



INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS

Open Access, Refereed Journal Multi Disciplinary
Peer Reviewed Edition :

www.ijlra.com

DISCLAIMER

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

Though every effort has been made to ensure that the information in Volume 2 Issue 7 is accurate and appropriately cited/referenced, neither the Editorial Board nor IJLRA shall be held liable or responsible in any manner whatsoever for any consequences for any action taken by anyone on the basis of information in the Journal.

Copyright © International Journal for Legal Research & Analysis

IJLRA

EDITORIAL TEAM

EDITORS



Megha Middha

Megha Middha, Assistant Professor of Law in Mody University of Science and Technology, Lakshmangarh, Sikar

Megha Middha, is working as an Assistant Professor of Law in Mody University of Science and Technology, Lakshmangarh, Sikar (Rajasthan). She has an experience in the teaching of almost 3 years. She has completed her graduation in BBA LL.B (H) from Amity University, Rajasthan (Gold Medalist) and did her post-graduation (LL.M in Business Laws) from NLSIU, Bengaluru. Currently, she is enrolled in a Ph.D. course in the Department of Law at Mohanlal Sukhadia University, Udaipur (Rajasthan). She wishes to excel in academics and research and contribute as much as she can to society. Through her interactions with the students, she tries to inculcate a sense of deep thinking power in her students and enlighten and guide them to the fact how they can bring a change to the society

Dr. Samrat Datta

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



Dr. Namita Jain



Head & Associate Professor

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

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

Mrs.S.Kalpana

Assistant professor of Law

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



Avinash Kumar



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

ABOUT US

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS
ISSN

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

NOSCITUR-A-SOCIIS

AUTHORED BY - ELAKKIYA

INTRODUCTION

The legal principle “noscitur a sociis” is based on the idea that the meaning of any part of a law, including words and phrases, should be interpreted based on the context in which it is used. This rule helps to assign a precise meaning and effect to each element within the context of its application. In every sentence, each word serves a purpose and carries both a denotation (its literal meaning) and a connotation (its implied meaning). The distinction between these two aspects of a word’s meaning depends on how it is used in the sentence and its influence on the overall meaning. “Noscitur a sociis,” which means “it is known by its association,” is a rule used to clarify the meaning of ambiguous words by considering the words they are associated with in context.

MEANING

The phrase “noscitur a sociis” is a Latin legal principle in which noscere means ‘to know’ and sociis means ‘association’. Therefore, it means ‘to know from its association’.ⁱ It is a rule of interpretation wherein the meaning of an unclear or ambiguous word is determined by consideration of the words associated with it in the statute.ⁱⁱ In simpler terms, the principle of “noscitur a sociis” can be explained like this: To assess a person's character, one might examine the character of their associates. It is often believed that if an individual's companions have a negative reputation, then that individual may also be supposed negatively, and the opposite is true for positive associations. The principle known as "noscitur a sociis" suggests that the meaning of a word can be inferred from the words surrounding it. This method of understanding a word's meaning through its context and association with nearby words is what defines the principle of "noscitur a sociis."

EXPLANATION

A rule of construction, "noscitur-a- sociis", as explained by Lord Macmillan³ means: "The meaning of a word is to be judged by the company it keeps".

As stated by the Privy Council-"It is legitimate rule of construction to construe words in an Act

of Parliament with reference to words found in immediate connection with them."

It has been clearly explained by Gajendragadkar J., in the following words: "This rule according to Maxwell, when two or more words which are susceptible of analogous(similar) meaning are coupled together, they are understandable to be used in their cognate sense, they take as it were their colour from each other, that is, the more general is restricted to a less general or particular having a certain meaning. Associated words take their colour or meaning from one another if the context, of statute so suggested."ⁱⁱⁱ

SCOPE

It is a rule broader than Eiusdem generis; rather the latter rule is only an application of the previous. The scope of this rule of interpretation is limited and can be used only in following circumstances:

- This doctrine is merely a rule of construction and it cannot prevail in cases where it is clear that the wider words have been expressively used in order to make the room of the definite word harmoniously wider.
- It is only where the intention of the Legislature in associating wider words with narrow word is doubtful, or not clear, then the present rule of construction can be usefully applied.
- This principle may be employed when the broader meaning of the terms is uncertain. However, if the legislative intent behind using expansive language is obvious and unambiguous, this interpretative approach is not applicable.

State of Bombay v. Hospital Mazdoor Sabha^{iv}, the Supreme Court said: the basic scope and applicability of noscitur a sociis rule is that associated words take their meaning from one another under doctrine of noscitur a sociis, the philosophy of which is that the meaning of doubtful word may be ascertained by reference to the meaning of words associated with it.

APPLICABILITY

The accurate interpretation of a legal provision should be derived from the legislature's explicitly stated intent. When the language of a law is clear and unambiguous, it is only necessary to interpret the words according to their traditional meaning, as they most accurately reflect the intention of the legislature.^v

1. In *M.K. Ranganathan v. Government of Madras*^{vi}, interpretation of Section 232 of the old Indian Companies Act, 1913 was involved. The provision said that "where any company is being wound

up by or subject to the supervision of the court, any attachment, distress or execution put into force without leave of the court against the estate or effects or any sale held without leave of the court of any of the properties of the company after the commencement of the winding up shall be void". The Supreme Court interpreted the words 'any attachment, distress, or execution put into force' associated with these and held that the process must be carried out with the court's involvement and not in any other way, such as a secured creditor selling the assets outside of the court's winding-up process.

2.State of Bombay v. Hospital Mazdoor Sabha^{vii}: Miss Vatsala Narayan and Mrs. Ruth Isaac, who worked as ward servants at JJ Hospitals in Bombay, were given termination notices. The hospital cited retrenchment (removal of employees, typically due to economic reasons like company restructuring, mergers, or cost-cutting measures) in the civil supplies department as the reason, and the need to make room for others in their positions.

In response, Mrs. Isaac and Ms. Narayan, the defendants in this matter, challenged their termination by filing a writ of mandamus in the Bombay High Court. They argued that the notice was improper, rendering their termination invalid. They filed a writ of mandamus in the Bombay High Court, claiming the termination notice was improper.

The Bombay High Court, led by Justice Tendolkar, ruled that the hospital was not an 'industry' under Section 2(j) of the Industrial Disputes Act, 1947, thus upholding the termination as valid. They filed an appeal in the supreme court and the issues were

Here's the reframed version of the sentences with exact details and terms:

- **Applicability to Hospitals:** Does the Industrial Disputes Act extend its provisions to the operations of hospitals?
- **Definition of Industry:** Is a hospital encompassed within the 'industry' definition as per the Industrial Disputes Act?
- **Validity of Retrenchment:** Is the retrenchment notice given to two employees considered invalid due to the failure to adhere to Section 25F of the Industrial Disputes Act?

The Supreme Court declared that Section 25F(b) of the Industrial Dispute Act, 1947 is clear and unambiguous. It mandates that employees with over a year of continuous service must not be dismissed without due retrenchment compensation, equating to 14 days' average pay for each completed year of service, as stipulated in Section 25. The Act's definition of 'Industry'

intentionally includes a broad spectrum in its initial clause, with a subsequent clause providing an inclusive definition. Given this intentional breadth, the term 'Industry' must be interpreted widely, thus including hospitals.

The Court recognized that the 'noscitur a sociis' principle was not relevant in this particular case due to the clear intent of the legislature. However, it remains a valuable interpretive tool for cases with ambiguous legislative intent, especially when broad terms are contrasted with more specific ones. The Supreme Court determined that applying 'noscitur a sociis' to narrow the meaning of words is inappropriate when the legislature has intentionally used unrestricted language without ambiguity. Despite its rejection in this instance, the Court examined the rule's applicability, noting that 'noscitur a sociis' is a basic interpretive rule, not to be employed when legislative intent is obvious and unambiguous. The rule is relevant in situations where legislative intent is not clear, particularly when broad terms are associated with narrower terms.

3. *Mangoo Singh v. Election Tribunal*^{viii}: The Supreme Court addressed the case of an appellant who, at the time of submitting his election nomination, had unpaid municipal taxes exceeding the annual demand. Although he settled all outstanding taxes before the polling date and won the election, his victory was subsequently nullified. He argued to the Supreme Court that the critical date should be the polling date, not the nomination date, and also claimed that he had not received a formal demand notice. The Court rejected his argument, affirming that the nomination date was definitely the crucial date. The Court clarified that the term 'demand' must be understood in the context of its usage, meaning it refers to municipal taxes or similar obligations. The typical interpretation of 'demand' as a request is not applicable here; instead, it should be read as the total amount of overdue payments or liabilities.

4. *State of Assam v. Ranga Mohammad*^{ix}: The respondent submitted a legal petition seeking the issuance of a quo warranto, which challenges the authority of the appellant to execute the transfer and appointment of a District Judge. The interpretations of Articles 233(1) and 235 of the Constitution were involved. Article 233(1) says: 'Appointment of persons to be, and the posting and promotion of, District Judges in any State shall be made by the Governor of the State in consultation with the High Court exercising jurisdiction in relation to such State'. Article 235 says: 'The control over district courts and courts subordinate thereto including the posting and promotion of, and the grant of leave to, persons belonging to the judicial service of a State and holding any post inferior to the post of District Judge shall be vested in the High Court.' The

Supreme Court, while interpreting the word posting in Article 233(1) said that it may mean (1) stationing someone at a place, or (2) assigning someone to a post, position or job. The second interpretation is the correct one in this context because it aligns with the true purpose intended by the legislature. The legislature has employed the term "posting" in conjunction with "appointment" and "promotion," indicating that "posting" refers to a type of assignment that constitutes an appointment or a promotion. Out of the above-cited two meanings of the words, the second meaning resembles with the nature of the other two words and, therefore, the principle of *noscitur a sociis* is applicable. Posting cannot mean a transfer in relation to the idea of appointment and promotion. If the legislature intended for 'posting' to be understood as 'transfer', they would have simply used the term 'transfer' instead of 'posting'. So interpreted, therefore, the Governor is concerned with the posting, appointment, and promotion of a District Judge under Article 233 while under Article 235 the transfer of District Judges was under the control of the High Court.

5. In *Alamgir v. State of Bihar*^x, the construction of Section 498, Indian Penal Code was involved. This section says: 'Whoever takes or entices away any woman who is and whom he knows or has reason to believe to be the wife of any other man, from that man, or from any person having the care of her on behalf of that man, with intent that she may have illicit intercourse with any such person, or conceals or detains with that intent any such woman, shall be punished'. The facts in this case were, A married woman left her husband on her own and started living with another man openly. This man was accused under a law that makes it illegal to lead or lure a wife away from her husband. He argued that he didn't convince her to leave, nor did he hide her or prevent her from leaving, so the charges against him should be dropped. The main question for the court was whether, since the woman left her husband willingly and lived with him openly, the man's actions could be considered as 'detaining' her according to the law. The Supreme Court held that however the word *detains* normally implies confinement against will; this meaning cannot be credited to the word here because the expression must to be understood in the light of different words in its organization. The word *detains* is to be interpreted with reference to the expression *takes*, *entices*, and *conceals* used in Section 498. And therefore, it would mean detention without the consent of the husband. Section 498 of the Indian Penal Code, 1860 safeguards a husband's rights when he is denied his wife's companionship without his consent. Under this section, the wife's consent is considered irrelevant.

6. *State of Karnataka v. Union of India*^{xi}: The question of interpreting the word 'powers' as appearing in Article 194(30) of the constitution was involved. This word has been used in the company of words 'privileges' and 'immunities' of a House of a legislature. The Supreme Court observed that word must take its meaning from the associated words, and thus interpreted it must mean such powers of a house as are necessary for the conduct of its business and not legislative powers.

7. In the case of *Commissioner of Income Tax vs. Bharti Cellular*^{xii}, the court found the term 'technical services' in Section 194J of the Income Tax Act to be vague. It was determined that 'technical' should be interpreted in the context of the adjacent terms 'managerial' and 'consultancy', which both imply the need for human involvement. Therefore, by the principle of noscitur a sociis, 'technical' must also be understood to include a human element. Consequently, services like interconnection and port access, which do not require human interaction, were not considered 'technical services' under Section 194J of the Income Tax Act.

8. In the case of *Pardeep Aggarbatti vs. State of Punjab*^{xiii}, the Supreme Court addressed whether Dhoop and Aggarbatti fell under the category of 'perfumery' as per Entry 16 of Schedule A of the Punjab General Sales Tax Act, 1948. The entry initially included 'cosmetics, perfumery, and toilet goods', but did not cover toothpaste, tooth powder, kumkum, and soaps. This entry was later divided into Entries 16 and 16A. The Supreme Court, using the noscitur a sociis principle, concluded that 'perfumery' does not apply to Dhoop and Aggarbatti. The Court reasoned that 'perfumery', as mentioned in Entry No. 16, is influenced by the associated terms 'cosmetics' and 'toilet goods', and therefore, should only refer to perfumery items used on the body, similar to cosmetics and toilet goods.

9. In *Scales v. Pickering*^{xiv}, A water corporation was granted the authority 'to dig the ground and surfaces of roads, main roads, pedestrian paths, commons, streets, byways, side street, passages, and public areas', with the requirement that they were not to intrude upon any privately-owned territories without obtaining the proprietor's permission. The corporation argued that this authorization permitted them to excavate the terrain of a privately-owned meadow that included a public walkway. However, the argument did not succeed. The judiciary interpreted the term "pedestrian paths" in the context of its associated terms, presuming it to signify those paved pathways in crowded urban areas that are too narrowed for the passage of horses and vehicles.

10. In *Vania Silk Mills Pvt. Ltd. vs. Commissioner of IT*^{xv}, the Supreme Court used the noscitur a

sociis rule to construe "transfer" in Section 2(47) of the Income Tax Act, 1961. The Court concluded that "extinguishment of any rights therein" refers specifically to rights extinguished by a transfer, such as sale or exchange, and not to the termination of rights unrelated to a transfer. Furthermore, the Supreme Court clarified the term "consumables" in Section 5B of the Andhra Pradesh Goods and Services Act, 1957. The term was interpreted alongside "raw materials," "component part," "sub-assembly part," and "intermediate part." The Court determined that "consumables" must be items used to produce the final product. As a result, natural gas, which the assessee used, did not fall under "consumables" and was ineligible for the concessional tax rate provided by Section 5B.

WHEN NOT APPLY?

The rule of 'noscitur a sociis', which means that words are understood by the other words around them, can't be used unless certain conditions are met.

- General terms are used after specific terms and are influenced by them; or the general term is directly linked to the preceding specific terms.
- The general term can be interpreted similarly to the specific terms it accompanies, allowing them to be understood in a related sense.
- The legislative intent is to interpret associated terms in light of each other within the specific context of their use.
- This approach aligns with the legal principle of 'noscitur a sociis', which suggests that words derive their meaning from the company they keep.

In *Coastal Chemicals Ltd. v. Commercial Tax Office^{xvii}*, there was interpretation of several expressions' contrary to each other in concept and use like raw material, mechanical tools, electronic machinery, household goods, furniture and other things of useful purpose and which were accountable to Sales Tax Act, 1957. Where the words are not in association, or when words are not identical or cognate to each other so that they can be read as the connected words, which take their colour from each other, the rule of noscitur a sociis will not apply.

ADVANTAGES

- Legislative drafters are not expected to predict every possible scenario. The law is designed to be flexible enough to accommodate unforeseen circumstances.
- Words that are unclear or ambiguous can often be clarified by examining them in the context of related words. This approach helps to address and resolve potential gaps in

legal statutes.

DISADVANTAGES

- The application of this principle can be seen as disagreeing with the separation of powers, as it may unconsciously grant the judiciary a role in creating laws. Additionally, the outcome of legal cases becomes less predictable.
- It introduces a level of judicial discretion that may occasionally be applied inconsistently.
- Furthermore, it has the potential to lead to decisions that were not predicted by the legislative or parliamentary bodies.

CONCLUSION

This article provides an insight into the “noscitur a sociis” doctrine, which aids in clarifying vague terms within legal statutes. The Supreme Court has validated its use through various rulings. However, there are exceptions to its application, such as when legislative intent is explicit, terms are self-defined within the statute, or no ambiguity exists. This doctrine does not serve to unduly narrow or limit word meanings. It is broader in scope than the “ejusdem generis” rule, which is limited to interpreting words of the same class within loosely framed statutes.

ⁱ Prof. T. Bhattacharya, *The Interpretation of Statutes* 61 (6th Ed. Central Law Agency, 2006).

ⁱⁱ Noscitur a Sociis, Merriam Webster, <https://www.merriam-webster.com/legal/noscitur%20a%20sociis> (Last visited March 19, 2024).

ⁱⁱⁱ Maxwell, *Interpretation of statutes*, 11 Edn., P.32.

^{iv} AIR 1960 SC 610: (1960) 2 SCR 866.

^v *Corporation of city of Nagpur v. Employees*, AIR 1960 SC 675: (1960) 1 LLJ 523 SC.

^{vi} AIR 1955 SC 604.

^{vii} AIR 1960 SC 610: (1960) 2 SCR 866.

^{viii} AIR 1957 SC 871.

^{ix} AIR 1967 SC 903: (1968) 1 LLJ 282 SC: (1967) 1 SCR 454.

^x AIR 1959 SC 436.

^{xi} AIR 1978 SC 68.

^{xii} *Commissioner of Income Tax vs. Bharti Cellular* (October 31, 2008).

^{xiii} AIR 1998 SC 171.

^{xiv} AIR 1969 SC 63

^{xv} 1991 AIR 2104

^{xvi} 1999 AIR SCW 3933