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“DECODING THE LAW: A COMPREHENSIVE GUIDE TO THE ART OF LITERAL INTERPRETATION”

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ABSTRACT

In the world of globalisation, it is equally important to communicate to each other. Would this be possible without an ordinary meaning given to the language spoken? No. The same goes for the language of law. The purpose of interpreting a statute 'is to unlock the locks put by the Legislature'. It is not expected from courts to interpret statutes arbitrarily, and due to precedents or the courts' constant practise, definite principles have surfaced. These principles are referred to as "rules of interpretation." In a case at hand, the court applies any of the rules that result in an outcome which fulfils its sense of justice. The literal rule is one of the oldest approaches to interpretation used by the courts. The judges, the lawyers, a layman are capable to understand it when there are no ambiguities under a statutes. But there are circumstances when a particular statues conveys more than one meaning. Within cases of ambiguity and in recent times, there are evidences that the courts take a different rule. When a particular rule is assumed to be valid enough for a given case, it is equally important to also recognise the assumption. The paper would first discuss the literal rule in detail with its criticisms. Secondly, this paper would address the significance of removing ambiguities in language and how the purposive rule of interpretation aids in right interpretation of law, thereby preventing invalid choices made by courts and also would study nuances of transition from a literal rule to purposive interpretation.

LITERAL RULE OF INTERPRETATION

The language of law is intended to be crystal clear so that it leaves no inconsistency in its interpretation and to ensure that the individuals understand it, for the fact that they are governed through it. But even so, years of refinement and the efforts of judges and attorneys to make the legal language lucid have made it even harder to comprehend. However, there is one such interpretation that needs no efforts to fathom. The grammatical interpretation also known as the

Literal Rule of Interpretation derived its significance from the ordinary meaning of language. Within this type of interpretation, "words" are employed in their precise nature and are construed as per their "literal" meaning or the glossary definition of the term, in other words, their direct context. Lord Atkinson in *Corp of the City of Victoria v Bishop of Vancouver Island* explained the dialect 'Literal Meaning'. He alludes that in the process of constructing a statute, its words should be interpreted in their ordinary or grammatical meaning, and any sort of departure from it cannot be done unless there is plurality in the context, or in the object of the statute in which they occur or in the circumstances in which they are taken, show that they were used in a special way apart from their natural meaning.¹ The notion behind literal rule of interpretation is that the words used themselves do the justice, and it is always preferred when the courts interpret the language expressed by the legislature and the intention behind their minds for envisaging the same. The cardinal rule of interpretation is to give effect to the grammatical meaning of the text over all kinds of interpretation. When the grammatical construction is straightforward and unambiguous then it is the duty of courts to respect the intention of the legislature and literal construction must prevail, unless there is a compelling and obvious justification to do otherwise. The courts have established that provisions of the act must be interpreted in conformity with the true meaning of the phrases and expressions that must be read in view of the "Statement of the Objects, Reasons and the Preamble of the Act."² It is that the words of the statute must be *prima facie* be adhered to their plain and ordinary meaning.³ A confined and exhaustive definition shall only be broadened or moulded to incorporate meanings which are not rigidly suggesting in the sense of the words as determined.⁴ Furthermore, there are instances where the legislature intention doesn't pertain to suing words or expressions in their legal sense and rather to apply it in their ordinary dictionary or literal meaning.⁵ For instance, we know that in contracts the term 'consideration' means 'something in return in monetary terms'; this is the legal context of the word 'consideration' whereas the English language suggests it differently. The court in referring to one of the cases i.e. *Jones v Tower Boot Co Ltd.* construed Section 32 of the Race Relations Act, 1976 that provided for penalising actions against Racial Discrimination done by a person in his 'course of employment'.⁶ Now the words 'in the course of employment' in tort law has a technical meaning

¹ *Corp of the City of Victoria v Bishop of Vancouver Island*, AIR 1921 PC 240

G. P Singh, Principles of Statutory Interpretation, pp 65, 14th ed, (LexisNexis Publications 2022)

² G. P Singh, Principles of Statutory Interpretation, pp 90-91, 14th ed, (LexisNexis Publications 2022)

³ Ibid

⁴ *Cutter v Eagle Star Insurance Co Ltd* (1998) 4 ALL ER 417.,

G. P Singh, Principles of Statutory Interpretation, pp 102, 14th ed, (LexisNexis Publications 2022)

⁵ G. P Singh, Principles of Statutory Interpretation, pp 90, 14th ed, (LexisNexis Publications 2022)

⁶ *Jones v Tower Boot Co Ltd.* (1997) 2 ALL ER 406;

G. P Singh, Principles of Statutory Interpretation, pp 90, 14th ed, (LexisNexis Publications 2022)

holding vicarious responsibility, which would mean that the acts of employees would also be answerable by his employer, and both of them could be held responsible, whether or not it was done within the knowledge or approval of the employer.⁷ But the meaning of the word if construed in the same sense upon Section 32 would largely frustrate the object of the Act to prevent racial discrimination. Thus, the court interpreted these terms in their natural everyday meaning because holding an employer responsible for the actions done by the employee under the course of employee would defeat the principle of Morality in this case.⁸

The Literal rule strategizes and doesn't go beyond what is written. Where the language of the law is definite and unequivocal, it is not in the hands of the judges to go further from that language or words and thereby, try to figure out what he might have signified legislatively by using that text. It is only referring to whatever the law states. Lastly, the first requirement while applying the rule is to check from the start; what the aforementioned provision appears to say. Secondly, when the provision is clear and explicit and the judge's interpretation is definite about the Parliament's intention, then it is not necessary to invoke other rules for the interpretation of statutes. We would now look into some of the landmark cases where the courts have applied the Literal Rule of Interpretation:

The issue before the Court in *Motipur Zamindari Company Private Limited v. State of Bihar* was that whether sugarcane can fall under the ambit of "green vegetables" or not; because if it did, it would qualify as an exemption i.e. out from the Bihar Sales Tax Act, 1947.⁹ The Court applied the literal rule of interpretation and determined that the term "vegetable" should be interpreted as an everyday language indicating a category of vegetables grown in a garden or in farms that can be consumed on the table. Sugar cane is a grass, according to the dictionary in plain sense, so it was not excluded from the Act.¹⁰

Similarly, was the issue in case of *State of West Bengal and others v. Washi Ahmed*, where the court was asked whether Ginger falls under the category of green vegetable. The sales tax department-imposed tax over the respondents' sales of "green ginger," claiming that green ginger is widely known for adding flavour and taste to meals.¹¹ As a result, applying the literal rule of interpretation, it was ruled out by the court that green ginger falls under the definition of "vegetable" or "tarkari."¹²

⁷ Ibid

⁸ Ibid

⁹ Course Manual -Week 6- AIR 1962 SC 660

¹⁰ Ibid

¹¹ Course Manual – week 6 -(1977) 2 SCC 246

¹² Ibid

In *B.N. Mutto v. T.K. Nandi*, the applicant was staying at government quarters and his own house was rented on lease to the respondent. Afterward, the government decided that public employees owning their own home should be asked to vacate the government housing.¹³ But, prior to such notification, the applicant had already retired from his services. The question was raised regarding if he could avail from Section 14A of the Delhi Rent Control Act. Some individuals were granted the right to reclaim immediate possession of property (Government Plot) under Section 14A under certain conditions, if met.¹⁴ By giving the section a mere ordinary reading, it was evident that the section does not necessitate the individual occupying the premises given by the government to be its officer. Thus, the applicant was given benefit under section 14A.¹⁵

CRITICISMS OF LITERAL RULE OF INTERPRETATION

Strict compliance to this rule in some cases result in injustice or, at occasions, leads to results that are completely incompatible with the overall intent of the statute or practical wisdom. One of the drawbacks of literal rule is the way it results in absurdity. The court sometimes can result in a judgement and assign such an 'interpretation to a statute' that was not ever intended by the parliaments. This same traditional literal interpretation rule prevents the courts from attaching any meaning except than the usual one. It blocks access to any sort of judicial innovation, thus putting the Judges in a tight spot. Whereas if court follows the ordinary rule and believes that perhaps the meaning is unethical, it can't avoid providing the interpretation. Some criticise the above rule, claiming that it places too much focus on the absurd notion that words and phrases have fixed meanings. With changes in laws and regulations, provisions of the act cannot be construed in line with the typical interpretation of long-ago used words. As a result, it is no longer appropriate for the current times in some cases.

AMBIGUITY IN LANGUAGE OF LAW

This topic is a thorough study of ambiguities in legal language interpretation. It begins by discussing ambiguity in the English dialect such as the word 'bank', for e.g., can relate to a commercial bank or the edge of a body of water. Then it moves on to clarify how uncertainty in language leads to ambiguity in the law through various case laws.

¹³ Course Manual- week 6- (1979) 1 SCC 361

¹⁴ Ibid

¹⁵ Ibid

The law is a profession of words¹⁶. The moment when the application of such words; is put into practice to govern the spectrum of the profession; ambiguity is unavoidable. Ambiguity simply means a misunderstanding pertaining to relevance of the language used. It takes many different shapes or forms. Despite of all pure intention and myriad initiatives by judges and attorneys to maintain the legal language independent of any uncertainties, so that a layman can also comprehend it, the meanings of the phrases and words seen in legal documents may not always be straightforward and unambiguous. In real life scenarios, the legal language can be such as to give two different meanings i.e. uncertain or vague, or both. Such non-obvious meanings can be interpreted by two different people in other ways. Legal documents can be ambiguous not due to it being vague or uncertain, but because there is a factor in the language of the document that generates more than one interpretation. As a result, the law becomes ambiguous, defeating its intended purpose. Sometimes, legal texts involve linguistic errors that cause them to have a different connotation than intended. In the legal world, mistakes can have severe repercussions. As a result, some theories classify legal texts as a special category of text that require special interpretation in order to prevent the possibility of harm caused by the application of 'wrong law'. However, the law must be clear and concise as it's relevant to every user's everyday life, and everyone has to understand it thoroughly in order to follow it. Ambiguity can occur for a variety of factors. It could be caused by a misunderstanding of the drafter as well as the reader; whatever the reader interprets from a document or provision might not be exactly what the drafter intended to express by it. Other than this, ambiguous interpretations could also be inferred from a statement which isn't self-explanatory or precise i.e. an ambiguity induced by poor selection of language.¹⁷ Many examples of ambiguity can be found in the law and these circumstances occur when statutes or their provisions are subject to more than one interpretation due to a legal ambiguity. For instance, in the case of '*Bacchan Singh v. State of Punjab*' the accused was sentenced death penalty and it was held by the courts that such sort of punishment must be given in the '*Rarest of Rare cases*'.¹⁸ Moreover, since there aren't any predefined criteria to describe it, the term "rarest of the rare" is capable of being interpreted differently by different courts. Also, due to its ambiguity, there is substantial uncertainty about which cases fall in the ambit of this principle. Due to this ambiguity, it's primarily a concern of the judge's understanding of the term as to whether the specific case falls within the scope of the principle or not.¹⁹

¹⁶ David Mellinkoff, "The Language of Law," Little, Brown & Co., Boston, 1983.

¹⁷ Himani Singh, American International Journal of Research in Humanities, Language of law- Ambiguities and Interpretation, 2(2), 2013, pp. 2.

¹⁸ AIR 1980 SC 898

¹⁹ Ibid

The case of “*Interstate Commerce Commission v. Allen E. Kroblin, Inc*” involved clean chickens. There was confusion in this case regarding words such as "agricultural product" and "manufactured product." According to the details of this case, there was a fierce discussion about whether clean and eviscerated chicken are manufactured or agricultural products.²⁰The transportation of these chickens was under regulation process which needed proper certification for interstate trade and commerce. Specific agricultural commodities, such as vegetables and fruits, regular poultry, and other agricultural goods that weren't manufactured products, were exempted. Farmers were able to use certified conveyances for most of their agricultural products due to this exemption for non-manufactured products, with the exception of eviscerated poultry, for which they were forced to use non-certified conveyances, which were more expensive.²¹The ICC asserted that dressed and eviscerated chicken was a manufactured item, while the USDA contended it to be an agricultural commodity. The court said that the terms 'agricultural commodities' and 'manufactured products' used in the agricultural deduction were ambiguous, and that additional standards of the goods must be considered instead of construing these vague words in order to try the issue at hand.²²

In case of *Calcutta Gas co. v. State of West Bengal*²³, the notification was passed by the State Legislature Assembly to take over for a time frame of five years; the management and control of the Oriental Gas Company. It was contended that the State Legislature had no power to pass the said notification. Entry 24 covers entirely industries on the State List, whereas Entry 25 only covers the gas industry. If we would give effect to gas words under Entry 24, then the object of entry 25 would get redundant.²⁴The appellant argued that the Industries Development and Regulation Act, 1951, had already been passed by Parliament under Entry 52 of the Union list/List I, which handled industries. Under s. 2 of the Central Act, it is declared that in the public interest the Union shall acquire its control of the industries provided in the First Schedule. The question arose, is the state legislature competent enough to pass the Oriental Gas Company Act, 1960? This case demonstrates that legislative bodies draft statutes, and there is always the potential of ambiguity, dispute, and so on. It's a principle that broad amplitude should be given to the language of the entries. But some of the entries in the different List or in the same List may overlap and sometimes their applicability tends to be in conflict with each other²⁵. It is then the duty of the

²⁰ *Interstate Commerce Commission v. Allen E. Kroblin, Inc* 113 F. Supp. 599 (1953)

²¹ *Ibid*

²² *Ibid*

²³ JGLS Course Manual – Week 7- AIR 1962 SC 1044

²⁴ *Ibid*

²⁵ *Ibid*

Courts to bring harmony in the entries. Thus, the court said to give broad meaning to each term and held that the gas industry was clearly protected entirely by Entry 25 of the State List, where the State had entire authority. As a result, the state had the power to enact legislation in the specified area. Similarly, it was suggested that this would not restrict the Parliament to enact laws in respect of gas and gas-works during war or other national emergencies.

According to my analysis, when a defect appears in the statute, the judge cannot simply wash of his hands and blame it on the legislature, rather he should interpret it by finding the intent behind it and what circumstances lead the legislature to draft that particular law. It is a far-fetched idea and one can't presuppose that a legislative definition or a vocabulary, should be knowing whether a specific item belongs to a particular classification or not, such as in case of '*Interstate Commerce Commission v. Allen E. Kroblin, Inc*'. Furthermore, while trying to deal with a legislation or maybe an administrative act, it is beneficial to understand the purpose of the ordinance or act if it is making two or conflicting sense and the legislature's intent must be in relation to the ordinance's or act's purpose. In cases of strict conflicts and when there are two possible meanings; it is also the legislature's duty to intervene and take the steps required to modify, nullify, or substitute the legislative text. It is not reasonable to hold document drafters i.e. the legislature always answerable for their choice of language because they cannot necessarily envisage all the subtle nuances of language and all the uncertainties. Thus, the duty of the courts comes into picture here to ultimately interpret those words and allows for an explorations as to the conflicts. The courts should not single-handedly look into the intent while deciding the case, but as a whole should give it a practical meaning through analysing its text, intent, objectively, purpose and the legislative history behind it.²⁶ *If two interpretations are possible, the court must choose the one that will guarantee the seamless and cohesive operation of the constitution and reject the one that will ultimately led to absurdity, cause practical frustration, or render well-established regulations of existing legislation nugatory.*²⁷

TRANSITION FROM LITERAL RULE OF INTERPRETATION TO PURPOSIVE RULE

It is necessary to eliminate such forms of discrepancies and ambiguities, that could wrongfully shape the ruling of the judge, where the intention behind imposing the law or a provision in the

²⁶ JGLS Course Manual – Week 5

²⁷ G. P Singh, Principles of Statutory Interpretation, pp 119, 14th ed, (LexisNexis Publications 2022)

law is vastly different. In such cases, one must forgo literal interpretation of a statute in favour of a purposive rule of interpretation. This interpretation is especially important when construing a law which literally, gives it such an interpretation that wasn't possible provided the legislature's intent in enacting the law in the first place. In these kind of cases, it is better to depart from strict literal interpretation and give heed to the legislature's intention and its purpose behind enforcing such legislation. The loopholes in literal rule interpretations directs the interpreters to prefer a more purpose-oriented approach. The purposive rule gets broadly applicable which allows the courts to take more situations in hands rather just simply applying the words. This is how the gaps in language of the law can be filled. It can also be applied in mysterious circumstances or cases, as it is applied mainly on focusing the purpose of law.

PURPOSIVE INTERPRETATION

This rule popularly known as the “mischief rule” and the “rule of purposive construction” enables consideration of four concepts while interpreting an Act.²⁸ Firstly, the common law prior of making this act. Secondly, the particular defect or mischief that law couldn't see. Thirdly, what sort of remedy has the parliament invoked and wants to cure through enacting that particular act. Fourthly, the honest reason for that remedy²⁹. It can be ascertained that any regulations that the legislature passed must have been enacted with a clear purpose and objective in mind. Within the diverse interpretation rules, the rule of purposive interpretation of statute is among the most important rule, that provides the greatest preference to the object of a legislation and it also aids in achieving the purpose of the statute while applying it. When there is a doubt pertaining to the meaning in the words of a statute, the interpretation has to be done in a way in which, they harmonise with each other, complement each other with the ‘subject of the act’ and ‘object which legislature’ has in mind³⁰. Moreover, with a purposive approach, the judges can go beyond the words and the literal text, forming assumptions in which the interpretation can be applied, to what is assumed to be the legislators' intention. The judge's focus is to find an interpretation that applies the remedy provided in order to remove the irregularity that arose while interpreting the statute or provision literally³¹. In simpler words, at times once the words employed in a legal provision are evasive and unclear, and where the clear and ordinary sense of the words, or its grammatical interpretation, leads to uncertainty, absurdity, and aversion of the interpreters, one should depart

²⁸ G. P Singh, Principles of Statutory Interpretation, pp 96, 14th ed, (LexisNexis Publications 2022)

²⁹ G. P Singh, Principles of Statutory Interpretation, pp 97, 14th ed, (LexisNexis Publications 2022)

³⁰ G. P Singh, Principles of Statutory Interpretation, pp 100, 14th ed, (LexisNexis Publications 2022)

³¹ Ibid

to the purposive rule of interpretation. Courts in such cases can imply the use of different tools of interpretation to rectify the scenario by introducing, removing, or substituting the Statute's words. This is not meant to imply that the Court believes the lawmaker enacted a bizarre or ambiguous clause; rather, it believes the mistake was by the editors those formulated the provision in such a manner that the provision became technically, grammatically inaccurate or ambiguous. Furthermore, a word of caution is crucial when adapting a purposive construction where the text of the law should not be sacrificed, and it's impossible to re - write the law on the premise that everything that supplements the objective of the Act has to have been authorised by the legislature.³² Purposive construction has also been used in penal provisions to avoid discrepancies, and surprisingly, such interpretation has also been used in the construction of rules passed to effectuate international agreements and conventions, as well as regulations aimed at providing impact to the council of European Communities' directives.³³

As per Justice G.P. Singh, multiple requirements should be fulfilled in order to legitimise the departure from the plain language of provisions; firstly, there must be presence of evident and rough balance of discrepancies. Secondly, the legislators and the drafters couldn't have anticipated such an abnormality. Thirdly, the anomaly could be resolved without jeopardising said parliamentary objective and lastly, the statute's wording is applicable to certain modifications needed to fix the anomaly³⁴. Moreover, if the phrases employed in the provision are not accurate, strong, or indicative, have more than one possible interpretation, or consists grammatical error that prevents the intention of the legislature from being achieved, the Judge may apply his intelligence and think beyond the literal interpretation of words and use other commonly recognised interpretive standards such as the purposive rule, the legislative history of the law, reason of its enactment, to reveal the real purpose and significance behind expressions used. Therefore, it may be concluded that to a point there is interpretive leeway, the courts must try to provide the statute; an interpretation that aids in the achievement of its supreme goal and thus restricts it from turning meaningless.

J. Ray emphasised in *Keshavnanda Bharti v. State of Kerala* that a word's "meaning" is determined by the regard that it is used in. The significance of a word is derived not just from the

³² AIR 2004 SC 5080, G. P Singh, Principles of Statutory Interpretation, pp 98, 14th ed, (LexisNexis Publications 2022)

³³ G. P Singh, Principles of Statutory Interpretation, pp 100-101, 14th ed, (LexisNexis Publications 2022)

³⁴ G.P Singh, 'Principles of Statutory Interpretation', pp.144, 12th Edn.,(LexisNexis Publications, 2018)

context that it is employed, but from other words used during analogous situations.³⁵

In case of *R.M.D. Chamarbaugwalla v. UOI* the meaning of "prize competitions" under the Prize Competition Act of 1955 was said to include only instances where no substantive abilities were associated. Thus, prize competitions requiring some skills were exempted from the classification of "prize competition" within the Act³⁶. As a result, in the given case, the Apex Court used Heydon's Rule to suppress the mischief that was meant to be rectified, as opposed to the grammatical rule, which might have covered prize competition in which no substantial skills were required for winning.³⁷

In case of *Royal College of Nursing v DHSS*, The Royal College of Nursing filed a lawsuit to challenge the validity of nurses performing abortions. The Offences against the Person Act of 1861 renders it an illegal act for anyone to perform abortions.³⁸ The Act of 1967 stated that a medically enrolled professional, such as a doctor enjoy a complete shield, to perform abortion if particular requirements were fulfilled. Because of medical innovation, clinical terminations were replaced by hormonal abortions, which were most commonly conducted by nurses.³⁹ Thus, it was held that it was lawful for nurses to conduct those abortions. The Act was intended to put an end to illegal abortions in areas in which healthcare was not available. Here the nurses' actions were outside the scope of the 1861 Act's mischief and within the 1967 Act's defence.⁴⁰

Thus, the instances given in the above cases properly depict how an incorrigibly bad decision might have already been made if the courts didn't apply purposive rule of interpretation. These two case laws are perfect indications of the significance of purposeful rule and its effective application in eliminating ambivalence from law.

³⁵ (1973) 4 SCC 225

³⁶ JGLS Course manual- week 6- AIR 1957 SC 628

³⁷ Ibid

³⁸ [1981] 2 WLR 279

³⁹ Ibid

⁴⁰ Ibid

CONCLUSION

When an ambiguity occurs within legal arena, it causes great issue because it gives the potential of reversing judicial decisions of cases of vital significance, and it affects the system of providing justice in such a way that the court sometimes makes unjustified, unfair, and absurd judgements. As a result, it is a necessity to eliminate these ambiguities arising in the fields of law. With the constant development and effort to end up making the law, Acts, provisions and legal meanings free of ambiguities and confusion, the language of law might get complicated and hard to comprehend; for the public at large, as well as for legal scholars, intellectuals, legal professionals and judicial officers. Judges presently employ a purposive construction instead of literal rule of interpretation, trying to lend legitimacy to the provisions of the Act or the Act as a whole's purpose and tries to understand, a significant number of international documents that pertain to the context within which law was passed. In terms of the literal or purposeful strategy of interpretation, while these rules may be effective in a certain degree, it's also entirely possible of them being misunderstood and cause considerable legal issues for India. Focusing on the literal rule, which is a century old but also well interpretation standard under which the laws must be interpreted in a way that they have no alternative interpretation other than its ordinary and plain sense. Through this sense, we can draw that there is vagueness as to what is exactly an ordinary or simple meaning. There isn't any standard through which we can predict it to a certain extent, however to some cases there are possible plain meaning that one can construe. Moving to the purposive approach, relevancy to the legislation's intent, the history behind the law, the remedy and the ambiguities are not always transparent to be found, it can create a lot of complexities while applying the purposive approach. Instances are present in India, where the High Courts have applied the mischief rule but the Supreme Court reversed the same and departed back to the literal approach. The ability to interpret, the plain meaning is to comprehend 'texts within the lines' in ordinary sense, to read "thru the" statute and in purposive to 'examine the intention of the legislature, to modify the ambiguities', 'to find the remedy and legislative history behind the enacting of the law', can be a task in the hands of judiciary and thus this calls upon, other rules of interpretation for the present case scenarios.