

# INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi Disciplinary  
Peer Reviewed

[www.ijlra.com](http://www.ijlra.com)

## **DISCLAIMER**

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Managing Editor of IJLRA. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of IJLRA.

Though every effort has been made to ensure that the information in Volume II Issue 7 is accurate and appropriately cited/referenced, neither the Editorial Board nor IJLRA shall be held liable or responsible in any manner whatsoever for any consequences for any action taken by anyone on the basis of information in the Journal.

Copyright © International Journal for Legal Research & Analysis

## **EDITORIAL TEAM**

### **EDITORS**

#### **Dr. Samrat Datta**

*Dr. Samrat Datta Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Samrat Datta is currently associated with Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Datta has completed his graduation i.e., B.A.LL.B. from Law College Dehradun, Hemvati Nandan Bahuguna Garhwal University, Srinagar, Uttarakhand. He is an alumnus of KIIT University, Bhubaneswar where he pursued his post-graduation (LL.M.) in Criminal Law and subsequently completed his Ph.D. in Police Law and Information Technology from the Pacific Academy of Higher Education and Research University, Udaipur in 2020. His area of interest and research is Criminal and Police Law. Dr. Datta has a teaching experience of 7 years in various law schools across North India and has held administrative positions like Academic Coordinator, Centre Superintendent for Examinations, Deputy Controller of Examinations, Member of the Proctorial Board*



#### **Dr. Namita Jain**

*Head & Associate Professor*

*School of Law, JECRC University, Jaipur Ph.D. (Commercial Law) LL.M., UGC -NET Post Graduation Diploma in Taxation law and Practice, Bachelor of Commerce.*



*Teaching Experience: 12 years, AWARDS AND RECOGNITION of Dr. Namita Jain are - ICF Global Excellence Award 2020 in the category of educationalist by I Can Foundation, India. India Women Empowerment Award in the category of "Emerging Excellence in Academics by Prime Time & Utkrisht Bharat Foundation, New Delhi. (2020). Conferred in FL Book of Top 21 Record Holders in the category of education by Fashion Lifestyle Magazine, New Delhi. (2020). Certificate of Appreciation for organizing and managing the Professional Development Training Program on IPR in Collaboration with Trade Innovations Services, Jaipur on March 14th, 2019*

## Mrs.S.Kalpana

Assistant professor of Law

*Mrs.S.Kalpana, presently Assistant professor of Law, VelTech Rangarajan Dr.Sagunthala R & D Institute of Science and Technology, Avadi. Formerly Assistant professor of Law, Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr.Ambedkar Law College, Pudupakkam. Published one book. Published 8 Articles in various reputed Law Journals. Conducted 1 Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration. 10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.*



## Avinash Kumar



*Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC – NET examination and has been awarded ICSSR – Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.*



## **ABOUT US**

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS  
ISSN

2582-6433 is an Online Journal is Monthly, Peer Review, Academic Journal, Published online, that seeks to provide an interactive platform for the publication of Short Articles, Long Articles, Book Review, Case Comments, Research Papers, Essay in the field of Law & Multidisciplinary issue. Our aim is to upgrade the level of interaction and discourse about contemporary issues of law. We are eager to become a highly cited academic publication, through quality contributions from students, academics, professionals from the industry, the bar and the bench. INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

# **MIMAMSA: A LEGAL INTERPRETATION**

AUTHORED BY - JAHNVI ASHOK SINGH

## **Abstract**

*Mimamsa, a foundational school of Hindu philosophy, offers a framework for interpreting the Vedas, it has 2 types the first one is regarding rituals (Purva Mimamsa) and the second one is (Uttara Mimamsa/Vedanta). This paper include Mimamsa principle like- Guna Pradhan, Laghav, Sarthakya, etc... These principles offer a structured approach to understanding laws, promoting fairness and flexibility which can be used by judges during the process of making judgment. The Indian Supreme Court, as seen in Vijay Narayan Thatte & Ors. vs. State of Maharashtra & Ors. (2009), has advocated for the use of Mimamsa, highlighting the Kalanja Maxim (prohibiting even attempts of forbidden acts).*

*Cases like Beni Prasad v. Hardai Bibi and Amit Plastic Industry v. Divisional Level Committee highlighting the use Mimamsa's principle in modern law, resolving disputes related to adoption, property inheritance, and industrial incentives.*

*Theory of Error in Mimamsa is viewed as- Prabhakara focuses on non-apprehension of differences (Failing to recognize differences between perception and memory), while Kumarila Bhatta emphasizes positive misapprehension (Not just not knowing, but confidently thinking you know, and being totally mistaken.)*

**Keywords- Mimamsa, Interpretation, Vedas, Rituals, Error, Principles, Cases,**

## **Introduction**

Mimamsa is a significant school of thought within Hindu philosophy, primarily concerned with the interpretation of the Vedas, which are the oldest sacred texts of Hinduism. The term "Mimamsa" comes from Sanskrit, meaning "reflection" or "critical investigation." Mimamsa is divided into two main branches:

- **Purva Mimamsa:** This branch deals with the earlier parts of the Vedas, focusing on rituals and actions.

- Uttara Mimamsa: Also known as Vedanta, this branch focuses on the later parts of the Vedas, particularly philosophical and metaphysical inquiries.

#### Purva Mimamsa

Purva Mimamsa, often referred to as "Karma Mimamsa," focuses on the **ritualistic** aspects of the Vedas. It emphasizes the importance of performing rituals correctly to fulfil one's duties and attain desired outcomes, such as prosperity or spiritual merit. This branch teaches that by adhering to prescribed rituals, individuals can achieve their goals in this life and the next.

### Scope of Mimamsa

1. Dharma- Mimamsa focus on dharma or ethical action, which comes from Vedas
2. Action over knowledge – Mimamsa believe doing the right action is more important than just knowing the right things to do to reach liberation (moksha).
3. Impact on our daily life- Mimamsa impact daily life of the Hindu. All rituals, ceremonies and moral behaviour depend upon it.
4. Aim – the main aim of Mimamsa is to give rules for the interpretation of Vedas

### Basics of Vedas

- The word "Veda" means "knowledge" or "wisdom" in Sanskrit. The Vedas contain answers to big questions about the Divine, the universe, and why we're here.
- They're a collection of holy books in Hinduism.
- The Vedas are thought to have existed since the beginning of time.
- The Vedas are shruti, meaning "what is heard", because they were originally passed down orally.
- The Vedas are thought to have been "discovered" by wised men in deep meditation, rather than written by specific people. Some believe they were orally dictated by brahma
- Four main Vedas: Rigveda, Samaveda, Yajurveda, and Atharvaveda
- Each Veda has four sections
  - a) Samhitas – prayers, mantras
  - b) Brahmanas and Aranyaka- explanation of rituals and ceremonies practical application of Samhitas
  - c) Upanishads- philosophical texts and spiritual knowledge

### **Primary Purpose of Mimamsa**

- To figure out what "Right Action" (Dharma) is.
- Mimamsa believes that doing is more important than just knowing. Knowledge is useless without application, action is necessary for happiness, and human destiny is fulfilled through action.
- Example: Reading about the importance of truthfulness is good, but Mimamsa would emphasize actually speaking the truth, even when it's difficult.
- Injunctions: Mimamsa focuses on "Vidhi" or "injunction" which are instructions in Vedic texts, especially about rituals
- Example: The Vedas might describe how the Pooja is done. Mimamsa would analyse the exact instructions (Vidhi) to ensure the ritual is performed correctly, with the right materials, mantras, and procedures, to achieve the desired result.

### **Mimamsa Principle**

- Sarthakya (Every Word Matters)- This means we can't just ignore parts of a rule or law because they seem unimportant. Every single word is there for a reason, and we need to figure out what that reason is.
- Laghav (Keep It Simple)- The easiest explanation is usually the right one. Ignore the complicated meanings if a simple one makes sense.
- Arthaikatva (One Meaning at a Time)- Each word or sentence should have one clear and focused meaning in the context. Avoid trying to pack multiple interpretations into a single phrase, as this can lead to confusion.
- Guna Pradhan (Main Thing First)- When you're reading a rule, figure out the main point. If there's a small detail that seems to contradict the main point, usually the main point wins.
- Atidesha (Filling in the Gaps)- This means if you're missing instructions for something, you can use similar instructions from a related thing to fill in the blanks, as long as they make sense in the context.
- Samanjasya (Make Everything Fit)- Try to make all parts of a rule or law work together perfectly.
- Shruti (Take It at Face Value) Usually, words mean what they say. Don't try to find hidden meanings unless you absolutely have to.



- Wachan (Prioritize the Remaining Text)- When there is a conflict, the remaining part of the texts are to be prioritized to get a meaning.
- Linga (Look Deeper)- If a word just doesn't make sense in its normal meaning, it might have a special or technical meaning. Think of it like jargon in a specific profession.
- Vakya (Context is Key)- If a word or sentence is unclear, read the sentences around it. The surrounding text can give you clues about what it means.

### **Mimamsa in Modern Law**

If the instructions aren't clear, people can misinterpret them, leading to unfair outcomes. Mimamsa can help make sure those instructions are as clear as possible. Here's how judges can use Mimamsa:

- Fairer Laws: By carefully analysing the wording of a law, judges can make sure their interpretation is fair and logical. This helps avoid biased or unreasonable outcomes.
- Flexibility: Mimamsa offers a different way of thinking about legal interpretation. It's like adding another tool to a judge's toolbox.
- Mandatory vs. Optional: Mimamsa helps distinguish between what's absolutely required by a law and what's more of a suggestion or guideline. This is important because you don't want to punish someone for not following a suggestion.

#### Examples in Action

Guna Pradhan being used in a case about the plastics industry. By focusing on the main goal of the regulation, the court was able to interpret the law correctly.

### **Mimamsa vs. Western Ideas**

Mimamsa isn't completely different from how Western legal systems interpret laws. There are some overlaps:

- Laghav & Shruti are similar to the "Literal Rule" in Western law. This rule says to take words at their ordinary, everyday meaning.
- Vakya is similar to the "Mischief Rule." This rule says to look at the problem the law was trying to solve in order to understand what the law means.

### **Mimamsa and Maxwell**

Maxwell's principles, developed in English courts, guide statutory interpretation by focusing on the ordinary meaning of words and legislative intent. In contrast, Mimamsa is an ancient, more detailed, and systematic Indian system for interpreting Vedic texts and legal principles. While Maxwell's principles are prevalent in Western legal systems and apply to statutes, Mimamsa originated in India and extends to interpreting judgments as well as statutes. Maxwell deals with man-made laws, whereas Mimamsa concerns itself with the Vedas, which are considered eternal. Both emphasize understanding the intention behind the law.

### **Mimamsa Rules of Interpretation: Supreme Court Shows How It's Done**

In India, lawyers usually use Western ideas (like Maxwell's rules) to understand laws. But the Supreme Court of India, in the case of *Vijay Narayan Thatte & Ors. vs. State of Maharashtra & Ors.* (2009), tried something different.

This case was about land that the government wanted to take over. The government issued one notice about taking the land, then a second one after the first notice had expired. The concern was that whether the government could issue the second notice. The Supreme Court used Mimamsa rules—ancient Indian ideas about understanding rules—to help them decide. The court pointed out that most Indian lawyers probably haven't even heard of Mimamsa.

One important Mimamsa rule they used was the "Kalanja Maxim." This rule says that if something is forbidden, even trying to do it is forbidden. The Supreme Court used the Kalanja Maxim to help decide that the government couldn't issue that second notice. They saw the rule about the time limit for the first notice as a general rule that everyone had to follow. If you have a time period of 1 year to do something, and you don't do it in that time, then you cannot do it later.

The Court further stated that the provision of section 6 of the Land Acquisition Act which provided the time period of 1 year to issue notification, was a provision applicable to the entire world and therefore applied to this case and made the second notification by the state government as illegal and void.

This case shows that Mimamsa rules can be a helpful way to understand Indian laws. We

hope more Indian courts and lawyers will start using Mimamsa in the future.

### **School Theory of Error in Relation to Mimamsa and law**

A fair legal system depends on getting the facts right and understanding the laws correctly. But people make mistakes – it's just human nature! The Indian 'theory of error,' called Khyativada, helps us understand how those mistakes happen.

Two key Mimamsa scholars viewed error differently. **Prabhakara** believed we don't see the wrong thing; we just fail to recognize the difference between what we perceive and what we remember. In the classic example of mistaking a rope for a snake, Prabhakara would say you see 'something long' (which is true), but you fail to remember it's a rope and recall the idea of a snake. The error lies in this non-apprehension. **Kumarila Bhatta**, on the other hand, argued that we do see the wrong thing. The error is a positive misapprehension. It's a mistaken apprehension of something (our brain makes a mistake and creates a false image. Instead of just not seeing the rope, you actually see and believe in a snake that isn't there) The difference is the active, positive assertion of something incorrect, rather than just a lack of clear perception.

The theory of error within philosophical discourse examines how misunderstandings arise in interpreting texts or concepts.

### **Cases- Where Mimamsa Meets the Law**

- **Beni Prasad v. Hardai Bibi:** This 1892 case, decided by the Allahabad High Court, involved a dispute about adoption under uncodified Hindu law. On the one side it said that the giving and receiving in adoption in the Dattaka form (Dattaka is a traditional method of adoption it involves ceremonies and rituals, by the biological and adoptive parents) of an only son are prohibited by the Hindu law. On the other hand, it might be religiously discouraged but not strictly illegal. The court, led by Chief Justice John Edge, successfully applied Mimamsa rules in resolving the matter. the court accurately used the principle from Jaimini's Mimamsa sutra, whether he adoption of an only son was a strict command or merely a recommendation. This distinction was crucial to decide the case. Mimamsa's key principle: A rule stated with a reason is generally a recommendation, not a strict command. Thus, by using

Mimamsa the court make a judgment about it as a recommendation and not as a strict law.

- Narayan Pundlik Valanju v. Laxman Daji Sirsekar: The Bombay High Court considered whether property acquired by a woman through prostitution could be inherited by her sister or the government. the smritis had no clear answer. the court applied the principle of atidesha from Jaimini's Mimamsa sutras. Atidesha lets you apply rules from one situation to another similar one if the law is silent the court view the inheritance rules for men and applied in this case. the sister was the close relative. Therefore, the government could not take the property. the Mimamsa principle filled the gap between the law when no direct law existed
- Subramania Ayyar v. Rathnavelu Chetty: This 1917 case concerned whether a Shudra's illegitimate son could inherit his father's property when there were no other heirs. The principle of atidesha from Jaimini was also applied in this case. The court held that even though there was no explicit text in the smritis granting a Shudra the right to inherit property from a concubine's son, Mimamsa help the court fill the gap in the law and give the son inheritance rights.
- Amit Plastic Industry, Ghaziabad v. Divisional Level Committee, Meerut: Amit Plastic Industry sought a certificate under Section 4-A of the U.P. Sales Tax Act, intended to encourage new industrial units. The Divisional Level Committee denied the request because of Explanation 1(d) in that section, concerning previously used machinery. The Allahabad High Court overturned this decision, asserting that the law's main goal was to encourage new industries and could not be interpreted in a narrow or strict manner, as the object of Section 4-A was to give a fillip to development of industries. The ruling favoured the intent of the law (helping businesses) over a strict reading of its specific wording. The court referenced Mimamsa principles of interpretation in the judgment. One principle highlighted was the Guna Pradhana Axiom (focusing on the law's primary intent), emphasizing that when interpreting laws, courts must focus on the primary object or intent behind the law.

### **Conclusion**

Mimamsa is an ancient Indian philosophy for understanding the Vedas and determining the best action, or Dharma. It provides principles for interpreting laws, ensuring fairness and clarity, and has been used by the Indian Supreme Court, as seen in Vijay Narayan Thatte. Cases show the applicability of Mimamsa in solving the disputes arising with regard to adoption, inheritance of property, and industrial incentives. It also illustrates how the misapprehensions occur in reading texts by providing theories such as Prabhakara's non-apprehension and Kumarila Bhatta's misapprehension. Using Mimamsa to understand laws helps judges make fair and logical decisions. The principles and their applications demonstrate that Mimamsa is not merely a historical system. Mimamsa acts as a living method to deal with complicated legal issues.

### ***References***

<https://www.casemine.com/judgement/in/5721afa7607dba2e3c887b52>     <https://www.ebc-india.com/lawyer/articles/93v1a4.htm?ref=legal-wires.com>  
<https://www.ijfmr.com/papers/2023/6/9322.pdf>  
<https://jayasreesaranathan.blogspot.com/2009/08/use-mimamsa-principles-sc-tells.html>  
<https://bistasarojlaw.blogspot.com/2014/05/mimamsa-and-its-uses-in-interpretation.html>  
[https://www.worldwidejournals.com/global-journal-for-research-analysisGJRA/recent\\_issues\\_pdf/2013/September/mimamsa-rules-ofinterpretation\\_September\\_2013\\_1599022968\\_31.pdf](https://www.worldwidejournals.com/global-journal-for-research-analysisGJRA/recent_issues_pdf/2013/September/mimamsa-rules-ofinterpretation_September_2013_1599022968_31.pdf)  
[https://www.researchgate.net/publication/371970304\\_MIMANSA\\_RULES\\_OF\\_INTERPRETATION\\_AND\\_ITS\\_APPLICABILITY\\_IN\\_THE\\_CURRENT\\_LEGAL\\_SYSTEM\\_OF\\_INDIA](https://www.researchgate.net/publication/371970304_MIMANSA_RULES_OF_INTERPRETATION_AND_ITS_APPLICABILITY_IN_THE_CURRENT_LEGAL_SYSTEM_OF_INDIA)  
<https://www.amity.edu/jaipur/pdf/aur-naac/mimamsa%20principles%20of%20interpretation%20a%20leg.pdf>