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THE FOUR PRINCIPLES OF
MIMANSA

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8.1 The *Sruti* principle

Apart from the six axioms discussed above, the *Mimansa* system has four principles - *Sruti*, *Linga*, *Vakya* and *Prakarana*.¹

Dr. Jha mentions two more - *Sthana* (order of the sequence) and *Samakhya* (name).²

We may first take the *Sruti* principle. When a verb and the case governed by it have a self-evident meaning and, thus, (the two) form a complete and independent sentence, this is called a *Sruti*; no attempt should be made to strain or twist its construction. Dr. Jha translates it as "Direct assertion".³ The very utterance of the word gives out its meaning.

8.2 The *Linga* principle

When the meaning of a word or 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, this is called a *Linga*. Dr. Jha calls it the "Indicative word".

Laugakshi Bhaskara gives a pithy definition:⁴ "The suggestive power of all words is *Linga*". Kumarila Bhatta's description of *Linga* is contained in the pithy sentence शब्दस्य उक्तिसामर्थ्यम् (The declaratory power of words). According to him, *Sruti* is the clear and obvious meaning of a word, while *Linga* is its meaning by *implication*.⁵

8.3 The *Vakya* principle

Where a sentence which is apparently a complete (self-contained) sentence has, in order to make out a satisfactory sense, to be read as a part sentence connecting it with some other sentence, it is called a *Vakya* or a matter of syntactical arrangement. The method has been explained by Kumte, who states that "in interpreting a passage", it is "necessary to determine whether a given sentence is a simple or complex, single or compound, subordinate or co-ordinate, a divisible or non-divisible".⁶ According to the *Sloka Vartika*, by the *Vakya* method, on an examination of the structure of the sentence ; one derives a special

1. Sarkar, pages 109, 110

2. Jha, *Purva Mimansa in its Sources* (1964), page 220.

3. Jha, *Purva Mimansa in its Sources* (1964) page 220.

4. Sarkar, page 106, citing *Laugakshi Bhaskara*.

5. Sarkar, page 110.

6. Kumte, *Suddarshan Chandrika*, pages 687-691, referred to by Sarkar, pages 105, 106.

sense¹ विशेषः उपजच्यते। Dr. Jha calls it “Syntactical connection.”²

8.4 The *Prakarana* principle

When a sentence or clause, read by itself, does not indicate its purpose, but its purpose becomes clear when read with some other text belonging to any other topic discussed; this is called a case of *Prakarana*.

The explanation of this concept in *Laugakshi Bhaskara*³ is very lucid. It defines *Prakarana* as the “relationship of inter-relationship between passages” उभयाकाक्षा प्रकरणम्।

It is based on the latent relation of ideas, which must have been present to the mind of the author.⁴ Dr. Jha calls it the principle of context.⁵

8.5 The four principles compared

It may be convenient at this stage to highlight the main characteristics of each of the four principles mentioned above.

- (i) In *Sruti*, the sense of the word is appreciated by the very utterance thereof.⁶ In other words, the sense is self-evident.
- (ii) In *Linga*, the sense is gathered by implication. As Apadeva puts it,⁷ *Sruti* is an independent pronouncement. Its meaning is ascertained on its very pronouncement.

In contrast, in *Linga*, one has to go underneath the literal text.

- (iii) In *Vakya*, the emphasis is on the inter-relationship between various parts of a sentence, so that they are to be construed as an integrated whole.
- (iv) In *Prakarana*, the focus is on the inter-relationship between two or more passages of a document, apparently isolated from one another, but really having an internal relevance, so that justice is done to the unity of thought in the mind of the author and formal separation does not disregard the mind of the author of the document and does not cloud the essential unity of the subject matter.

8.6 The *Sruti* principle and modern law

It is obvious that in the *Sruti* principle, the stress is on the literal text. This is illustrated by a discussion of the *Vedic* command (एन्द्रया गार्हपत्यम् उपतिष्ठते) (Taittiriya Samhita 4.2, 5.4) which means - “By the *mantra* addressed to Indra, worship (establish) the god of the household fire”. The objection may be raised as

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1. Sarkar, page 113, citing *Sloka Vartika*, Adhi 7, *sloka* 92.
 2. Jha, *Purva Mimansa in its sources* (1964) page 220.
 3. Sarkar, page 107 citing *Laugakshi Bhaskara*.
 4. Sarkar, Page 149.
 5. Jha, *Purva Mimansa in its Sources* (1964) page 220.
 6. Cf. Sabara Bhashya, III,iii.14 and Sarkar, page 115.
 7. Sarkar, page 107, citing Apadeva.

to how, one can worship one god, by a *mantra* meant for another. But, as the words of the text are not ambiguous, one must honour the text.

Jaimini¹ tells us, that the expression वचन is clear, and hence, the operative expression cannot be overshadowed by any such doubt. Elsewhere, Jaimini says² - "Where there is (an express) text, considerations of reason are of no avail". This is very similar to the rule of literal construction adopted in modern times. If there is nothing to modify, alter or qualify the language which the statute contains, then that language must be construed in the ordinary and natural meaning of the words and sentences³ Where, by the use of clear and unequivocal language capable of only one meaning, anything is enacted by the legislature, it must be enforced, however harsh or absurd or contrary to common sense the result may be.⁴ As was observed in a revenue case, "The decision in this case calls for a full and fair application of particular statutory language to particular facts as found. The desirability or the undesirability of one conclusion as compared with another cannot furnish a ground in reaching a decision".⁵

8.7 Examples in modern law of *Sruti*

Examples may be cited from modern law, Where an Act of Parliament required Members of Parliament to take the abjuration oath with a declaration that it was taken "on the true faith of a Christian", Jews were held to be excluded by necessary implication.⁶ Similarly, where a section empowered the Minister to make a certain order if the Minister is satisfied that a school "is being administered" in contravention of the Act, the past mismanagement of the school cannot be considered⁷ Here it is the tense which becomes decisive. "As for words, the rule is, unless there be reasonable objections against it, they are to be understood in their proper and most known signification"⁸

8.8. The *Linga* principle and modern law

Next one can consider the *Mimansa* principle of *Linga*. "*Linga*", in the present context, means the suggestive power of words. *Laugakshi Bhaskara* defines it thus -सामर्थ्यम् सर्वशब्दानाम् लिंगमिति अभिधीयते। Two main branches of *Linga* are spoken of by *Mimansa* writers, namely, -

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1. Jaimini, III.ii.3
 2. Jaimini, IV.i.41.
 3. Maxwell, Interpretation of Statutes (1976) page 28.
 4. Cartledge v. E. Jopling & Sons Ltd., (1963) A.C. 758.
 5. Shop and Shore Development Ltd. v. I.R.C. (1967) 1 A.C. 472, 493 (Lord Morris of Borth-Y-Gest).
 6. Miller v. Salomons, (1853) 7 Ex. 475, affirmed Salomons v. Miller, (1853) 8 Ex. 778. c.f. Burditt v. Joslin, (1981) 3 All E.R. 203.
 7. Maradana Mosque v. Mahmud, (1967) 1 A.C. 13; (1986) 1 All E.R. 545 (H.L).
 8. Pufendorf, Of the Law of Nature and Nations (1729), page 535, cited by Bennion, Statutory Interpretation (1984), page 797.

- (a) ambiguity is resolved by the suggestive power of some word in the sentence itself;
- (b) ambiguity is resolved by the suggestive power of some other passage.¹

Later writers on the *Mimansa* speak of “*Lakshana Artha*” (*indicia*).

In modern law, there are several occasions on which the ordinary or literal meaning of a statute is departed from in favour of a more rational meaning to be attributed appropriately to the word or phrase under construction. Occasions where such a departure is permissible are numerous. Some of the important instances (selected at random) are the following:-

- (a) History of the legislation (outside Parliament).
- (b) Parliamentary history of the legislation (wherever admissible).
- (c) Context.²
- (d) Practice of Judges.
- (e) Conveyancing practice.
- (f) International conventions on the subject where the legislation in question implements such a convention.

8.9 The *Vakya* principle and modern law

The third principle of *Mimansa* is the *Vakya* principle. According to *Laugakshi Bhaskara*, “*Vakya*” is “*Samabhivyahara*” समभिव्यवहार वाक्यम् (putting together).³ Jaimini states⁴ the position as under:

“In case of doubt, the solution is by reading into the passage what forms the sequence”. The classical example is afforded by the text in *Taittiriya Samhita* 3.12, 5.12, directing the placing of besmeared sandstones. This text does not tell us how or with what substance the besmearing is to be done. But it is followed by the words “*Ghee* is light” -

So, it must be understood that the pebbles are to be besmeared with *Ghee*.

The word “*Vakya*” is often replaced by the word “*Anwaya*” in later discussions on the *Mimansa*. *Vakya* or *Anwaya* comprises -

- (a) *Adhyahara* and *Anusanga* (supplying of ellipses).
- (b) *Upakarsha* and *Apakarsha* (transference of clauses up and down).⁵

8.10 Modern principle of interpretation by context

The *Vakya* principle is, to a large extent, reminiscent of the modern principle of reading words in context. This principle has so many applications.⁶ The most relevant rule for the present purpose is the rule, that individual words are not to be read in isolation, but may have their meaning determined by other words in the

1. Sarkar, page 126, citing *Laugakshi Bhaskara*.
 2. For the use of context, see para 8.10, infra
 3. Sarkar, page 137, citing *Laugakshi Bhaskara*.
 4. Sarkar, page 138, citing Jaimini, I.iv.29.
 5. Sarkar, page 141.
 6. See Maxwell, Interpretation of Statutes (1976), pages 58-67.

section in which they occur.¹

The modern rule of *noscitur a sociis* is also based on the same approach.² A word derives colour from those which surround it”.³

8.11 The *Prakarana* rule and modern law as to construing Act as a whole

As regards the *Prakarana* rule of *Mimansa* (often called *Upalakshana*), its essence has been thus stated by *Laugakshi Bhaskara* - उभायाकांक्षा प्रकरणम् “the relation of inter-dependence between (two or more) passage”.⁴ Comparable to this, is the modern principle that an Act is to be regarded as a whole.⁵ One application of the modern rule is the proposition that the meaning of a section of an Act may be controlled by other individual sections in the same Act.⁶ However, this rule (like most other rules), is subject to a contrary intention, expressed or implied in the enactment in question.

8.12 Superiority of *Sruti* etc.

A *sutra* in *Jaimini*⁷ deals with the question of superiority of *Sruti* etc. Thus - “where *Sruti*, *Linga*, *Vakya* etc. are applicable (but tending to yield different results), one is superior to the other in the order of the above enumeration because the significance of each that follows, is remoter and more far-fetched (than the one that precedes it).”

The Sanskrit text is as under

श्रुतिलिंग वाक्य प्रकरण स्थान

समाख्यानाम् समवाये,

पारदौर्बल्यम् अर्थविप्रकर्षात् ।

8.13 Literal rule not to be departed from

This reminds one, *inter alia*, of the general principle in modern times, that the literal rule (which broadly corresponds to the *Sruti* principle of *Mimansa*), is not to be departed from, save in exceptional cases.⁸ Lord Evershed, M.R. has called it “the only safe rule”, having regard to the length and detail of modern legislation.⁹

1. *Blackwood v. R.*, (1882), 8 A. C. 81, 82; *Jennings v. Kelly*, (1949) A.C. 206
2. Broom's *Legal maxims* (1939), page 396.
3. *Bourne v. National Crematorium Ltd.*, (1967) 2 All E.R. 576, 578 (Stamp, J.).
4. Sarkar, page 107, citing *Laugakshi Bhaskara*. Cf. Broom's *Legal Maxims* (1939), page 423.
5. Maxwell, *Interpretation of Statutes* (1976), pages 47, 58-67.
6. See cases in Maxwell, *Interpretation of Statutes* (1976), page 59, fn. 72.
7. Sarkar, pages 161-162, citing *Jaimini* III.iii.14.
8. Maxwell, *Interpretation of Statutes* (1976), pages 28-39.
9. Lord Evershed, Foreword to Maxwell, 11th ed., page vi.

