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MAXIMS IN INTERPRETATION: THEIR LEGAL VALIDITY AND USAGE

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ABSTRACT

The legal maxims are one of the main instruments that courts utilize in the process of interpreting the statutes. Legal maxims are set principles, time-tested and often in Latin which are used as a guide in the drafting of statutory provisions. Although, they are not law in themselves; maxims are expressions of condensed wisdom of centuries of judicial reasoning and legal philosophy. They are used in order to explain the meaning of words, eliminate ambiguities and reconcile the various parts of a statute to make sense and be consistent. Maxims that are commonly used are 'Ejusdem Generis' ('of the same kind') which limits the scope of general words to objects of a certain type with the specific words; 'Noscitur a Sociis' ('known by its associates') which considers words by the context of other words; and 'Expressio Unius Est Exclusio Alterius' ('the expression of one thing excludes others') which infers omission by the explicit mention of particular objects. These maxims give a systematic direction which helps the judges to interpret statutes as per legislative intent and the rule of law.¹ The maxims are legally valid because they are applied uniformly in court rulings and not because they have been codified in law. Maxims have been always known by courts as persuasive which means that it helps create predictability, uniformity, and rationality in law interpretation.

Keywords: Interpretation, Maxims, Statutory Provisions, Persuasive.

INTRODUCTION

Interpretation of statutes is a very critical pillar in legal practice and jurisprudence as it is the one that connects the written law with the actual application of law in the society. The legislature passes laws to control social conduct, safeguard rights and offer solutions in disputes. Nevertheless, the difficulty of understanding the language, changing social norms and unexpected situations usually leave statutory offerings vague or unfinished. In this case, the

¹ Rupert Cross, Statutory Interpretation (3d ed. 1995)

judicial system is requested to give a meaning to the law that properly presents the legislative intent without being unfair and unjust. This interpretative role is not just mechanical but also encompasses careful thinking, ethical judgment and a sound knowledge of the law.²

The maxims are quite often applied in Indian case law by the Supreme Court and High Courts and are frequently used alongside the known interpretative rules such as the literal rule, the golden rule and the mischief rule.³ This interaction of maxims and interpretative doctrines brings out the practical significance of maxims and interpretative doctrines to ensure that statutes are enforced in a way that is aligned with legal principles as well as societal expectations.⁴

Although the use of maxims is premised on legal reasoning, there are also ethical considerations that are involved in their application. The judicial interpretation cannot be value-neutral because it should take into consideration the principles of justice, equity and social welfare. The use of a maxims regardless of its ethical consequences can end up in a technically right result that is in morality doubtful or unfair to the society.⁵ As an example, the compliance with a maxim can lead to the situation where some people are excluded under the benefit of a law which can be contrary to the intention of enacting a law. Hence, it is quite common that judges are prone to the dilemma of accuracy to the law and moral accountability and thus, it is not only a legal but also an ethical issue on interpreting maxims.

Maxims as they are studied in statutory interpretation are not a purely theoretical undertaking. They have a great impact on how the legal system works, on the safeguarding of rights as well as on the advancement of justice.⁶ By utilizing these maxims with great care, courts can find a way to balance the tension of the letter of the law and the spirit of the law, mediating between the intention and consequences of the legislation.

² G.P. Singh, *Principles of Statutory Interpretation* (14th ed. 2016)

³ William N. Eskridge, Jr. & Philip P. Frickey, *Statutory Interpretation as Practical Reasoning*, 42 *Stan. L. Rev.* 321 (1990)

⁴ T. Bhattacharyya, *Statutory Interpretation in India: The Role of Maxims and Precedents*, 35 *J. Indian L. Inst.* 245 (1993)

⁵ Lon L. Fuller, *The Morality of Law* (rev. ed. 1969)

⁶ H.L.A. Hart, *The Concept of Law* (2d ed. 1994)

1. The legal validity and historical evolution of maxims:

Legal maxims do not exist as just theoretical constructs, they are pragmatic instruments that have been developed throughout centuries to help judges interpret statutes in an effective manner. Their historical evolution has shown a continuity of legal thinking, dating back to the Roman jurisprudence up to the contemporary Indian courts and that they are still relevant in ensuring justice and the intent of the legislation.

1. Roman Law Origins

Roman law was one of the earliest systems of legal rules in the world and its era dates back to the first century BCE. Roman jurists came up with these principles subsequently referred to as maxims to explain detailed codes like the Corpus Juris Civilis.

Purpose of Maxims is to introduce a rational structure to the judicial decision making, inform judges in case of gaps in statutes that were ambiguous, silent or too general.

Practical examples are: 'Ejusdem Generis' which means 'of the same kind' limited the general words that followed particular words to the same category.⁷ 'Noscitur a Sociis' which means 'known by its companions' made the meaning dependent on the context, so coherent interpretation.⁸

2. English Common law

In English Common Law, adoption takes place through statutory forms or through statutory interpretation as a later decision. Latin maxims were integrated into English law in the medieval period, which forms a basis of statutory interpretation. Courts had to deal with statutes which were either broadly or vaguely written. Maxims provided logic and directions on how to interpret a piece of legislation.

For example, 'Expressio Unius Est Exclusio Alterius' which means 'the expression of one thing is exclusion of other things' was treated where the statutes listed items directly and the implication was that those items not listed were not to be treated as such.

The Maxims were not a binding law, but were merely persuasive instruments that were known to be consistent, predictable, and just. 'Noscitur a Sociis' was used in the trade and labour statutes by the court to be on the lookout against general terms and to make them be construed so as to be consistent with specific words around them.

The use of maxims became institutionalized by the English courts, where the emphasis

⁷ F.A.R. Bennion, Bennion on Statutory Interpretation (7th ed. 2017)

⁸ Antonin Scalia & Bryan A. Garner, Reading Law: The Interpretation of Legal Texts (2012)

was put on the ethical reasoning and the fact that the interpretation served the legislative intent and benefited the society.

3. Assimilation into the Indian Jurisprudence

During the British colonial rule in India, Indian courts received common law concepts such as maxims. Even after independence, maxims remain to be a crucial interpretative guide, although they are not enacted laws.

The maxims are identified on the basis of judicial precedent. Their continued use in different situations gives them persuasive power and thus create a quasi-law system. The rules of statutory interpretation, including the literal rule, the golden rule, the mischief rule and the purposive rule supplement these rules and give other guidance to the judges.

This can be understood with the help of the following case laws:

*CIT v. Hindustan Bulk Carriers*⁹ - The Supreme Court has used 'Ejusdem Generis' to interpret the meaning of other shipping services so that such interpretation did not contradict the legislative system and the intended area of taxation.

*State of West Bengal v. Union of India*¹⁰ - General terms in taxation laws were read under enumerated items which shows how maxims help in introducing clarity and eliminating ambiguity in interpretation.

4. Connection with Contemporary Interpretative Theories.

Maxims are used in synergy to the interpretative doctrines such as:

Literal Rule: It gives the textual clarity. Maxims such as 'expressio unius est exclusio alterius' strengthen the literal interpretation and avoid ambiguity.

Golden Rule: It is permissible to avoid the humorous consequences. The maxim 'Ejusdem Generis' may be extended to cover unexpected things of the same kind without leading to literal absurdity.

Mischief/Purposive Rule¹¹: It helps stay in line with the spirit of the law. Maxims are useful to achieve the intent of legislation and guard against statutory abuse.

⁹ *CIT v. Hindustan Bulk Carriers*, (2003) 3 SCC 57 (India)

¹⁰ *State of West Bengal v. Union of India*, AIR 1963 SC 1241 (India)

¹¹ V. Niranjana, *The Case for a Purposive Approach to Statutory Interpretation in India*, 49 *Indian J. Int'l L.* 67 (2009)

2. Ethical Hurdles of Implementing Maxims

The use of legal maxims is not purely of technical nature as there is an ethical connotation within it. In the interpretation of statutes, judges use discretion which directly affects rights, obligations and welfare in a society. Maxims also provide direction in solving ambiguities as their strict use can result in unreasonable or socially inappropriate consequences. Ethical factors make sure that maxims are used selectively with an approach that is balanced in terms of legal accuracy and fairness, justice, and intent of law.

Moral challenges in applying maxims:

1. Exclusion of vulnerable groups:

Maxims such as 'Expressio Unius Est Exclusio Alterius' may omit people who are not specifically named in the law. For example: Labor laws that list the types of employees can inadvertently omit informal or gig employees even though the intention of the legislature is to offer social security. Here, the ethical issue is that the literal interpretation can contribute to imbalance, depriving vulnerable groups in the society of protection.

2. Unreasonably Narrow Interpretation:

Sometimes maxims like 'Ejusdem Generis' may unduly limit the scope of general terms so that objects that should be covered by statutory terms are eliminated. For example: Environmental laws identify certain pollutants but can leave out new harmful substances. The ethical concern here is that narrow readings can give rise to regulatory fall gaps that undermine the health and welfare of the people.

3. The possibility of Absurdity or Injustice:

Flexibility in strict adherence to maxims can lead to results that are opposite to what is expected in the society or that which a law is meant to achieve. For example: Corporate exploitation of loopholes may occur where taxation is governed in a very literal or enumerative manner by maxims. The ethical issue here is that formalism of the law without ethical or intentional concern may spread distrust in the judiciary and legislation.

3. Ethical Theories that Govern Interpretation by the courts:

Deontological Ethics (Duty-Based Approach): Strictness of statutory rules and language is given priority by the judges. It is predictable, consistent and respects the rule of law. However, it may disregard higher social costs or legislative intent and will run the risk of unfair results. For example: When a court reads 'Ejusdem Generis' in a narrow way without reflecting on the

environmental hazards that arise, the court will be textually correct but will not be keeping the welfare of the people safe.

Consequentialist / Utilitarian Ethics (Outcome Based Approach): Concentrates on the social and practical effectiveness of judicial interpretation. The maxims are applied in a flexible manner to make a result as much beneficial to the society and just as possible. For example: it is socially just and in line with the intent of the legislation that labour protection which is currently only provided to those listed should extend to the informal workers. It pushes towards purposive interpretation to avoid societal harm or injustice particularly in legislation about welfare and the environment law.

Virtue Ethics (Character-Based Approach): It underlines the ethical judgement, prudence and morality of the judges. The discretion used by judges is based on fairness, integrity and justice without compromising the legal certainty. It combines both moral reasoning and interpretation of the law, thus making judicial decisions sound in the law and morally accountable.

4. Application and Practical Utility of Maxims in Judicial decisions

Legal maxims are not part of the statutory law but cannot be ignored when interpreting the law. They offer judges with logical thinking, ethical advice and a method of striking a balance between social justice and legal certainty. They have wide practical application in the fields of law such as taxation law, regulatory environments, labour law, environmental law, and social justice. Through the use of maxims, courts would be able to ascertain that statutes are applied in a fair, purposive and consistent manner in respect to the purpose of the lawmakers.

Under taxation law, much of the work of maxims such as ‘Ejusdem Generis’ is used to restrict the terms of general maxims in taxation law to avoid overfishing or unintended liability. They make sure that the tax payers are not made liable beyond the intent of the legislature. In case of *State of West Bengal v. Union of India*¹², it was held that the meaning of ‘other goods’ in taxation law was confined to the items of the same category but not those that were not contained on the list. This discouraged unfair extension of tax liability and ensured fairness as well as interpretation in accordance with the intent of the legislation. Maxims are applied in taxation to make sure that they do not exploit or forcefully impose the financial obligations.

¹² *State of West Bengal v. Union of India*, AIR 1963 SC 1241 (India)

The balance between literal and social equity is between judges that guarantee that the law is beneficial to the state as well as to taxpayers.

The regulatory laws have undefined or widely phrased words in most cases. Maxims such as 'Noscitur a Sociis' explain the meaning by association and it is possible to deem the fact of coherent and predictable application of rules. In case of *Indian Oil Corporation Ltd. v. Amritsar Gas Service*¹³, ambiguous terms in the regulatory provisions were construed on the words around and statutory context. It assured uniformity in enforcing regulations, avoided arbitrary enforcement and enhanced fairness in the administration. Regulatory determination has an impact on community safety, trade and corporate lawfulness. Application of maxims ethically will make the enforcement predictable, transparent, and in tandem with societal good.

Under Environmental Law, the Mischief Rule has given the courts the ability to construe legislation in a manner that stifles the mischief that the law is meant to cure. This in the environmental statutes, helps eliminate loopholes and also makes sure that what is written in the law is able to cope with the problems in the present day. For example, courts have construed a wide understanding of pollutants to cover new or unlisted pollutants, so that the environmental laws can be upheld. This preserves the health of the population, stipulates compliance of interpretation with the purpose of the legislation and solves new environmental risks. The application of ethics would make sure that the textual interpretation of the law is in the interest of the people, even when the strict textual interpretation could potentially rule out harmful substances.

CONCLUSION AND SUGGESTIONS

Legal maxims play a central and permanent role in statutory interpretation since they are indispensable instruments that help judges when it is time to decide on the ambiguity, when the statute contains conflicting words and when it is necessary to make sure that the legislation does not contradict the intention behind its drafting. They are useful in various fields of law such as taxation, labour laws, environmental protection, corporate regulation and administrative governance. Though they are not written laws in the form of statutes, the ongoing and authoritative application in the Indian jurisprudence has entrenched their lawfulness and workability and has shown that they are quasi-law principles with a base of

¹³ *Indian Oil Corporation Ltd. v. Amritsar Gas Service*, (1991) 1 SCC 533 (India)

precedent and judicial rationale.

Maxims have an underlying moral implication besides the technicality of it. They enable the judges to interpret the laws accurately as well as fairly, prudently and with a focus towards the greater good that is benefited by the society. Courts are able to balance literal text interpretation to legislative intent, social justice and contemporary needs by applying these legal maxims and principles. The ethical application is important in ensuring that vulnerable groups will not be unfairly sidelined and statutory provisions will be enforced in a manner that implements the spirit of the law.

Legal maxims serve as a link between formal legal thinking and the social goals. They offer a guide to purposive interpretation without contradiction, uncertainty and legal ambiguity. Their current applicability in the Indian courts shows how judicial prudence and ethical accountability are to be used alongside historical understanding in interpreting statutes. In this fashion, judges are able to assure that not only are legal results legally legitimate but also fair, socially sensitive and adherent to the greater purposes of justice and the intent of the legislation.

Suggestions:

1. Introduce judges and legal practitioners to special training programs and workshops with an emphasis on ethical, purposive and contextual judicial application of legal maxims with an eye towards their application in the trade-off between textual faithfulness and social justice.
2. Urge legislators to write legislations in specific language with limited terms that give certain meaning in order to limit the ambiguity and dependence on maxims in interpretation and to further improve the transparency of the law.
3. The ethical, purposive and reasoning process of decisions made by the courts ought to be systematically documented which makes the courts more accountable and increases the confidence of the society as well as showing how well their judgment makes sense with the welfare of the society.
4. Integrate experiential case studies and problem-based learning in law schools to train students on how maxims are applied in different areas of law both with regard to the interpretive skills and ethics.