

PUNARVACANA (पुनर्वचन)

OF

ANUVĀDA (अनुवाद)

In the Pūrva Mīmāṃsā and Dharmasāstra we came across the use of two technical forms Anuvāda and Punarvacana. The term Punarvacana is understood by the writers on Pūrva Mīmāṃsā to give emphasis or stress to a thing which is repeated. Hence Punarvacana is understood as "Purposeful" repetition.

As opposed to this, Anuvāda however is understood as meaningless repetition and the main purpose of Anuvāda is to show the association of the thing which is repeated only in particular context.

As regards the use of a term Punarvacana however there seems to be a difference of opinion among the writers of Nyāya-sāstra and the Alankāra Sāstra on one hand and the Mīmāṃsaka's and writers of Dharmasāstra on the other hand. The writers on the Nyāya-sāstra hold that in Punarvacana the repetition is meaningless. While the repetition in Anuvāda is meaningful or purposeful.

But a close study of the diverse disciplines of Sanskrit study will clearly indicate that the view point of the Mīmāṃsakas' is upheld by the writers on different disciplines of Sanskrit learning.

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1. अन्यसंबंध बोधनार्थं ज्ञातजापकोऽनुवादः।

The term Punarvacana is highly technical term and used by the writers on Grhya and Śruti Sūtra literature, Śabara, Kumārila and Pātañjali in his Mahābhāṣya, Upaniṣads, Varāhmihira and his commentators Utpal in Astrology, the commentators of Sanskrit dramas, the writers on Alankāra-sāstra and writers of Dharma-sāstra like Kulluka and Devanabhāṭṭa. Nīlakaṇṭha and others, for purpose ^{not} out only one. Following are the purposes for which Punarvacana is used.

1) Respect, 2) Emphasis, 3) Injunction, (4) Restriction, 5) Nature of an act, 6) Putting an end to the relation of the former topic of discussion, 7) Vast disparity, 8) Indication of Gender, 9) Observance of a particular rule till completion of the act, 10) Different act, 11) To indicate subsidiary act, 12) Acquisition of special fruit, 13) Laying down restrictive conditions, 14) Showing the absence of restrictive conditions, 15) Bearing in mind a particular object or act mantra, 16) Inclusion of an object 17) Exclusion of a particular thing, 18) Exception to exception, 19) Showing Anityatva, 20) Removing confusion in the mind, 21) Firmness of knowledge, 22) Firmness of prohibition, 23) Special concession, 24) Textual authority for some rules, 25) Additional fault, 26) Glorification of good qualities, 27) Absolute prohibition, 28) Vast expanse of prohibition, 29) End of a chapter or section, 30) Emphasis or stress on the words indicative on and Anuprasa, 31) Option. For example of the above purposes read "Motivations of Punarvacana (Repetition)" by Dr. S.G.Moghe, Journal of Bombay Branch of Royal Asiatic Society.

In the verse No.236 of Prāyāścitta Adhyāya of Yājñavalkya-smṛti, Yājñavalkya has mentioned Vrtalopa as Upapātaka. And in the verse-238, he mentions Vrtalopanam as an Upapātaka. Vijñāneśvara in commentary on that verse, accounts for this restatement by saying that the second Vrtalopa does not refer to the topic of the first one, but to the breach of such vows as we neither commanded nor prohibited. Thus this restatement is purposeful.

Another good example of Punarvacana can be cited from Vijñāneśvara's commentary on Yājñavalkya-smṛti, Prāyāścitta Adhyāyas 238, 247, 232, 256, 28 and 29 of the same book.¹

We find some proper examples of Punarvacana from commentary of Kulluka-Bhaṭṭa on Manusmṛti.²

Nilakanṭha in his Nīti Mayūkha, p.60 quotes Manusmṛti VII-61 to 64 and introduces the term Punarvacana to interpret this text. He also uses the term Punarvacana to interpret the Manusmṛti IV-114 in his Saṁskāra Mayūkha, p. 63.

These are in all six places of Manusmṛti that are not handled by Medhātithi from the point of view of Punarvacana.

1. यथेदिति पूर्वोक्तस्यानुवादो धर्मविशेष विधानार्थः ।

याज्ञवल्क्य स्मृति II-1 P-125

2. अत्र स्नुषाभगिन्योः पूर्वोक्तेन गुरुत्वसमीकृतयोः पुनर्ग्रहणं प्रायश्चित्त विकल्पार्थम् । Page no. 413

पुन 'व्रतलोप' ग्रहणं शिष्टाप्रतिषेधेऽपि श्रीहरिचरण कमलप्रेक्षणतः प्राक् ताम्बूलादिकं न शक्यमीत्येवंरूपेषु प्राप्स्यर्थं ननु स्नातकव्रतप्राप्स्यर्थम् । 'स्नातकव्रतलोपेच प्रायश्चित्तमभोजनम्' इति मनुना केषु प्रायश्चित्तस्य प्रतिपादितत्वात् । Page no 415.

जुहुयादित्यनेनाग्नौ सिद्धे भूणहासिमुपसमाधत्तेति पुनराग्निग्रहणं लौकिकाग्नि प्राप्स्यर्थम् ।

Page no 425

'तस्माद्वाक्पणराजस्यै वैश्वस्य न सुरां पिबेत्' इति निषेधविधौ लिङ्गस्यैविकक्षितत्वेन वर्णत्रयभार्याणामपि प्रतिषेधे सिद्धे पुनर्वचनं द्विजाति भार्याः शूद्राया अपि सुराप्रतिषेधप्राप्स्यर्थम् ।

Page no 436

REFERENCE MS II-53.

Passage - उक्तेऽप्याचम्येति भोजनार्थतयाऽऽचमने पुनर्वचनं
माननस्यार्थम्, अनन्तरमेव भुञ्जीत, न व्यापारान्तरेण
व्यवहृतेति ।

(Medhātithi on MS II-53)

Translation -

Though the 'rinsing of the mouth' has been already laid down in verse 51, it is reiterated again in order to show immediate sequence, the sense being that one should take his food immediately after rinsing the mouth and no other act should be allowed to intervene.

Explanation -

After the initiation a religious student should beg his food and should eat as stated in MS II.53. The stanza tells - 'The twice born person should always take his food after having sipped water and with due care, and after having eaten he should rinse his mouth in proper manner and the cavities with water.'

While commenting on this text of Manu, Medhātithi points out that, the word Āchamana and Upaspr̥ṣya used by Manu are both synonymous. He explains how both the words are having the same sense with the help of grammar. He therefore says that the word Āchamana occurred in MS II.51 is reiterated by the word Upaspr̥ṣya. The purpose of repetition is to show only immediate sequence i.e. there should not ^{be any} kind of gap, break or should not do any other activities in between sipping of water and eating. In other words we may say that immediately after rinsing of mouth one should take his food without the intervene of other activities.

1. उपस्पृश्य द्विजो नित्यमन्नमद्यात् समाहितः ।
भुक्त्वा चोपस्पृशेत्सम्यग्द्विः स्वानि च संस्पृशेत् ॥ २.५३॥

M.S. Vol. I P-247

Thus according to Medhātithi repetition of word Upaspr̥śya is meaningful and it shows the immediate ^{sequence} ~~sequence~~ as its purpose. Medhātithi also understands II.53 as a case of Anuvāda in interpreting the expression 'Nityam' in the first line and 'Samyag' in second line.

² (Kulluka however, treats this as case of Anuvāda whose purpose is to lay down the subsidiary act (Gunavidhi). From this it is evident that he differs from Medhātithi in Mīmāṃsā technical terms and also holds that the Anuvāda is also purposeful. Possibly in this respect his approach to the term Anuvāda is in agreement with the view point of writers on ³ Nyāyasastra and ⁴ Alankāra-sāstra).

1. अत्र द्विजग्रहणं भोक्तृमात्रधर्मार्थं चाहुः नित्यग्रहणं चानुवादः ।

MS Vol I P-247.

2. निवेश गुरवेऽन्नोपायाद्येति यद्यपि भोजनाप्रागाचमनं विहितं तथाप्यग्निः स्वानि च संस्पृशेदिति गुणविधानार्थोऽनुवादः ।

MS Vol I P-248

3. अनर्थकोऽव्यासः पुनरुक्तम् । अर्थवानव्यासोऽनुवादः ।

न्यायसूत्र II-160 P-120

(Gangādhara Jha's edition 1939)

4. शब्दार्थस्य च पुनर्वचनमनुवादातिरिक्त विषये दोषः ।

संजीवनी क अलंकार सर्वस्व P-34

REFERENCE MS II.108.

Passage - अग्नीन्धनादीनां पुनर्वचनं तद्व्यतिरिक्तव्याप्तिरिति
धर्मकलापस्योत्तरेषामप्यश्रमिणामनुष्ठानार्थम् ।

Translation -

(Medhātithi on MS II-108)

The reiteration of the 'Kindling of fire and other duties in the present verse is meant to indicate that the duties other than these which have been previously prescribed for students are incumbent upon person in the succeeding stages of life also (and are not confined to the 'student' only).

Explanation -

While describing the duties of initiated boy we get MS II.108 which states - "The twice-born person, whose initiation has been performed should continue to do, till the final bath of 'Return' (Samāvartana) the kindling of fire, the begging of food, the sleeping on the ground and the acting for the teacher's well being."

Here, the word kindling of fire is repeated from the previous stanza i.e. MS II.69.² Where the same is prescribed that the teacher should teach right behaviour, fire kindling and also twilight devotion. Medhātithi while commenting on present text says that reiteration of the word kindling fire and other duties in present verse is meant to indicate that duties of other than this are incumbent upon in the succeeding stage of life and not confined to the student only.

1. अग्नीन्धनं औद्दृच्यमिधःशय्यं गुरोर्हितम् ।
आ समावर्तनात्कुर्यात्कृतोपनयनो द्विजः ॥ २-१०८ ॥

MS Vol I P-319

2. उपनीय गुरुः शिष्यं शिक्षयेच्छौचमादितः ।
आचारमग्निकार्यं च संस्थोपासनमेव च ॥ २-६९ ॥

MS Vol I P-269

Thus the repetition is here in present stanza is purposefull.

¹
(Nandana however points out the significance of Agnidhanam by introducing the maxim "Siddhe Satyārambho niyamarthah").

1. अग्नीधनादीनां यत्नतः ब्रह्मचर्यविकाकभावित्वं प्रधानवश
वर्तित्वत् गुणानां, (सिद्धिं) सिद्धे सत्यारम्भो नियमार्थः ।

Nandana

ms vol I P-320

REFERENCE MS II.177.Passage -

पुनर्ग्रहणं गौणशुक्लपरिग्रहणार्थम् ।

Translation -

Conedhatithi on MS II-177)

And yet it has been reiterated here for the purpose of including all those things that are named 'acid' only figuratively.

Explanation -

While dealing with rules to be observed by religious student we get ¹ MS II.177, which means - "He should abstain from honey, meat, scent, garland, flowers, women, all fermented acids and also the killing of living creatures."

Commenting on the expression 'Suktāni' i.e. fermented acids, Medhātithi remarks that, this repetition of the word 'Rasān' in the first line, which also means flowers i.e. sweet acid and the rest and holds the view that Manu has repeated for the inclusion of all the 'acid' which good and bad only figuratively.

Thus according to Medhātithi 'Punarvacana' is also used for expressing the certain words figuratively and also for inclusion of some type.

(Other comments of Manu ^{etors} ~~are~~ ^{have} not interpreted from Mīmāṃsā point of view).

1. वर्जयेन्मधु मत्स्यं च गन्धं माल्यं रसान् स्त्रियः ।
शुक्लानि यानि सर्वाणि प्राणिनां चैव हिंसनम् ॥ २.३७७ ॥

MS vol I P- 404

REFERENCE MS II.189.

Passage - ये तु श्राद्धस्य वैश्वदेवब्राह्मणभोजनं देवदेव्यमाचक्षते,
तेषां पितृग्रहणेन गृहीतत्वादनर्थकं पुनर्वचनम् । सामान्यशब्दे
वाच्यं कुतो विशेषावगतिः ? साहचर्यादिति चेत् - यदि न पित्र्य
शब्देन ग्रहणं भवेत् । गोबलीवर्दन्याशेषोऽयमिति विषयभेदे भवति ।

(Medhātithi on MS II.189).

Translation -

Some people have explained that the feeding of Brāhmanas at 'Śrāddha' in honour of the Viśvadevas is what is described here as being 'in honour of the gods'. But such feeding, being part of what is done (in honour of ancestors' becomes included under the latter phrase, and the reiteration of it would be entirely meaningless. Then again, since we have the generic term 'gods' on what grounds could we restrict it to the Viśvadevas only? If such restriction be based upon the association of the term 'Pitryā' in honour of ancestors' - then, since the acts thus spoken of, would not be included in those done in honour of ancestors' - the two words could be justified on the analogy of the expression 'Go-balivarda', 'Bovine bull', which is used even when there is not much difference between what is denoted by the two terms.

Explanation -

While discussing the duties of the student, one is advised in the MS II.189 to the following effect:-

1. व्रतवद्देवदेवस्ये पित्र्ये कर्मण्यथार्चितम् ।
काममभ्यर्चितोऽश्नीयाद् व्रतमस्य न कुर्वते ॥ २.३८९ ॥

MS Vol I P-417

The stanza means -

"At his pleasure he may eat, when invited, the food of one man at a ^(rite) right in the honour of the gods, observing (however the condition of) a vow, or at ^a (funeral meal) in the honour of the ^{manes} means behaving ^(however) honour like a hermit.

In his comments on this stanza Medhātithi points out that 'Brāhmaṇa Bhojana' becomes a part of the 'Daiva-karma' and it also becomes a part of the Śrāddha-karma. Actually it was not necessary to lay down separately, the feeding of Brāhmaṇa both at a 'Viśvedevas' rites or even at the 'Śrāddha-ceremony'. A single mention of the feeding of a Brāhmaṇa would have served the purpose. Here there is reproduction of the 'Brāhmaṇa Bhojana' even at the Śrāddha ceremony and this reproduction does not serve any purpose.

Actually the purpose of 'Punarvacana' i.e. reproduction is to give emphasis or the stress to the thing which is repeated. In the present context however we do not locate any emphasis for the 'Brāhmaṇa-bhojana' even at the time of the Śrāddha ceremony, particularly when the same purpose can be served at the 'Viśvedevas'. Hence the considered opinion of Medhātithi is that here the 'Punarvacana' is absolutely meaningless.

If however, it is said that by the expression or the mention of 'Pitru' there is a reference to the Brāhmaṇa-bhojana. Following the principle of 'Gobalivardanyāya' even then this is not tenable.

The subject matter of the present discussion cannot be properly explained by citing the principle of the maxim of cow and bull. Here actually the present subject matter is not a proper subject of 'Gobalivardanyāya'.

It may be noted here that, ^{from} Manusmṛti III.83 it is quite clear evident that Manu has not intended to repeat 'Brāhmaṇa-Bhojana' for the Vaisadeva rite and hence Medhātithi is right in holding that this is not a case of Punarvacana.

It is interesting to note here that for not treating Manusmṛti II.189 as a case of Punarvacana, Medhātithi should have quoted textual authority of Manusmṛti III.83. But it seems that this learned commentator has not taken pretty care to refer to the internal evidence so available to him.

¹
Kulluka, however, understands this, as a case of 'Pratiprasara' of MS II.188.

1. पूर्वनिषिद्धस्यैकान्नभोजनस्यायं प्रतिप्रसवः।

Kulluka

MS Vol I, P-421

REFERENCE MS III-2.

Passage - अतः स्थितमेतत् - नाधीत्यैव विवाहे यावद्वेदार्थो
नाधिगतः । एवं च पदयोजना कर्तव्या । अधीत्य अध्ययने
निर्वत्तेऽपि अविप्लुतब्रह्मचर्यः स्यात् । प्राप्तार्थां च निवृत्तौ
पुनर्वचनं नियमान्तराणां मधुमांसवर्जनादीनां निवृत्तिपरम् ।
तेन यावदध्ययनं तत्त्वसर्वं नियमा अनुष्ठातव्याः । समाप्ते
व्यवधानेऽथविबोधनात् स्त्रीनिवृत्तिरेव करणीया, स्त्री सेवा
न विधातव्या ।

(Medhātithi on MS III.2).

Translation -

From all this it becomes established that one should not marry immediately after learning the Veda, until he has learnt what is contained in the Veda, and the words of the text have to be construed thus. Having learnt i.e. after learning has been finished one should continue to be firm in the vows of studentship (i.e. of continence). The cessation of continence having become permissible (after the Veda has been learnt), its maintenance is reiterated with a view to indicate that the other vows and restraints- such as the avoidance of honey, meat and the rest may be withdrawn. The conclusion thus comes to be that, so long as the Veda is being learnt, the boy should keep all the vows of studentship but when the learning of the Veda has been completed, and he continues his studies further for understanding; what is contained in the Veda, he should abstain only from intercourse with woman.

Explanation -

Having described duties and vows of studentship Manu tells the
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entrance into the household in MS III.2 thus -

1. वेदानधीत्य वेदो वा वेदं वाऽपि यथाक्रमम् ।
अविप्लुतब्रह्मचर्ये गृहस्थाश्रमावसेत् ॥ ३.२॥

MS 701 II P-6.

"Having learnt in due course, three Vedas or two Vedas or one Veda, he should enter upon the state of householder, having never deviated from the vows of studentship.

Commenting on the expression 'Avipluta Brahmacarya' Medhātithi wants to clarify the sense of repetition (Punarvacana) the same sense from MS II.249¹ to indicate that, a Brahmacāri having learnt all the Vedas, he should keep the vows of studentship till he marries, avoiding other vows such as eating honey, meat etc. and he should observe only that vow, which is restricted to intercourse with the woman. Because immediately after the completion of studies one is not going for marriage. Hence during completion intervening period between 'Vedic study' and marriage, he should study other sciences for his livelihood. Hence according to Medhātithi, the purpose of Punarvacana of 'Avipluta' Brahmacarya' is made to indicate the strict observance of "avoiding intercourse with the woman." He further suggests that one may withdraw from the restrictions on Madhu Māsa^m etc. Here the purpose of Punarvacana is 'Niyamantarānam Nivṛttiparam'

²
(Kulluka however treats this as a case of Anuvāda and slightly differs from Medhātithi in the use of technical term Anuvāda for which Medhātithi uses the term Punarvacana.

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1. एवं चरति यो विप्रो ब्रह्मचर्यमवविप्लुतः।
स गच्छत्युत्तमस्थानं न चेह जायते पुनः ॥ २. २४९॥
MS Vol II - P - 479
 2. पूर्वविहित स्त्रीसंयोगमधुमांसशकणवर्जनरूपं ब्रह्मचर्यं
मनुवक्ष्येऽग्रम्।
MS Vol II P - 8

¹ Kulluka, ² Sarvajña-Nārāyaṇa, ³ Manirāma interpret the MS III.2
as a case of Vikalpa based on the individual capacity of a student
in studying one Veda or more Vedas or other sciences).

1. पुरुषशक्त्यपेक्षश्चायमेकद्विजिज्ञासाध्ययन विकल्पः ।

Kulluka
ms Vol II P- 8

2. विद्यारम्भानपक्षे शक्त्यपेक्षो विकल्पः ।

Sarvajñanārāyaṇa
ms Vol II P-8

3. सर्वेषां सर्वत्र अध्ययननियमे प्राप्ते विकल्पानाहु
वेदानिति ।

Manirāma
ms Vol II - P-8

REFERENCE MS III.83.

Passage - प्राप्ते भोजन आशयेदिति पुनर्वचनमपूर्वत्वमस्य
दर्शयति ।

Translation -

(Medhātithi on ms III-83)

'Since feeding is already understood as forming part of the Śrāddha, the presence of the verb 'should feed' in this verse indicates that this feeding is something new (different from the feeding that forms an integral part of all Śrāddhas)'.

Explanation -

While discussing the duties of a householder we have Manusmṛti at
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III.83. This stanza means -

'Let him feed even one Brāhmaṇa in honour of ^{mane}man at the Śrāddha which belongs to the five great sacrifices. But let him not feed on that occasion any Brāhmaṇa on account of the Viśvedeva offering.'

Medhātithi in his comments on this stanza refers to the view of some who hold that even though there is no provision for the 'Brāhmaṇa-Bhojana' at the 'Viśvedeva' rite yet if the Brāhmaṇa comes he may be fed and here this is case of 'Punarvacana' which produces or shows the novelty of 'Punarvacana'.

It may be noted here that Medhātithi does not subscribe to this view of some, who treat this as a case of 'Punarvacana' for the clarification of this point the reader may refer to the comments of Medhātithi on the MS II.189 explained above.

(Other commentators do not use the Mīmāṃsā terms while explaining the text).

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1. एकमवाशयेद्विप्रं विप्रार्थं पाञ्चयज्ञिके ।
न चैववाशयेत्कंचिद्वैश्वदेवं प्रतिद्विजम् " ३-८३ "

MS VOL II P-97.

REFERENCE MS III-146.

Passage - कश्चिन्नन्येत पितृकृत्ये त्रीनित्युक्तम् । पूर्वश्लोके च
 ज्ञानाश्रयिणोऽप्ययमिदं उपात्तम् । तत्र स ब्रह्मचरिणं नास्ति प्राप्तेरिति
 तद्वशेऽङ्कानि कृत्यमिदम् ।

Translation - (connected with MS III-146)

Some people might argue as follows: 'It has been asserted that 'at the rite performed in honour of ancestors one should feed three Brahmanas'; and in the preceding verse the learners of several recensional texts have been mentioned, so that there is no possibility of one's own companions in study being fed. And it is with a view to set aside this notion that the author puts forward the present verse.

Explanation -

While discussing the merits of the Śrāddha ceremony performed by the householder, we have the Manusmṛti III.146.¹ This stanza means -

"If one of three dines duly honoured at a funeral sacrifice the ancestors of him who gives the feast as far as the seventh person, will be satisfied for a long time."

Here the main question is whether a Brāhmaṇa who preserves the Vedic learning can be invited as a suitable Brāhmaṇa for the Śrāddha ceremony or not. The expression 'Eṣam Anyatamha' in III.146 refers to the

1. दातव्यमन्यतमो यस्य भुञ्जीत श्राद्धमर्चिताः ।
 -पितृकृत्यं तस्य तृप्तिः स्याच्छ्राद्धेति साप्तपौरुषो ॥ ३.२४६

'Vedapārāga' person or 'Advaryāḥ' or 'Chāndog' person. Medhātithi in his comments on this stanza points out that already Manu has pointed out the persons who have studied different branches of learning as most suitable at the Śrāddha ceremony. Here one may entertain a doubt as regards the inclusion of Brahmacāri in the list of Brāhmaṇa to be so invited. Medhātithi feels that this is a case of 'Punarvacana' the purpose of which is to remove the doubt in the mind of reader in respect of inviting a Brahmacāri as a suitable Brāhmaṇa, for the Śrāddha ceremony. In fact even a Brahmacāri can be invited as a competent Brāhmaṇa for the Śrāddha ceremony.

Cf.: Here the attention of the readers can be invited to the commentary of 'Sudarsanācārya' on the 'Āpastambha-grhya-sūtra' for the purpose of removing doubt as a necessary element of the 'Punarvacana'.

(Other commentators of Manu^{are} silent on this point).

REFERENCE MS III.150.Passage -

प्रतिषेधादर्थं मनुग्रहणम्।

Translation -

(Medhātithi on III-150)

The name of 'Manu' has been added for the purpose of lending force to the prohibition; as in reality, all duties have been described by Manu.

Explanation -

While discussing the Brāhmanas that are disqualified to partake¹ of the oblation to the God and the manes we have the Manusmṛti III.150.

The stanza means -

"Manu has declared that those Brāhmanas who are thieves, outcastes, eunuchs and atheists are unworthy to partake of oblation to the Gods and the manes.

Medhātithi in his comments on this stanza points out that there is 'Punarvacana' of the name Manu. Since Manu has written the Manusmṛti and has framed all the rules for the betterment of the society. The question naturally arise as to why there is a repetition of the word 'Manu' in the present stanza. Manu points out that here the purpose of 'Punarvacana' is to show respect to the person, whose name is reproduced.

1.

ये स्मेन पतितकरीषा ये च नासिकवृत्तयः।

तान् हव्यकव्ययोर्विप्रान्न हविर्नुरज्जवीत् ॥ ३. ३५० ॥

MS vol II P-160

The use of 'Punarvacana' for showing the sense of respect seems to be quite common among the writers on 'Dharmasāstra' and also among the commentators on 'Vedānta-sūtra' of 'Bādarāyana' and particularly 'Sankarācārya'. It may be pointed out here 'Sankarācārya', in his commentary on 'Isāvāshopaniṣad', stanza-17, the reproduction is with the purpose of showing respect.

Even Haradatta in his comments on 'Āpastamba dharmasūtra' uses 'Punarvacana' to show the sense of respect.

(This view of Medhātithi is followed by Kullūka who also says 'Manugrahanum Nisedhat Ādarārtham Sarvadharmānām eva Manunā Uktatvāt').

REFERENCE MS III.168.Passage -

यथैते स्तेनादयः पङ्क्तिदूषकाः - द्रुवमनधीयानस्तच्छुष्य
दोष इत्येवमर्थं पुनर्वचनम् ।

(Medhātithi on MS III.168).

Translation -

This is reiterated in the present verse, in order to indicate the just as the thief and the rest are 'defilers of the company', so equally blame worthy is the unlearned Brāhmana also.

Explanation -

While discussing the nature of Brāhmana who should not be invited for the Śrāddha ceremony, we have the discussion in Manusmṛti III.168.¹

The stanza means -

"As a fire of dry grass is unable to consume of offerings and this quenching, existing wish, even so it is with an unlearned Brāhmana sacrificial food must not be given to him since it would be offered in ashes."

Medhātithi in his comments on this stanza incidentally refers to the Manusmṛti III.150 in which the Brāhmanas who are thieves outcast etc. are treated as unworthy for Śrāddha ceremony. These Brāhmanas are known as 'Panktidūṣakāha'.

-
1. ब्राह्मणो ह्यनधीयानस्तृणान्निरेव शम्यति ।
तस्मै हव्यं न दातव्यं न हि भस्मनि हव्यते ॥ ३-३६८ ॥

Medhātithi further points out that, here there is a repetition of word Brāhmaṇa only to show that even the unlearned Brāhmaṇa stands in the row of the other disqualified Brāhmaṇa like 'Stena Patita' etc. Hence this is a case of 'Punarvacana' the purpose of which is to show that the same fault holds good, even with reference to the unlearned Brāhmaṇa. This use of 'Punarvacana' for laying the same blame or the same fault is peculiar on the part of Medhātithi.

The expression 'Anadhiyānam' with reference to the Brāhmaṇa already occurs in the Manusmṛti III.151. Hence by the expression 'Stenādayaha' Manu has in view; the long list of disqualified Brāhmaṇas in the Manusmṛti ~~showed~~ on III.151 upto III.167. Here in the above list the 'Anadhiyāna' Brāhmaṇas is already included in Manusmṛti III.151. The way in which Medhātithi understand 'Punarvacana' is not quite happy. Actually he should have referred to the Manusmṛti III.151 in which the expression 'Anadhiyānam' occurs and he should have simply pointed out here the 'Punarvacana' of the expression 'Anadhiyānam' from III.151 to III.168, is for the purpose of showing the additional fault which one may incur as a result of inviting the unworthy Brāhmaṇa. Knowing full well that he is thereby incompetent. The purpose of 'Punarvacana' for 'Doṣādhikeyārtham' or additional fault would have become more appropriate and preferable to the equal fault (Tulyadoṣa) as suggested by Medhātithi. Hence Medhātithi's interpretation is not quite happy and sound on this Mīmāṃsā point.

¹ Kullūka however follows Medhātithi. But Nandana's ^{2 in his} commentary on 'Havya' says this as a Upalakṣaṇa of 'Kavya' etc.

1. "श्रोत्रियायैव देयानीत्यनेनैव अनधीयानस्यापि प्रतिषेधसिद्धौ स्तेनादिपङ्क्तिद्वयकत्वज्ञापनार्थं पुनर्वचनम् ।"

Kullūka MS Vol II-P-177

2. इवमिति कव्यस्याप्युपलक्षणात् ।

Nandana

MS Vol II-P-178

REFERENCE MS IV.21.

Passage - तृतीयध्याये विहितानां महायज्ञानामनुवादे विशेषभिधानार्थः।
स च विशेष उत्तरत्र वक्ष्यते (२२ श्लो०) "अग्नीहोमानः"। अन्ये तु
मन्यन्ते - ब्रह्माधिकारे पुनर्वचनं नियमसिद्ध्यर्थम्। ॥

(Medhātithi on MS IV-21)

Translation -

The sacrifices prescribed in Discourse III are reiterated here for the purpose of laying down details in connection with them; these details shall be described in the next verse.

Others think that the reiteration of these sacrifices under the 'observances' is for the purpose of establishing their obligatory character; so that the man shall for^m the determination that 'so long as I continue to be a householder, I shall not omit the five great sacrifices.'

Explanation -

While describing five great sacrifices we get MS IV.21. The stanza means-

"To the best of his power, he shall never omit the sacrifice to the sages, the sacrifice to the Gods, the sacrifice to elementals^s, the sacrifice to men and the sacrifice to the Pitrs."

-
1. ऋषियज्ञं देवयज्ञं भूतयज्ञं च सर्वदा।
मृत्युयज्ञं पितृयज्ञं च यशस्तर्हि न ह्यपयेत् " ४.२३ "

MS vol II P-305

Commenting on this verse, Medhātithi holds the view that, the reference to the five great sacrifices in the present verse is a repetition for the purpose of laying down the details of these sacrifices.

He further gives the opinion of others, that they hold the view that the repetition i.e. Punarvacana is to establish their obligatory to the householder and he should continue them till the end of his life. The purpose of Punarvacana is Niyamasiddhi.

Thus Medhātithi gives his view as well as other's view by using two Mīmāṃsā technical terms i.e. 'Anuvāda' and 'Punarvacana'.

It is further evident that according to Medhātithi Anuvāda is also purposeful, like the Punarvacana. One will have to infer from the writing of Medhātithi that he does not look upon the MS IV.21 as a case of Punarvacana.

(Rāghavānanda² however considers IV.21 as a case of Punarvacana³ the purpose of which is to show respect. He is followed by Nandana in this respect).

1. Cf Medhātithi on MS

2. 'पुनर्वचनमेतेषाभादरार्थ' । Rāghavānanda MS vol II - P-305

3. उक्तानपि महायज्ञान्युनरातिशयार्थमाह ऋषीति । Nandana
MS vol II P-305

REFERENCE MS IV.43.

Passage - रतिनिमित्तार्थतया आर्य्या सह भोजने प्राप्ते वचन
मिदमारभ्यते । नाश्नीयाद्वा र्य्या सार्धमिति । अथ "संस्पर्शब्रह्मेण
वृष्यते संप्रयोग विशेषः कथ्यते । तदानीं परिचुम्बनावेक
शुचित्वमिति नास्ति आर्य्या सह भोजनप्राप्तिः । तत्रैवं पुनर्वचनं
व्रतजापनार्थम् । ततश्च यावज्जीवकः संकल्पः कर्तव्यो यथा
आर्य्या सह भोजनं न भवति ।

(Medhatithi on MS IV-43).

Translation -

The above considerations would give rise to the notion that one may eat with one's wife, who serves the purposes of sexual intercourse; hence with a view to preclude such an idea, the text proceeds to declare - 'he shall not eat with his wife.'

"As a matter of fact, what has been said regarding the purity of the woman's mouth refers to a particular form of advances that man in love generally makes, so that the purity can refer only to the act of kissing; and there is no possibility of its making any one inclined to eat with his wife."

But the reiteration contained in the present verse is meant to show the form of observance; which means that one should make a life long vow that 'he shall never eat with his wife.'

Explanation -

While dealing with the subject of 'personal cleanliness' we get
1
MS IV.43, which tells that - He shall not eat with his wife; nor shall he look at nor while she is eating or snoring, or yawning or sitting at her ease.

1. नाश्नीयाद्वा र्य्या सार्धं नैनामीक्षेत चाश्नीयते ।
क्षुवतीं ब्रह्ममाणं वा न चासीनां यथा मुखम् ॥ ४-४३ ॥

(MS Vol.II, p.327).

Manu tells, while describing expiations in Chapter-XI¹, that, one should avoid the leaving of woman and Śūdra in MS XI-152, and further it is told that if a man eats, then he shall have to go for expiation for seven nights eating with grains etc.

Thus it is clear that, if a person eats with his wife, it is assumed that, he has eaten the leaving of a woman. It is therefore he must go for expiation of seven night prescribed in MS XI.152.

Hence Medhātithi commenting on MS IV.43 says that, the word 'Nāṣṇīyād bhāryayā Sārdham' is a Punarvacana i.e. repetition only to show the form of observance i.e. Vrta and a person should observe the vow during his life time.

This is how Medhātithi has shown the word 'Nāṣṇīyādbhāryayā Sārdham' used by Manu in MS IV.43, serves the purpose of reminding the vow and expiation prescribed for one who prohibits the rule eating with wife, with help of Mīmāṃsā technical term Punarvacana.

(Other commentators are silent from Mīmāṃsā angle).

REFERENCE MS IV.80.

Passage - न चास्योपदिशेद्धर्मम् । "ननु च न श्रुत्वा येनैव विशेषेण दृष्टादृष्टविषयमितिदानप्रतिषेधः। धर्मेपदेशमिवेधोऽपि सिद्ध इव" । सत्यम् । पुनर्वचनं शेषार्थम् । ततः प्रायश्चित्तोपदेशेऽनुज्ञातो भवति । "शरणागतं परित्यज्य" (अ० ३३ श्लो ३९८) इत्यत्र चैतद्व्यतिरिक्त्याप्तः ।

(Medhātithi on MS IV-80)

Translation -

He shall not ex^{ou}pend the law to him. The very first word of this text have forbidden the offering to a Sūdra of any advice on temporal or spiritual matters; and the expanding of law also becomes forbidden by the same words."

True; but the prohibition has been repeated for the purpose of
 additional informati^{on} in the shape of special expiatory rites - laid down
 in connection with the expounding of the law to a Śūdra, which we shall
 explain under XI.198.

Explanation -

While describing personal cleanliness Manu tells in MS IV.80 thus -
He shall not offer advice to Śūdra, nor the leavings, nor what has been prepared as an offerings to the Gods. He shall not expound the law to him; nor shall he indicate to him any penance.

1. न शूद्राय मर्तिं दद्याज्जोच्छिष्टं न हविष्कृतम् ।
न चास्थोपदिशेद्दर्मं न चास्य व्रतमादिशेत् " ४. ८० "

MS Vol II - P-354

Medhātithi while commenting on "he shall not expound the law to him" says that, even though in the first line the word 'Na Śūdrāya matim dadyāt' indicates prohibition of advice on temporal or spiritual matters yet again in second line 'Na cāsyopdiseddharmaṃ' is repeated. This repetition i.e. Punarvacana, according to Medhātithi, is to indicate special expiatory rites, if one violates the rule of not expounding law to Śūdra.

Hence Punarvacana is purposeful to indicate some special expiations.

1

Kulluka however understands Upalakṣaṇa on the term Prāyaścitta which makes the illustration of all the religious instructions.

-
1. प्रायश्चित्तमिति सकलधर्मोपदेशस्योपलक्षणादर्थम् ।

Kulluka

MS Vol II P-356

REFERENCE MS IV.162.Passage -

पुनर्वचनमाचार्यदीनामाततादिनामपि निवेद्यार्थमिति केचित् ।

(Medhātithi on MS 38-162)

Translation -

In various places, the injuring of all living beings has been forbidden; and some people think the repetition of the same in the present text is meant to forbid the injuring of even such preceptors and teachers etc. as may be great sinners and dangerous enemies.

Explanation -

While discussing the duties of a Snātaka we have the Manusmṛti IV.162.¹ Here it is said that "let him never offend the teacher who initiated him, nor him who explained the Veda, nor his father and mother, nor (any other) Guru, nor Brāhmaṇas, nor any men performing austerities."

While commenting on this stanza Medhātithi refers to the opinion of some commentator of the Manusmṛti who possibly happens to be his predecessor. Here it is very difficult to identify the name of the person who holds this view.

According to these commentators there is a repetition in the expression 'Ācāryam' and 'Pravaktānam'. Pravakta means a teacher and 'Ācārya' also means a teacher. Now the question arises as to why this repetition is intended here. According to these commentators by the expression 'Ācārya'

1. आचार्यं च प्रवक्तारं पितरं मातुश्च गुरुम् ।

न हिंस्यात् ब्राह्मणान् शास्त्रं सर्वं श्रेयं तपस्विनः ॥ ४-३६२ ॥

even the rash teachers are intended here. In the Manusmṛti elsewhere it is stated that if any rash person comes to kill you, there is no harm in yourself killing the rash person. Here by the present text of Manusmṛti IV.162 and 'Snātaka' is advised not to offend even a rash teacher who intends to harm you. It may be noted here that possibly Medhātithi does not agree with this view as is clear from his further comments in which he has used the technical terms 'Pratiprasava, Pratishedha and Paryudāsa'.

Here is a case where Medhātithi has not expressed any decisive opinion of his own.

(Other commentators simply pass over this point in silence).

REFERENCE MS V.14.Passage -

बकबलाकाककोलादीनां मत्स्यादग्रहणान्निधे प्रतिषेधे तदन्येषां विकल्पार्थं
पुनर्वचनम् ।

(Medhātithi on ms V-14)

Translation -

The prohibition of the 'Baka, Balāka and Kakola' being already included under that of 'fish-eaters', these have been mentioned separately in order to indicate that the eating of the other fish-eating birds is optional.

Explanation -

While discussing the Animals and the birds to be avoided by a person¹ in the matter of eating we have the discussion in the Manusmṛti V-11 to 19. In the Manusmṛti V.14 it is said that "Baka (Cran), the Balāka (the raven, Khan-garitaka animals that eat fish, village pigs and all kinds of fishes) are to be avoided in the matter of eating."

Medhātithi in his comments on this stanza points out actually by the mention of the words from Baka upto Fish (Matchā), the point of prohibition becomes crystal clear to the reader. In spite of this the word 'Matchā' again occurs in the text Medhātithi points out that this is case of 'Punarvacana' and here the hidden purpose at the back of 'Punarvacana' is to give a sweet option to the persons concerned i.e. they may eat the birds from Baka upto Matchya (Fish) or they may not eat.

1. बकं चैव बलाकां च ककोलं स्वप्नरीटकम् ।

मत्स्यादान् विद्वराहान् च मत्स्यान्नेव च सर्वशः ॥ ५. ३४॥

The use of 'Punarvacana' for the purpose of option on the part of Medhātithi appears to be a novel one.

Rāghavānanda ¹ includes ~~passes~~ the remark of Medhātithi in his comments.

(Other commentators are silent on this point).

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1. लकलककयोर्मल्ल्यादत्वेन प्रतिविद्धत्वेऽपि पुनर्ग्रहणमेषां विकल्पार्थमिति मेधातिथिः ।

Rāghavānanda

MS Vol III P-19

REFERENCE MS V.122.Passage -

पञ्चभिरिति पुनर्वचनमभिधानायेक्षया व्यस्तसमस्तप्रयोगदर्शनार्थम् ।

(Medhātithi on MS V-122)

Translation -

By these five - This reiteration is with a view to indicate that the methods may be used singly or collectively.

Explanation -

While describing the purification of the substances we get MS V.122¹ which tells - "By cleaning and smearing, by sprinkling and by scrapping and by the lodging of cows, -by these five land becomes purified."

In the preceeding two verses Manu has already stated these methods² cleaning the other substances in MS V.120 and V.121.³ Again the same are told for purification of land.

Commenting on MS V.122 Medhātithi holds the view for the repetition of these five methods, to indicate that, whether these are to be used singly or collectively for the purification of land. Otherwise one may apply a single method as stated in the preceeding verses. Because

1. सँमार्जनोपाभजेनेन सेकेनोक्तेखनेन च ।

गतां च परिवर्त्सेन भूमिः शुद्ध्यति पञ्चभिः ॥ ५.२२२ ॥

MS Vol III - P. 134

2. क्षौमेवच्छुद्धशृङ्गाणामस्थिदन्तमयस्य च ।

शुद्धिर्विजानता कार्यं गोमूत्रेणोदकेन वा ॥ ५.३२० ॥

3. प्रोक्षणातृणकाष्ठं च पलाशं चैव शुद्ध्यति ।

मार्जनोपाभजेनैवैव पुनः पाकेन मुन्मथम् ॥ ५.३२३ ॥

MS P- 443 (4E)

he further says in his commentary that, the method should be used as per the nature of the land. For instance a land like cremation ground are the five methods are to^{be} applied. Hence according to Medhātithi the Punarvacana of these five methods are with the reason or with that purpose.

1

(Kulluka however treats this as a case of Samuccaya and Vikalpa depending upon the gourava or lāghava of Ucciṣṭa Mātra¹ etc. Here Kulluka appears ^{to} might have read MS V.123 and 124 jointly. He is followed ² by Rāghavānanda in this respect.

1. समुच्चय विकल्पवगन्तव्यौ ।

Kulluka

MS Vol III - P-134

2. ऽपि चोच्चिष्टमूत्रपुरीषचाण्डालनिवासद्रुपघातगौरवलाघवत्वात्
समुच्चयविकल्पौ ज्ञेयौ ।

Rāghavānanda

MS. Vol III P-134

REFERENCE MS VI. 91.Passage -

उक्तानामप्येतेषां प्रधानवत् पुनर्वचम् । ज्ञानकर्मसमुच्चय
पक्षश्चानेन पुनर्वचनेन दृढीकृतः ।

(Medhātithi on MS VI. 91).

Translation -

Though all these have already been mentioned before, yet they are repeated here in order to indicate their great importance; and these repetitions also lend support of the view that it is the combination of knowledge and action that accomplishes the highest end of man.

Explanation -

Having described the duties of the self controlled renouncer Manu begins with the duties of renouncer of Veda. He tells the importance of ten-fold duties in MS VI-91. The stanza means -

"By twice born men belonging to all these four orders this ten-fold duty shall always be assiduously observed."

While commenting on this text Medhātithi states that, the ten-fold duties have already been mentioned in the previous different verses, even though, they are repeated here and in following stanzas. The

1. चतुश्चरि चैवैतैर्निह्यमाश्रमिभिर्द्विजैः ।

दशलक्षणको धर्मः सेवितव्यः प्रयत्नतः ॥ ६५.९३ ॥

repetition is to indicate their importance and also to show the combination of knowledge and action which accomplishes the highest end of man.

Hence the Punarvacana, of these ten fold duties mentioned in MS VI.92¹ is with the intention of showing importance. The ten fold duties are :-

Contentment, Forgiveness, Self-control, Abstinence from unrighteously appropriating anything (obedience to the rules of) purification, ^{Coercion} creation of the organs, wisdom, knowledge (of the supreme soul), fruitfulness and abstention from anger (from) the ten-fold law.

(Other commentators of Manu do not look this text from Mīmāṃsā angle).

1. द्युतिः क्षमा दमोऽस्तेयं ब्रौचमिन्द्रियनिग्रहः ।
धीर्विद्या सत्यमक्रोधो दशकं धर्मतत्त्वज्ञानम् ॥ ६.९२ ॥

REFERENCE MS VIII.10.

Passage - सभामेव प्रविश्याम्यामिति राजस्थानावल्या सभां प्रविश्य
स्थानासनेषु तद्धर्मेषु पुनर्वचनं प्रदर्शनार्थं धर्मन्तरि निवृत्त्यर्थं वा
तेन राजस्थाने नोपविशति ।

(Medhātithi on MS VIII-10)

Translation -

'Shall enter the excellent Court' - Though entering the court as the king's representative, he shall stand or sit on such a seat as it proper for himself. The repetition of 'Standing or sitting' serves either to indicate the right posture for him, or to preclude other postures. The meaning of this is that he should not sit upon the king's throne.

Explanation -

While dealing with constitution of the Court of Justice we have¹
MS VIII.10, which states -

"That man, accompanied by three assessors shall enter the excellent court, and either seated or standing, shall, investigate the suits on behalf of the king."

Commenting on 'Asinaha stitaevavā' Medhātithi states that this²
statement is repeated from MS VIII.2 where it is told that 'there, either seated or standing, raising his right hand, subdued in dress and ornaments,

1. सोऽस्य कार्यणि संपश्येत्सञ्चैरेव त्रिभिर्वृतः ।
सभामेव प्रविश्याम्यामासीनः स्थित एव वा ॥ C-30 ॥
MS-P-878
2. तत्रासीनः स्थितो वपुषी पाणिमुद्यम्य दक्षिणाम् ।
विनीतवेषाञ्चरणः पश्येत्कार्यणि कार्यणाम् ॥ C-2 ॥
MS P-870

(Mandlik edition)

he shall look into the suits of the suitors. This repetition serves either to indicate the right posture. For him who investigates the suits or to preclude other postures. This suggests that a man who accompanies him three assessors should not sit upon king's throne, a separate seat is mentioned. For dealing with suit which is an important one, if suit is light one he may give justice by standing.

Thus the purpose of Punarvacana is to show prohibition of sitting on king's throne etc. and to preclude other postures.

(Other commentators of Manu interpret the text without using Mīmāṃsā technical terms.)

REFERENCE MS VIII-41/42.

Passage - कुलधर्म इति कुलवंशः तत्र प्रख्यातमहिम्ना पूर्वजैर्न धर्मः
प्रवर्तितो भवति योऽस्मद्देशजः कुतश्च न धनं लभेत सनादेत्या
ब्राह्मणेभ्योन्यत्र विनियुञ्जीतेत्यादयो धर्माः तथा सति योग्यत्वे यत्न
पूर्वपुरुषाणां राजकानां कन्यादि संप्रादानभूतोत्पत्तिं तु न कार्येति चेति
क्रामान् राज्ञोऽनुष्ठापयितव्यं एतेषां च सामायिक धर्मशिङ्गण
पुनर्वचनचोभयसंख्यतिक्रम इति वक्ष्यामः ।

(Medhātithi on MS VIII-41/42)

Translation -

'Laws of families' - 'Family' means race; some remote ancestor of well-known fame may have laid down the rule - "Whenever any of my descendants earns wealth, he shall not make use of it without, he shall not make use of it without having first given something out of it Brāhmanas' and such rules are what are meant by 'laws of families'; or such rules as 'priests and bridegroom shall be selected out of those same families out of which they have been selected by one's forefathers, provided that suitable men are available therefrom'. One who acts against such laws shall be punished by the king.

These have been reiterated here with a view to preclude the idea that such laws govern only particular groups of men and as such cannot be regarded as 'Equity' proper.

The transgression of these laws does not fall within the category of 'Breach of contract', as we shall show later on.

Explanation -

While pointing out the nature of the peculiar laws framed by a king,
 1
 we have the Manusmṛti VIII.41.

This stanza means -

"That a king who knows the sacred laws must enquire into the laws of the court of district of guilds and of families and thus settle the peculiar laws of each."

While commenting on the expression 'Kuladharmā' Medhātithi points out that here there is 'Punarvacana' of the duties of cast district and the guilds and the main interest of 'Punarvacana' here is to remove the unlawful nature of the laws for each. Otherwise there is likely to be some confusion or injustice. Even in the case of family laws or the laws of the caste or the laws of the districts. Here the 'Punarvacana' is used to remove the unlawful nature of the laws.

(Other commentators of Manu interpret this stanza without using any technical terms).

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1. जातिजनपदधर्मान् श्रेणीधर्माश्च धर्मवित् ।
 समीक्ष्य कुलधर्माश्च स्वधर्मं प्रतिपादयेत् ॥ ८.४१ ॥

MS. No. P-896

Mandira edition.

REFERENCE MS VIII.44.Passage -

उक्तस्याप्यनुमानस्य पुनर्वचनं स्मृतिदाड्यार्थम् ।

(Medhātithi on MS VIII-44)

Translation -

The reiteration of 'inference' as a means of finding out truth, already mentioned before (in verse-3) is for the purpose of emphasising the point.

Explanation -

While dealing with judicial proceedings Manu tells how king should discover the offence while giving justice in MS VIII.44. The stanza tells- "Just as the hunter discovers the foot print of the deer by the drops of blood, so should the king discover the right by means of inference.

While commenting on this stanza Medhātithi gives his opinion for the word 'Anumānena' used by Manu that, this is repetition for finding a truth which is already stated there, that 'inference should be based on eighteen heads. Further in his comments says that purpose of repetition of inference is to emphasise the point.

Thus purpose of 'Punarvacana' is to emphasize the point which is already stated in MS VIII.3. Daily (deciding) one after another (all cases) which fall under the eighteen titles (of the law) according to principles drawn from local usages and from the Institutes of the sacred law.

(Other commentators of Manu do not look this stanza from Mīmāṃsā point of view).

1. यथा नयत्यसृक् पालैर्मृगस्य मृगसुः पदम् ।
नयेत्तथानुमानेन धर्मस्य नृपतिः पदम् ॥ C. ४४ ॥
2. प्रत्यहं देशदृष्टैश्च शास्त्रदृष्टैश्च हेतुभिः ।
अष्टादशसु मार्गेषु निबध्नानि पृथक्पृथक् ॥ C. ३ ॥

MS P-892
(Mandlik edition)

REFERENCE MS VIII. 55.

Passage - निष्पत्तेत् वक्ष्यमाणं च क्रियापदं सहीयत इति ।
यदेवोक्तं पुनरुक्तवधावतीति सहवार्थः यथापि निष्पत्तेदिति
पुनरुक्ते प्रयोजकमुक्तमव्यन्तापौनरुक्त्यमाश्रूयति कश्चिद्विशेष
आश्रयितव्यः ।

(Medhātithi on MS VIII. 55).

Translation -

The 'falling back' mentioned here is the same as the 'retracting' mentioned before (in verse 54). The purpose of such repetition of the same idea has already been explained. We have to adopt some such distinction in order to guard the text against the charge of containing absolutely needless repetitions.

Explanation -

While dealing with payment and non-payment of debt Manu describes method of investigations of that person, who acquires the debt in MS VIII. 55.¹ There it is stated - "He who secretly converses with the witnesses in a place not fit for conversation, or who does not like the question being investigated, or who falls back."

1. असंभाष्ये सपक्षिभिश्च देशे संभावते मिथः ।

निरुच्यमानं प्रश्नं च नेच्छेद्व्यापि निष्पत्तेत् ॥ C-455

M-S P-906

(Mandlik edition)

Manu describes behaviour, nature and character of a person who totally returns to pay debt right from MS VIII.53 to 57. Thus, he who mentions wrong place, or who, having mentioned it, restricts, or who does not understand that his previous and subsequent statements are contradictory. He who having put forward a statement, subsequently restricts and whom being questioned regarding a fact previously, duty alleged, does not support it and c.

Thus, it may be seen from the above stanzas that the idea of first line of MS VIII.53 is repeated in MS VIII.54 and also in the present text i.e. VIII.55.

While commenting on this text Medhātithi says that the word 'falling back' conveys the same idea that of retreating as stated in MS VIII.53 and 54. Hence the repetition in MS VIII.54 is made there to show the same reason what the preceding stanza is meant.

Thus Medhātithi holds the view that one should know the distinction between the two texts in order to avoid needless repetition. In other words we may understand the Medhātithi's view that, repetition i.e. Punarvacana of a word or an idea should be with some purpose behind it. and therefore needless repetition does not serves any purpose in interpreting the stanzas. The same statement is stated while commenting following stanza i.e. VIII.56 also.

(Other commentators of Manu interpret the text without using any Mīmāṃsā technical terms).

1. अदेश्यं यश्च दिशति निर्दिश्यापहृते च यः ।
यश्चाधरोत्तरानर्थान्विगीतान्नावबुध्यते ॥ C-५३ ॥ ms P-905
2. अपदिश्यापदेश्यं च पुनर्यत्नवपधावति ।
सम्यक्प्रणिहितं चार्थं पुनर्यत्नवपधावति ॥ C-५४ ॥
ms P-906

(Manollik edition)

REFERENCE MS VIII. 60.Passage -

साक्ष्यप्रत्ययइति पुनर्वचनम् ।

Translation -

(Medhātithi on MS VIII-60)

Hence with a view to emphasise that the witnesses should be questioned personally by the trying persons, it has been reiterated here.

Explanation -

While discussing the way by which the defendant denying debt should prove his case in the court of law we have the Manusmṛti VII. 61.¹

This stanza means . "A defendant who being brought by the creditor and being questioned denies the debt shall be convicted of his fallshood by at least three witnesses, who must dep^ent in the presence of the Brāhmaṇa appointed by the king."

Medhātithi in his comments on the expression 'Siddhībhi' points out that the mere presence of the witness will not be sufficient to prove the case of defendant. Actually such witnesses should be directly questioned by the Brāhmaṇa, so appointed by a king. Medhātithi feels that this is a case of 'Punarvacana' in as much as the witnesses are to be examined in the matter and their mere presence will not be treated as sufficient so the expression 'Prastāha or Prastāgyha' in the 1st line is reproduced virtually in the 2nd line of the stanza under discussion. Hence the 'Punarvacana' lies in not only directly examining the defendant but also his witnesses.

(Other commentators of Manu are silent on this point).

1. पृष्ठोऽप्ययमानस्तु कृतावस्थोद्यमैषिण ।

अथर्वैः साक्षिभिर्भव्यो नृपब्राह्मणसन्निधौ ॥ C-६०५

MS P-910

(Mandlik edition)

REFERENCE MS VIII.195.

Passage - योजया निक्षेपेदित्यनेन निक्षिप्तविधिर्यमुक्तोऽप्येषु
 तत्र पुनर्वचनं निमित्तार्थं तेन निक्षेपादन्यत्र
 पुनर्वचनं तृतीयप्रतिषेधार्थं
 दायशब्दः सामान्यशब्दे निक्षेपादन्यापि विक्रयादीनाह ।

(Medhātithi on MS VIII.195).

Translation -

Verse 180 has laid down the rule regarding deposits; and the present vers lays down what is to be done in the case of other transactions.

In the case of debts, friendly loans and sales, the restoration or repayment should be in the same manner in which it had been contracted. So that if it has been given privately, it should not be made public by seeking for repayment through a court of justice; and when a loan has been given on the strength of a document written by the debtor alone, then its payment should not be sought for through court. If this was done, the creditor's property should be made to suffer.

The case of deposits also being covered by this ~~some~~ rule, the addition of a rule in regard to them separately is meant to indicate that in their case the rule is absolute. Hence in the case of transactions other than deposits, when effected in private, if subsequently suspicious should arise regarding the possibility of dispute, it may be right and proper to make it public.

Or the repetition may be justified on the ground that what is done in the present verse is the prohibition of making public what has been done in private while in the preceeding verse what has been said concerns sealed or open deposits.'

The term 'Mithah' means 'in private' or 'mutually'. As all transactions are done between two parties, the addition of this adverb is, meant to deny the presence of a third party,

'Dāya', 'Trust', though a generic term, stands here for transeactions other than 'deposits' - such, for instance, as sale and the like.

Explanation -

While describing the deposits and its recovery Manu gives different¹ methods from MS VIII.180 to 195. In MS VIII.195 he states that "when a trust has been created privately and accepted also privately, then it should be resotred also secretly; as the delivery so the restoration."

²
Manu in VIII.180 states the same thing that, in the form in which one shall deposit a thing in the hands of another person, in that same form shall that thing be recovered back as the delivery so the recovery.

1. मिथोदायः कृतोयेन गृहीतो मिथतुव वा ।
मिथतुव प्रकृतव्योयथा दायस्तथा ग्रहः ॥ C-३५५ ॥
(MS P- 998)

2. येयथा निक्षेपेदस्ते यमर्थयस्यमानवः ।
सतथैव ग्रहीतव्योयथा दायस्तथा ग्रहः ॥ C-३८० ॥
(MS - P- 996)
Mandlik edition

Thus in MS VIII.180 it lays down that regarding the deposit and in present text it is laid down in case of other transactions. Yet the sense of VIII.180 is repeated in the present verse. Thus according to Medhātithi, repetition i.e. Punarvacana is justified on ground that the deposit which is kept secretly should be recovered secretly without making it public.

Thus the Punarvacana of the sense of MS VIII.180 in the present text serves the purpose of prohibition of making and recovering the trust publicly known.

1

(Kulluka however differs from Medhātithi in treating the present stanza as a case of Punarvacana. He goes to the extent of treating it as a case of Niyama Vidhi and not Punarvacana).

1. यस्माद्येनैव प्रकारेण दानमेनैव प्रकारेण प्रत्यर्पणं दातव्यमिति श्रवणान्निक्षेपधारिणोर्यं नियमविधिः । योजथा निक्षेपेदस्तइति तु निक्षेपनियमाग्रहीतव्यइति श्रवणत्वात् अतो न यौनरुक्त्यम् ।

Kulluka

MS P- 998

(Mandlik edition)