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“STUDY ON INTERPRETATION OF STATUTES”

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Abstract –

The process of figuring out the right meaning and application of laws passed by legislative bodies is known as statutory interpretation. When interpreting statutes, courts base their interpretations on a number of fundamental principles and concepts. According to the plain meaning rule, the court should use the plain meaning without consulting outside sources if the legislative language is clear and unambiguous. Reading the words in the context of the full statute is required by the whole act rule. According to the linked words canon, words should be understood in light of the company they keep. According to the meaningful variation doctrine, variations in phrasing must correspond to variations in meaning. Avoiding constitutional ambiguity, the prohibition against surplusage, liberal vs rigorous interpretation, and examining the background and goals of legislation are further crucial guidelines.

Courts' interpretation and application of statutory laws are made more consistent, predictable, and democratic by adhering to certain recognised interpretive guidelines. The rules and standards that courts and legal practitioners adhere to while interpreting and applying statutes or legislation are referred to as the broad principles of statutory interpretation. These guidelines seek to guarantee that the law is applied consistently and fairly while also determining its genuine intent and meaning.

Keywords: statutory interpretation, Literal rule, Golden rule, Mischief rule, Construction

Introduction-

The term has been derived from the Latin term '*interpretari*', which means to explain, expound, understand, or to translate. Interpretation is the process of explaining, expounding and translating any text or anything in written form. This basically involves an act of discovering the true meaning of the language which has been used in the statute¹.

One of the origins of law is legislation. Statute law is the designation given to the body of law that results from legislation. As a result, it was to be expected that these specialists' language would be highly interpretive. The courts, for example, have applied these authoritative formulations to the circumstances of the case before them, but their experience with them has been different.

In order to render a more accurate decision, the court must apply the appropriate interpretation in each case, as opposed to applying the same meaning throughout. Therefore, in order to make an informed decision regarding the welfare of the populace, it is important to comprehend the notion of interpretation and the principles governing it.

Interpretation-

Black's Law Dictionary defines interpretation as "The art or process of discovering and expounding the meaning of a statute, will, contract, or other written document." Salmond defines interpretation as "By interpretation or construction is meant, the process by which the court seek to ascertain the meaning of the legislature through the medium of author it active forms in which it is expressed.

To interpret anything is, according to Webster's Third International Dictionary, to explain its meaning or to think of something in the context of one's own beliefs, judgments, or circumstances. Thus, interpretation refers to both the process and the outcome of interpretation. Interpreting the laws created by legislation is the responsibility of the judiciary. The legislature's Acts serve as the basis for the laws that the courts must merely apply and render decisions in accordance with. However, occasionally, the laws passed by the legislature may not fully understand what they are meant to say, may have omitted important

^[1]Asthana, Subodh. "Interpretation of Statutes and Its Rules." *IPleaders*, 26 June 2019, blog.ipleaders.in/rules-interpretation-statutes/.

details, or may have included incorrect information, among other issues. In these cases, the judiciary intervenes to stop the problem from developing.

At this point in time, the judiciary will investigate the dispute, evaluate the purpose of the legislation and the welfare of the public at large, and interpret the law appropriately. The courts just attempt to bridge the gap. Since the shortcomings in the law can be exploited by those who would do wrongdoing to their benefit, interpretations made by the courts ought to be just and beneficial.

There are 3 traditional rules of interpretation:

1. Literal rule
2. Golden rule
3. Mischief rule

Need for Interpretation-

1. It is exceedingly hard to write a statute that addresses everything. When anything comes up that isn't covered by it, the judge may need to make the appropriate interpretations in order to sort it out.
2. Because society is always progressing and outdated laws might not be able to address brand-new issues, interpretation is needed at times like these.
3. The English language is ambiguous by nature, regardless of how carefully a statute is written. At this point, law interpretation is required.
4. A statute may occasionally be purposefully drafted with ambiguity by the drafter to appease the legislator and get the bill passed. In these situations, statutory interpretation is also required.

Construction -

Construction, as defined by Black's Law Dictionary, is "the process, or the art, of determining the sense, real meaning, or proper explanation of obscure or ambiguous terms or provisions in a statute, written instrument, or oral agreement, or the application of such subject to the case in question, by seeking and applying the probable aim and purpose of the provision, or by reasoning in the light de-rived from extraneous connected circumstances or laws or writings bearing upon the same or a connected matter."

"Construction" is a broader term than "interpretation," since the former can also be used to describe the legal implications and effects of the relevant instrument, whereas the

latter is limited to determining the sense and meaning of the subject matter. Therefore, interpretation comes before building, but it ends with the written word.

Interpretation and construction of written instruments are not the same. A rule of construction is one which either governs the effect of an ascertained intention, or points out what the court should do in the absence of express or implied intention, while a rule of interpretation is one which governs the ascertainment of the meaning of the maker of the instrument².

The distinction between interpretation and construction -

1. In the legal sense, interpretation is the process of determining the precise meaning of any given word and revealing the true intent behind a statute's provisions. Contrarily, construction refers to deriving inferences from written documents that go beyond the explicit language of the legal law.
2. The linguistic interpretation of the legal text is referred to as interpretation. Determining the legal significance of words and the written text of the statute is the goal of construction.
3. The idea of interpretation is meant in the situation where the text's plain meaning is to be followed. The notion of construction is used when the legal text's literal interpretation creates ambiguity.

General Principles of Interpretation -

Following are the rules of interpretation

1. Literal Rule:-

The literal rule states that an enactment's words must be interpreted in accordance with their common meaning. A statute's provision should take effect regardless of the outcome if it has a clear and unmistakable meaning. This approach is based on the idea that the goal of all interpretation is to determine the legislature's intended meaning in accordance with grammatical standards. Because the language alone can be used to determine the legislature's intention, this rule has earned the title the safest rule. When a statute is written clearly, the court's only responsibility is to apply it; it is not their responsibility to consider the implications of this interpretation.

^[2]Black, Henry Campbell. *Black's Law Dictionary: Definition of the Terms and Phrases of American and English Jurisprudence, Ancient and Modern*. 4th ed., West Publishing Co., 1951

The legislature should provide the remedy; the court's role is to interpret the law as written. A statute's terms are first comprehended in their organic, common, or everyday sense, and then their grammatical meaning is applied to each phrase and phrase. Acts of Parliament shall be construed in accordance with the intention stated in the Act itself, according to the fundamental rule of construction.

Maqbool Hussain v. State of Bombay³

In this instance, the Indian national who was the appellant failed to declare that he was carrying gold when he arrived at the airport. Gold was discovered in his hands while his search was ongoing; this was against official notification and was subject to confiscation under section 167(8) of the Sea Customs Act. He was later charged in accordance with Foreign Exchange Regulations Act, 1947, section 8. The appellant argued that Article 20(2) of the Indian Constitution was violated by this trial. No one may face punishment or legal action more than once for the same offense, according to this article. It's thought of as double peril.

It was held by the court that the Seas Act neither a court nor any judicial tribunal.

Thus, accordingly, he was not prosecuted earlier. Hence, his trial was held to be valid.

State of Kerala v. Mathai Verghese and `others⁴

In this case, a person was apprehended in possession of counterfeit currency along with "dollars," and he was charged under sections 120B, 498A, 498C, and 420 read with section 511 and 34 of the Indian Penal Code for possessing counterfeit currency. The accused argued before the court that a charge under section 498A and 498B of the Indian Penal Code can only be levied in the case of counterfeiting Indian notes and not in the case of counterfeiting foreign currency notes. The court held that the word currency notes or bank note cannot be prefixed. The accused was held liable to be charged.

2. Mischief Rule:-

The mischief rule originated in Heydon's case in 1584. In this case, the Barons of the exchequer resolved that for the sure and true interpretation of all statutes in general four things are to be discerned and considered.

- a) What was the common law before the making of the Act?

^[3]1953 AIR 325

^[4]1987 AIR 33 SCR(1) 317

- b) What was the mischief and defect for which the common law didn't provide?
- c) The true reason of the remedy
- d) What remedy the Parliament had resolved and appointed to cure the disease of the common wealth?

The office of all judges is always to make such contributions as shall suppress the mischief and advance the remedy and to suppress subtle invention and evasion for continuance of the mischief. In line with the genuine aim of the legislature, the regulation gives the cure and remedy more strength and vitality. As a result, the norm has been changed to the point where it is now necessary to examine both common law and statutory law that existed before the Act.

Smith v. Huges⁵

In this case around the 1960s, the prostitutes were soliciting in the streets of London and it was creating a huge problem in London. This was causing a great problem in maintaining law and order. To prevent this problem, Street Offences Act, 1959 was enacted. After the enactment of this act, the prostitutes started soliciting from windows and balconies. Further, the prostitutes who were carrying on to solicit from the streets and balconies were charged under section 1(1) of the said Act. But the prostitutes pleaded that they were not solicited from the streets.

The court held that although they were not soliciting from the streets yet the mischief rule must be applied to prevent the soliciting by prostitutes and shall look into this issue. Thus, by applying this rule, the court held that the windows and balconies were taken to be an extension of the word street and chargesheet was held to be correct.

Pyare Lal v. Ram Chandra⁶

In this instance, the accused faced legal action for marketing sucrose that had been artificially sweetened. The Food Adulteration Act was the basis for his prosecution. Pyare Lal argued that supari is not a food product. The court ruled that the mischief rule must apply and that the interpretation that advances the remedy should be taken into account because the dictionary meaning is not necessarily the accurate meaning. As a result, the court determined that the term "food" refers to oral and mouth consumption. As a result, his prosecution was upheld.

^[5]1960 WLR 830

^[6]1979 WLN 591

3) Golden Rule -

This is an adaptation of the literal interpretation concept. It states that, in general, courts should interpret statutes according to their natural meaning in order to determine the legislature's intention. However, if a statute's use would cause absurdity, disgust, hardship, or other negative outcomes, the court should alter the meaning to the point where nothing more happens. This guideline is known as the golden rule since it is the solution to every issue. According to this rule, the implications or results of an interpretation should be given far greater weight since they represent the actual intent of the law.

*Tiranth Singh v. Bachittar Singh*⁷

In this case, there was a dispute over the notice that was given in accordance with section 99 of the Representation of People's Act, 1951, regarding electoral corruption. The notice is required by the rule to be sent simultaneously to everyone who is a party to the election petition and to everyone who is not. Tirath Singh argued that he was not given any notice in accordance with the aforementioned rule. Only individuals who were not parties to the election petition received the notices. On this specific ground, it was contested that this was invalid.

The court decided that providing the information is what is intended, and that the information does not change even if it is provided twice. Since the petitioning party has already received notice of the petition, section 99 will be interpreted in accordance with the golden rule, which states that notice is only necessary for non-parties.

4) Harmonious Construction -

In cases where a statute contains two or more offensive provisions, the court will attempt, if it is feasible, to interpret the provisions so as to give effect to both by harmonizing them with one another. The court may do this by ruling that one provision only establishes an exception to the general rule found in the other, or by treating two or more seemingly incompatible sections as addressing different circumstances. However, it can be exceedingly challenging to decide whether several portions of the same statute overlap or are mutually incompatible. The idea that the legislator must not have intended to contradict itself is presumably the foundation of the harmonious construction principle.

^[7]AIR1955 SC 850

This principle has been used in a great deal of issues involving constitutional interpretation. You may be confident that the legislature does not take something away from you when it offers something. An Act's provisions do not become meaningless because of one another. When the legislature passes two seemingly incompatible laws in one Act, it cannot be assumed that it is contradicting itself.

State of Bombay v. F.N. Balasara⁸

The Supreme Court noted that the words "possession and sale" found in Entry 31 of List II should be read "without qualification" when determining the validity of the 1949 Bombay Prohibition Act, which was passed by the Bombay Legislature and placed restrictions on the production and sale of alcohol. The State Legislature may outright forbid the possession, consumption, and sale of alcoholic beverages under that entry. When used alone, the term "import" in Entry 19 of List I does not refer to the sale or ownership of the item brought into the nation by a resident of the region into which it is brought. As a result, Entry 19 of List I and Entry 31 of List II do not actually contradict. Therefore, the Act of 1949 does not infringe on the territory designated for the Federal Legislature inasmuch as it aims to limit the possession, use, and sale of foreign liquor.

Raj Krishna v. Binod⁹

The discrepancy between Sections 33(2) and 123(8) of the Representation of the People Act, 1951 was at issue in *Raj Krishna v. Binod*¹³. A government employee may propose or second a candidate for office under Section 33(2), however Section 123(8) prohibits government employees from offering any other kind of assistance to candidates running for office beyond casting their ballot. In its ruling, the Supreme Court upheld the right of a government employee to either nominate or second a candidate for the State Legislative Assembly, ruling that these two articles need to be read in tandem. Harmony was possible only if Section 123 (8) of the Act is interpreted as conferring power on a government servant of voting as well as of proposing and seconding a candidature and forbidding him from assisting a candidate in any other manner¹⁰.

^[8] AIR 1951 S.C. 318

^[9] 1954 AIR 202, 1954 SCR 913

^[10] Bhattacharyya, T. *The Interpretation of Statutes*. 8th ed., Central Law Agency, 2012.

Manohar Lal v. State of Punjab¹¹

Section 7 of the Punjab Trade Employees Act, 1949 directing that shops and establishments to which the Act applied shall remain closed one day in a week was held not to violate Article 19 (1) (g) of the Constitution as it was are as on able restriction on the fundamental right because it ensures health and efficiency of the worker. The position would be same even if the business is being conducted by the owner and his family members. On similar grounds, hours of employment of employee sand opening and closing hours of shops or establishments cannot beheld as violative of fundamental right to trade and business under Article 19 (1) (g)¹².

Conclusion -

An effective and reliable legal system is necessary for a nation to thrive. The goal of the court's interpretation of the law must be to ensure that citizens receive the proper justice. Judges should apply a helpful interpretation of the law to minimize disagreements and guarantee this kind of justice. Which rule to apply in a given situation should be known by the judge. When reading the statute, one must take the legislature's intent into consideration. The language used in statutes don't always have to be obvious, unambiguous, and completely functional, thus courts should take the appropriate measures to ascertain the precise meaning of any words or phrases used by the legislature while also clearing up any remaining uncertainties. Therefore, it is crucial to follow all of the guidelines in the article in order to ensure fairness.

^[11]1961AIR418,1961SCR(2)343

^[12]Bhattacharyya,T. *The Interpretation of Statutes*.8thed.,CentralLawAgency,2012.

BIBLIOGRAPHY -

Books:

- 1) Bhattacharyya, T. *The Interpretation of Statutes*. 8th ed., Central Law Agency, 2012.
- 2) Gandhi, B.M. *Interpretation of Statutes*. First ed., Eastern Book Co., 2006.

Websites:

- 1) blog.ipleaders.in/rules-interpretation-statutes/
- 2) <http://www.legalservicesindia.com/article/1152/Interpretation-of-Statutes.html>
- 3) <https://www.lawteacher.net/free-law-essays/constitutional-law/the-interpretation-of-statute-constitutional-law-essay.php>

