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# **GENERAL PRINCIPLES OF STATUTORY INTERPRETATION**

AUTHORED BY: RUPALI VIJAY KUMBHAR

## **ABSTRACT**

Judiciary construes legislative enactments to resolve disputes and administer justice. This research article provides an in-depth exploration of the general principles governing statutory interpretation, synthesizing key theoretical frameworks and practical applications.

The article begins by elucidating the fundamental objective of statutory interpretation: discerning legislative intent. It delves into the complexities inherent in statutory language, highlighting how ambiguity and gaps necessitate judicial interpretation to ensure the effective application of laws.

Through a comprehensive review of scholarly literature and case law, the article identifies and analyzes a spectrum of general principles guiding statutory interpretation. These principles include textualism, which emphasizes a literal reading of statutory language; the consideration of legislative intent, often gleaned from legislative history and context; the importance of purposive interpretation, aligning statutory interpretation with broader societal objectives; and the application of presumptions and maxims to resolve ambiguities.

## **INTRODUCTION<sup>1</sup>**

One of the most substantial and the principal duty which are vested on the judiciary is the interpretation of the statutes or law which are in force. When the courts deliver justice in a legal dispute, they strictly abide with the boundaries framed by the legal frameworks which encompasses certain laws, statutes, The Constitution and delegated legislations. The legal framework of a democratic country like India includes a plethora of legislations and regulations. The Legislature with the compliance of the procedural Parliamentary rules, formulates and drafts certain written statutes and legislations. The courts deliver justice in a legal matter by interpreting the underlying principles in these legislations. The written laws are substantiated by the courts and justice is administered by the courts through the pronouncement of verdict over the legal

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<sup>1</sup> <https://blog.ipleaders.in/rules-interpretation-statutes/>

dispute. For the purpose of interpreting statutes and to prevent any wrongful interpretation of the laws, the court should follow certain rules to shape these laws. So, one of the most basic rules of interpretation is the Literal rule of Interpretation of statutes where the court interprets the wordings of the law as it is. However, there may be certain loopholes which may be found in the law due to which it is not interpret a straight-forward understanding of the language of the statutes. It may lead to ambiguity and absurdity if the courts interpret the natural meaning of the language used in the statute.

### **WHAT IS THE INTERPRETATION OF STATUTES?<sup>2</sup>**

Interpretation of statutes refers to the process of understanding and giving meaning to the provisions and provisions of a law or statute. When laws are enacted by legislatures, they are often written in broad and general terms, which can lead to different interpretations and understandings The role of statutory interpretation is to clarify the meaning and intention behind the statutory language.

Rules of interpreting statutes are necessary because laws must be applied to specific cases and situations. It involves analysing the text of the statute, considering its purpose, examining the legislative history and applying established legal principles and rules of interpretation. The goal is to determine the legislative intent or the purpose the lawmakers sought to achieve when enacting the law.

Courts, judges and legal professionals are primarily responsible for interpreting statutes when resolving disputes or applying the law in specific cases. Different rules of interpretation of Statutes may be employed, including textualism, which focuses on the plain meaning of the words in the statute or purposivism, which emphasizes the legislative purpose and intent behind the law.

### **OBJECT OF INTERPRETATION<sup>3</sup>**

When the language of the statute is clear, there is no need for the rules of interpretation. But, in certain cases, more than one meaning may be derived from the same word or sentence. It is, therefore, necessary to interpret the statute to find out the real intention of the statute. determine the intention of the legislature conveyed expressly or impliedly in the language used. In the process of interpretation, several aids are used. They may be statutory or non-statutory. Statutory

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<sup>2</sup> <https://lawbhoomi.com/rules-of-interpretation-of-statutes/>

<sup>3</sup> <https://taxguru.in/corporate-law/rules-interpretation-statutes.html>

aids may be illustrated by the General Clauses Act, 1897 and by specific definitions contained in individuals Acts. Non-statutory aids are illustrated by common law rules of interpretation (including certain presumptions relating to interpretation) and also by case-laws relating to the interpretation of statutes.

### CLASSIFICATION OF STATUTES<sup>4</sup>

#### Codified Statutory Law Can Be Categorized As Follows :

- **Codifying statutes** : The purpose of this kind of statute is to give an authoritative statement of the rules of the law on a particular subject, which is customary laws. For example- The Hindu Marriage Act, 1955 and The Hindu Succession Act, 1956.
- **Consolidating statutes** : This kind of statute covers and combines all law on a particular subject at one place which was scattered and lying at different places. Here, the entire law is constituted in one place. For example- Indian Penal Code or Code of Criminal Procedure.
- **Declaratory statutes** : This kind of statute does an act of removing doubts, clarifying and improving the law based on the interpretation given by the court, which might not be suitable from the point of view of the parliament. For example- the definition of house property has been amended under the Income Tax (Amendment) Act, 1985 through the judgement of the supreme court.
- **Remedial statutes** : Granting of new remedies for enforcing one's rights can be done through the remedial statutes. The purpose of these kinds of statutes is to promote the general welfare for bringing social reforms through the system. These statutes have liberal interpretation and thus, are not interpreted through strict means. For example- The Maternity Benefits Act, 1961, The Workmen's Compensation Act, 1923 etc.
- **Enabling statutes** : The purpose of this statute is to enlarge a particular common law. For example- Land Acquisition Act enables the government to acquire the public property for the purpose of the public, which is otherwise not permissible.

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<sup>4</sup> <https://blog.ipleaders.in/rules-interpretation-statutes/>

- **Disabling statutes** : It is the opposite of what is provided under the enabling statute. Here the rights conferred by common law are being cut down and are being restrained.
- **Penal statutes** : The offences for various types of offences are provided through these statutes, and these provisions have to be imposed strictly. For example- Indian Penal Code, 1860.
- **Taxing statutes** : Tax is a form of revenue which is to be paid to the government. It can either be on income that an individual earns or on any other transaction. A taxing statute thus, levies taxes on all such transactions. There can be income tax, wealth tax, sales tax, gift tax, etc. Therefore, a tax can be levied only when it has been specifically expressed and provided by any statute.
- **Explanatory statutes** : The term explanatory itself indicates that this type of statute explains the law and rectifies any omission left earlier in the enactment of the statutes. Further, ambiguities in the text are also clarified and checked upon the previous statutes.
- **Amending statutes** : The statutes which operate to make changes in the provisions of the enactment to change the original law for making an improvement therein and for carrying out the provisions effectively for which the original law was passed are referred to as amending statutes. For example- Code of Criminal Procedure 1973 amended the code of 1898.
- **Repealing statutes** : A repealing statute is one which terminates an earlier statute and may be done in the express or explicit language of the statute. For example- Competition Act, 2002 repealed the MRTP Act.
- **Curative or repealing statutes** : Through these statutes, certain acts which would otherwise be illegal are validated by curing the illegality and enables a particular line of action.

## **RULES OF INTERPRETATION**

### 1. Natural or Grammatical Rule<sup>5</sup>:

To construe the provisions literally and grammatically giving the words their ordinary and natural meaning; Also known as plain meaning rule; There should be no additions or substitution of words in the construction of statutes and its interpretation; Only one meaning should be derived from the statute. Literal meaning is subject to the following conditions- Statute may itself provide for a special meaning for a term, which is usually to be found in the interpretation section. Technical words are given ordinary technical meaning if the statute has not specified any other. Words will not be inserted by implication. Words may undergo shifting in the course of time. It should be remembered that the words acquire significance from their context. It is the first rule of interpretation. According to this rule, the words used in this text are to be given or interpreted in their natural or ordinary meaning. After the interpretation, if the meaning is completely clear and unambiguous then the effect shall be given to a provision of a statute regardless of what may be the consequences. The basic rule is that whatever the intention legislature had while making any provision it has been expressed through words and thus, are to be interpreted according to the rules of grammar. It is the safest rule of interpretation of statutes because the intention of the legislature is deduced from the words and the language used. According to this rule, the only duty of the court is to give effect if the language of the statute is plain and has no business to look into the consequences which might arise. The only obligation of the court is to expound the law as it is and if any harsh consequences arise then the remedy for it shall be sought and looked out by the legislature.

### CASE LAWS

- **Maqbool Hussain v. State of Bombay, AIR 1953 SC 325<sup>6</sup>**

In this case, the appellant, a citizen of India after arriving at the airport did not declare that he was carrying gold with him. During his search was carried on, gold was found in his possession as it was against the notification of the government and was confiscated under section 167(8) of Sea Customs Act. Later on, he was also charged under section 8 of the Foreign Exchange Regulations Act, 1947. The appellant challenged this trial to be violative under Article 20(2) of the Indian Constitution. According to this article, no person shall be punished or prosecuted more than once for the same offence. This is considered as double jeopardy. It was held by the court that the Seas Act neither a court

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<sup>5</sup> <https://taxguru.in/corporate-law/rules-interpretation-statutes.html>

<sup>6</sup> AIR 1953 SC 325

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 others, 1987<sup>7</sup>**

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

## 2. The Mischief Rule/Purposive construction<sup>8</sup>

A rule of statutory interpretation that attempts to determine the legislator's Intention to determine the mischief and defect to give ruling to implement the effective remedy.

Mischief Rule was originated in Heydon's case in 1584 It is the rule of purposive construction because the purpose of this statute is most important while applying this rule It is known as Heydon's rule because it was given by Lord Pote in Heydon's case in 1584. It is called as mischief rule because the focus is on curing the mischief.

In the Heydon's case, it was held that there are four things which have to be followed for true and sure interpretation of all the statutes in general, which are as follows-

1. What was the common law before the making of an act.
2. What was the mischief for which the present statute was enacted.
3. What remedy did the Parliament sought or had resolved and appointed to cure the disease of the commonwealth.
4. The true reason of the remedy.

## CASE LAWS

- **Smith v. Huges, 1960<sup>9</sup>**

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<sup>7</sup> 1987 AIR 33 SCR (1) 317

<sup>8</sup> <https://taxguru.in/corporate-law/rules-interpretation-statutes.html>

<sup>9</sup> 1960 WLR 830

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 charge sheet was held to be correct.

- **Regional Provident Fund Commissioner v. Sri Krishna Manufacturing Company, 1962<sup>10</sup>**

In this Case, was that the respondent concerned was running a factory where four units were for manufacturing. Out of these four units one was for paddy mill, other three consisted of flour mill, saw mill and copper sheet units. The number of employees there were more than 50. The RPFC applied the provisions of Employees Provident Fund Act, 1952 thereby directing the factory to give the benefits to the employees. The person concerned segregated the entire factory into four separate units wherein the number of employees had fallen below 50, and he argued that the provisions were not applicable to him because the number is more than 50 in each unit. It was held by the court that the mischief rule has to be applied and all the four units must be taken to be one industry, and therefore, the applicability of PFA was upheld.

- **Kanwar Singh v. Delhi Administration, 1965<sup>11</sup>**

Issues of the case were as follows- section 418 of Delhi Corporation Act, 1902 authorised the corporation to round up the cattle grazing on the government land. The MCD rounded up the cattle belonging to Kanwar Singh. The words used in the statute authorised the corporation to round up the abandoned cattle. It was contended by Kanwar Singh that the word abandoned means the loss of ownership and those cattle which were round up belonged to him and hence, was not abandoned. The court held that the mischief rule had

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<sup>10</sup> AIR 1962 SC 1526

<sup>11</sup> AIR 1965 SC 871

to be applied and the word abandoned must be interpreted to mean let loose or left unattended and even the temporary loss of ownership would be covered as abandoned.

### 3. Golden Rule<sup>12</sup>

It is a form of statutory interpretation that allows a judge to depart from a word's normal meaning in order to avoid an absurd result. It is a compromise between the rule of interpretation and the rule of mischief. To be used in two ways- It is applied most frequently in a narrow sense where there is some ambiguity or absurdity in the words themselves. It is used in a wider sense to avoid a result that is obnoxious to the principles of public policy. It is known as the golden rule because it solves all the problems of interpretation. The rule says that to start with we shall go by the literal rule, however, if the interpretation given through the literal rule leads to some or any kind of ambiguity, injustice, inconvenience, hardship, inequity, then in all such events the literal meaning shall be discarded and interpretation shall be done in such a manner that the purpose of the legislation is fulfilled. The literal rule follows the concept of interpreting the natural meaning of the words used in the statute. But if interpreting natural meaning leads to any sought of repugnance, absurdity or hardship, then the court must modify the meaning to the extent of injustice or absurdity caused and no further to prevent the consequence. This rule suggests that the consequences and effects of interpretation deserve a lot more important because they are the clues of the true meaning of the words used by the legislature and its intention. At times, while applying this rule, the interpretation done may entirely be opposite of the literal rule, but it shall be justified because of the golden rule. The presumption here is that the legislature does not intend certain objects. Thus, any such interpretation which leads to unintended objects shall be rejected.

#### **Important Aspect Of This Rule :**

The court must construe the contradictory provisions so as to harmonize them. The provision of one section cannot be used to defeat the provisions in another unless the Court, despite all its efforts, is unable to find a way to reconcile their differences. When it is impossible to reconcile the differences in contradictory provisions completely, the court must interpret them in such a way so as that effect is given to both the provisions as much as possible. It is not a harmonious construction if the interpretation reduces one provisions to be useless and not to destroy it or render it to loose.

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<sup>12</sup> <https://taxguru.in/corporate-law/rules-interpretation-statutes.html>

## CASE LAWS

- **Tirath Singh v. Bachittar Singh, 1955<sup>13</sup>**

In this case, there was an issue with regard to issuing of the notice under section 99 of Representation of People's Act, 1951, with regard to corrupt practices involved in the election. According to the rule, the notice shall be issued to all those persons who are a party to the election petition and at the same time to those who are not a party to it. Tirath Singh contended that no such notice was issued to him under the said provision. The notices were only issued to those who were non-parties to the election petition. This was challenged to be invalid on this particular ground. The court held that what is contemplated is giving of the information and the information even if it is given twice remains the same. The party to the petition is already having the notice regarding the petition, therefore, section 99 shall be so interpreted by applying the golden rule that notice is required against non-parties only.

- **State of Madhya Pradesh v. Azad Bharat Financial Company, 1967<sup>14</sup>**

A transporting company was carrying a parcel of apples was challenged and charge-sheeted. The truck of the transporting company was impounded as the parcel contained opium along with the apples. At the same time, the invoice shown for the transport consisted of apples only. Section 11 of the opium act 1878, all the vehicles which transport the contraband articles shall be impounded and articles shall be confiscated. It was contended by the transport company that they were unaware of the fact that opium was loaded along with the apples in the truck. The court held that although the words contained in section 11 of the said act provided that the vehicle shall be confiscated but by applying the literal rule of interpretation for this provision it is leading to injustice and inequity and therefore, this interpretation shall be avoided. The words 'shall be confiscated' should be interpreted as 'may be confiscated'.

#### 4. Harmonious Construction<sup>15</sup>

When there is a conflict between two or more statutes or two or more parts of a statute then this rule is to be adopted. If it is not possible to harmonize the two statutes, then the court is

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<sup>13</sup> AIR 1955 SC 850

<sup>14</sup> AIR 1967 SC 276

<sup>15</sup> <https://taxguru.in/corporate-law/rules-interpretation-statutes.html>

to decide the same and it shall prevail. There should be consistency. According to this rule of interpretation, when two or more provisions of the same statute are repugnant to each other, then in such a situation the court, if possible, will try to construe the provisions in such a manner as to give effect to both the provisions by maintaining harmony between the two. The question that the two provisions of the same statute are overlapping or mutually exclusive may be difficult to determine. The legislature clarifies its intention through the words used in the provision of the statute. So, here the basic principle of harmonious construction is that the legislature could not have tried to contradict itself. In the cases of interpretation of the Constitution, the rule of harmonious construction is applied many times. It can be assumed that if the legislature has intended to give something by one, it would not intend to take it away with the other hand as both the provisions have been framed by the legislature and absorbed the equal force of law. One provision of the same act cannot make the other provision useless. Thus, in no circumstances, the legislature can be expected to contradict itself.

#### CASE LAWS

- **Ishwari Khaitan Sugar Mills v. State of Uttar Pradesh,1980<sup>16</sup>**

In this case, the State Government proposed to acquire sugar industries under U.P Sugar Undertakings (Acquisition) Act, 1971. This was challenged on the ground that these sugar industries were declared to be a controlled one by the union under Industries (Development and Regulation) Act, 1951. And accordingly, the state did not have the power of acquisition of requisition of property which was under the control of the union. The Supreme Court held that the power of acquisition was not occupied by Industries (Development and Regulation) Act, 1951. The state had a separate power under Entry 42 List III.

- **M.S.M Sharma v. Krishna Sinha,1959<sup>17</sup>**

Facts of the case are as follows- Article 19(1)(a) of the Constitution provides for freedom of speech and expression. Article 194(3) provides to the Parliament for punishing for its contempt and it is known as the Parliamentary Privilege. In this case, an editor of a newspaper published the word -for- word record of the proceedings of the Parliament including those portions which were expunged from the record. He was called for the

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<sup>16</sup> AIR 1980 SC 1955

<sup>17</sup> AIR 1959 SC 395

breach of parliamentary privilege. He contended that he had a fundamental right to speech and expression. It was held by the court that article 19(1)(a) itself talks about reasonable freedom and therefore freedom of speech and expression shall pertain only to those portions which have not been expunged on the record but not beyond that.

### **CONCLUSION**

In essence, the general principles of statutory interpretation serve as guiding lights for courts and legal practitioners in deciphering legislative intent from statutes. These principles encompass several key tenets, including the presumption that legislation is crafted with clarity and purpose, the importance of considering the legislative context, the application of the plain meaning rule, and the recourse to legislative history when ambiguity arises. Moreover, courts often strive to interpret statutes in a manner that aligns with fundamental legal principles, societal values, and the broader objectives of the legal system. Through a balanced application of these principles, the judiciary endeavors to ensure consistent and just outcomes in legal proceedings, promoting the rule of law and fostering a stable and predictable legal environment.

