certain yagyas. There are some yagyas (e.g. agnihotra, darshapurnamani, etc.) whose method of performance is given in detail in the Brahmanas. These are known as prakriti yagyas. However, there are other yagyas whose rules are not given any where, and these are known as vikriti yagyas. The question arose how these latter are to be performed? The atidesh principle was created to resolve this difficulty, and according to this principle the vikriti yagya is to be performed according to the rules of the prakriti yagya belonging to the same genus.

2. The Anusanga Principle of Mimansa has been used in *Mahabir Prasad Dwivedi v. State*⁷ The principle has been explained in great detail in this decision, which may be seen in the aforesaid

⁶ 1993 ALR 89

⁷ AIR 1992 All 351

journal. The conclusion reached in this decision could not have been reached by any principle of Western Jurisprudence, and this illustrates the great use which can be made of Mimamsa Principles to make the statute more democratic and equitable.

3. The Laghava Principle has been used in *Vinay Khare v. State of U.P.*⁸ The controversy in this case was that if in a competitive examination two candidates got equal marks whether the candidate who got more marks in the oral interview should be placed higher in the select list or the candidate who got more marks in the written test. It was held in this case that the candidate who got more marks in the written test should be placed higher because to interpret general suitability on the basis of marks in the written test is a short and simple interpretation and provides a clear objective test, whereas the criteria in the oral interview involves consideration of the candidate's personality, dress, physique, etc. which is complicated and in which there are more chances of favouritism and arbitrariness.
4. In *Mahavir Prasad Dwivedi v. State of U.P.*⁹
The judgment states:
“In mimamsa, casus omissus is known as adhyahara. The adhyahara principle permits us to add words to a legal text. However, the superiority of the mimamsa 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 subcategories coming under the general category of casus omissus. In the mimamsa system, on the other hand, the general category of adhyahara has under it several subcategories, e.g., anushanga, anukarsha, etc. Since in this case we are concerned with the anushanga principle, I may explain it in some detail.”
5. “It is deeply regrettable that in our Courts of law lawyers quote Maxwell and Craies but nobody refers to the Mimamsa Principles of interpretation. Most lawyers would not even heard of their existence. 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 us.”¹⁰

Conclusion -

It is also pertinent to mention the mimamsa principles were originally evolved for interpreting the religious texts pertaining to the Yagyas, and hence all of them may not be relevant for interpreting legal texts.

It can be shown how Mimamsa principles can be a powerful tool in the hands of the Judge in moulding the law to make it more rational, equitable and democratic. Use of Mimamsa Principles gives a flexibility which Western principles of interpretation totally lack.

If the aforementioned rules under Mimamsa Principles of Interpretation are analyzed, the Laghava and Shruti Principle signifies what the Literal Rule of Interpretation signifies. The Vakya Rule of Interpretation is quite similar to the Mischief Rule of Interpretation. Similarly, the General Principles Regarding the Application of Texts has been able to segregate the rules that are mandatory in nature and those which are not mandatory in nature.

Knowledge of the Mimamsa principles enables one to infuse equity and the democratic spirit into the law in a manner unknown to western techniques of interpretation.

⁸ 1993 ALR 1

⁹ CMWP No. 6318 of 1992, decided on 27-7-1992 by Katju, J. of the Allahabad High Court

¹⁰ Para 18 Re: Dr. Rajbir Singh Dalal vs. Chaudhary Devi Lal University (on 6th Aug 2008)

"An example of this is the decision in Mahavir Prasad Dwivedi v. State of U.P. In that case the facts were that the petitioner had been elected Chairman of a Town Area in U.P. He was removed by the Collector after giving him a hearing, and the Collector's order was confirmed by the State Government. But the State Government had not given an opportunity of hearing to the petitioner. The question before the court was whether the State Government, too, had to give an opportunity of hearing before it confirmed the order of the Collector. After a great deal of consideration it was answered in the affirmative, utilizing the Anusunga principle of Mimamsa."- There is also an ongoing debate about whether or not these rules of Mimamsa be incorporated in the legislative form. Some say that these rules cannot be incorporated in the legislative form. It is because, according to them, the rules present in the Mimamsa is obviously the rules of extrinsic aid and if rules of extrinsic aid and construction are codified then it may be that some radical sources are kept out of purview of interpretation unknowingly. Besides, Mimamsa gives its much priority to Hindu Religion. In the case if the Economics stand contrary to the Dharmasasthras, Mimamsa rules prefers Dharmasasthras to Economics. This might look contemporary to be used efficiently in the Hindu Laws in particular but looks conservative if used in a general sense. Mimamsa principles of interpretation gave the rules of exegesis which though primarily intended as aids for the interpretation of rules contained in the Vedas and other Dharmasasthras relating to ceremonial observances and sacrifices, were applied, though not with uniformly, in construction of texts of municipal law as well. Rules for interpretation in the form of a scientific system were developed since very early times known as Mimamsa Principles of Interpretation. These principles were regularly used by the renowned jurists like Vijnaneshwara (author of Mitakshra), Jimutvahana (author of Dayabagh), Nanda Pandit (author of Dattak Mimamsa), etc. Whenever there was any conflict between two Smrities, eg., Manusmriti and Yagnavalkya Smriti, or ambiguity in a Shruti or Smriti, the Mimamsa Principles were utilized. These Mimamsa rules were laid down by Jaimini in his Sutras written around 500 B.C. No doubt, these principles of interpretation were initially laid down for interpreting religious texts pertaining to 'Yagya' (sacrifice), but gradually the same principles came to be used for interpreting legal texts also, particularly since in the Smrities the religious texts and legal texts are mixed up in the same treatises.

From the various court decisions given by the judiciary of India in different context, it is clear that the Mimamsa Principles of Interpretation are still suitable at present context as it also contains a scientific basis for the interpretation. If the Mimamsa rules of Interpretation are also used along with other rules of interpretations like Maxwell's or Craies', the legal system can find it easy in the interpretation of statutes because rich and scientific methods of interpretation are also prevalent in Mimamsa which can be effective aid for interpretation of statutes.

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