

A Brief Study on Interpretation of Statutes

K. Vineeth Haswanth

BBA LLB(H)
School Of Law

Bennett University, Greater Noida, India

Abstract - Legislation is required by draftsmen, yet a draftsman's skill to foresee the future is limited. He might not recognize a potential risk or disregard a possible misunderstanding of the legislation's original goals. A disadvantage would be that legislation frequently attempts to address matters regarding very distinct and opposing interests.

I. INTRODUCTION

A statute is a legally binding document which controls a nation, region, municipality, or district. It really is, in simple terms, the Legislation Act. Provisional Statutes, Permanent Statutes, Amalgamating Statutes, Codifying Status, Financial Statutes, Remedy Statutes, Penal Statutes, and Declaratory Statutes are all examples of statutes.

The word interpretation derives from the Latin word "interpretari", which means to explain, expound, comprehend, or translate. The skill of discovering the genuine meaning of a statute by giving the words of the statute their inherent and normal understanding is known as interpretation. It is the method of determining the true meaning of a statute's language. The Court is not expected to interpret arbitrarily, and as a result, specific concepts have emerged as a result of the Courts ongoing work. These concepts are commonly referred to as interpretation rules. The goal of legislative intent is to determine the legislature's objective, which is expressed either explicitly or implicitly in the wording adopted. "Through interpretation or construction", SALMOND¹ explains, "we understand the procedure whereby courts attempt to discern the content of the legislation through the channel of authoritative forms in which it is written". As a result, interpretation is a well-known and important activity. Due to the obvious underlying character of legislation as a source of law, interpretation is critical in connection to statutory law. The method of enacting legislation and the process of interpreting legislation are two separate operations. Even though Parliamentary Acts must be broadly interpreted, and that it's the judge's responsibility to give influence on an Act per its actual purpose whilst also managing any need to make the Act feasible, an elaborate body of rules to guide them in construing or interpreting laws has developed over time. These are recognized as Statutory Interpretation Rules, and they also have a direct effect on legislative formulation. Various tools are employed in the interpreting procedure. They might be either statutory or non-statutory in nature. Non-statutory aids are illustrated by common law rules of interpretation (including certain presumptions relating to interpretation) and case-laws concerning the interpretation of statutes, whilst the statutory assistance are demonstrated by the *General Clauses Act, 1897*², and particular interpretations enclosed in specific Acts.

In the case of *Seaford Court Estates Ltd. vs. Asher*³, Lord Denning was the judge. "English knowledge is not a mathematical reliable and valid instrument... If the acts of parliament were drafted with divine precision and perfect clarity, this would undoubtedly save all the judges time and difficulty. When a flaw develops in the lack of it, a judge cannot simply fold his hands and condemn the draughtsman..." It is beyond human capabilities to predict the numerous permutations and combinations that may occur during the actual implementation of the act, let alone, and provide for all of those in words that are clear and unambiguous. As a result, interpreting statutes has become a never-ending process as new circumstances of the case emerge.

1 Salmond's Definition of Interpretation.

2 General Clauses Act, 1897.

3 Seaford Court Estates Ltd v Asher [1949] 2 KB 481.

II. NEED FOR INTERPRETATION

A statute is occasionally purposefully drafted with ambiguity by the drafter in order to satisfy the legislator in necessary for the legislation to be passed. In certain circumstances, statutory interpretation will also be employed. In the English language, there is still room for confusion, no matter how well the statute is written. Interpretation of statutes becomes important in this situation. It is extremely complex to create a statute that addresses all bases. If something shows up that's not covered by it, the judge will have to sort it out how to use the appropriate interpretations. There have always been improvements in civilization, and old statutes may not even be able to address new concerns, therefore interpretation comes in handy in times like these. Since *Heydon's Case*⁴ in 1854, statute interpretation was an important component of English law, and while it may appear complicated, the key rules employed in interpretation are simple to understand. The notion of statutory interpretation never remains static. As additional facts and circumstances emerge, interpreting statutes has become a never-ending process. Interpretation of statutes is necessary for two primary reasons to determine:

Legislative Language: Legislative language could be difficult to understand for a layperson, requiring interpretation.

Legislative Intent: The intention of legislature, also known as legislative intent, combines two factors which is the idea of meaning, that is, what the word means; and the idea of purpose, object, or reason, or spirit, which runs throughout the statute.

Only where the language of a statutory provision is unclear, insufficiently clear, or when multiple interpretations are available, or when the law gives a unique interpretation, contradicting overall purpose of the act, would there be a need for interpretation. There would be no need for interpretation if the phrase was clear and precise.

In *R.S. Nayak v A.R. Antulay*, AIR 1984 SC 684⁵, a Constitutional Bench of five Supreme Court Judges held: "... If the terms of the Statute are clear and unambiguous, it is the plainest obligation of Court to give respect to the inherent meaningful sense of the word used throughout the statute". Only in the case of uncertainty or if the simple interpretation of the terms used in the Statute would be self-defeating does the matter of construction occur.

The objective of statutory interpretation would be to assist the judge in ascertaining the legislative intent – to not restrict or limit such purpose inside the limitations that the Judge may think appropriate or practical.

4 Heydon's Case (1584) 76 ER 637.

5 R.S. Nayak v A.R. Antulay, AIR 1984 SC 684, 1988 AIR 1531, 1988 SCR Supl. (1) 1.

III. CONSTRUCTION

"The procedure, or the art of deciding the perception, true meaning, or comprehensive understanding of ambiguous or vague aspects or provisions in a statute, written instrument, or oral agreement, or the application of such subject to the case in question, by reasoning in the light derived from extraneous connected circumstances or laws or writings bearing upon the same or a connected matter, or by seeking and applying the probative value of the same or a linked matter," as per *Black's Law Dictionary*⁶.

"Construction" does have a broader definition than "interpretation," because, whereas the latter is solely essential for determining the subject-matter and content, the former could also be used to describe the legal implications and consequences of the instrument in question. As a result, interpretation comes before building, but construction comes just after written word.

Written instruments are not the same in terms of interpretation and construction. A principle of construction controls the impact of a determined purpose or specifies what the court should do in the absence of stated or inferred purpose, whereas a rule of interpretation rules the determination of the creator of the instrument's significance. In layman's terms, it's the technique of obtaining statute findings that go beyond the text's immediate statement. In this case, the court examines the statute and makes conclusions from it after thoroughly analysing it.

Difference Between Construction and Interpretation: In law, interpretation refers to revealing the true content of statutory provisions and comprehending the precise definitions of the terms used for any text. Construction, on the other hand, refers to drawing conclusions from written materials that go beyond the legal text's explicit language. The linguistic meaning of a legal language is referred to as interpretation. The goal of construction is to ascertain the basis in law of the statute's language and textual content. The concept of interpretation is used when the text's plain language is to be taken. When the literal interpretation of a legal language leads in uncertainty, the idea of construction is used.

6 Black's Law Dictionary meaning of Construction.

IV. Presumption of Statutory Interpretations

Except if the act expressly states otherwise, the following presumptions of statutory interpretation are accepted, one of which can be refuted by facts to the contrary. Preconceptions are the recognized judicial perspective of a set of circumstances that have been predetermined to be the way those situations will be perceived until evidence to the contrary is presented. Both are usually based on legal ideas, both scientific and applied. The common law is not changed by a statute. If a statute can be interpreted in two ways, one containing common law changes and the other not, the latter interpretation is favored. When a statute takes away a person's property, such as by nationalization, he is entitled to compensation for its worth. A statute is not intended to take away a person's freedom. If this is the case, precise language should be utilized. This is important in laws dealing with mental health and immigration. Act does not apply retroactively to any period prior to its enactment. A statute usually only applies in the country where it was adopted. A statute, on the other hand, doesn't really contradict international law and must be read in such a way as to give effect to international responsibilities. Without evidence of guilty intention, a statute cannot impose criminal culpability. Several recent statutes, for example, enforced severe responsibility to counteract this presumption, for example, careless driving. Some statutes really aren't repealed by a statute. Any point where the statute leaves a gap or omission falls beyond the statute's purview.

V. RULES OF INTERPRETATION

A rule is a set of instructions or procedures that are followed consistently. It's really something that is recommended or set down as a guidance for behaviour or activity, a ruling way for a clear objective, an authoritative action, a regulatory, a prescription, a commandment, for example, the rules of various societies, the rules governing a school, a rule of etiquette or propriety, and so on. It's important to remember that these are rules of practice rather than rules of law. Without these guidelines, it would be virtually impossible to not only comprehend the law, but also to implement it, because new circumstances emerge all the time that Parliament and the courts could not have anticipated so when law was written. There are many general principles of interpretation that courts used the from period

to period. Various methods of statutory construction have come into or out of favor throughout period. These were some of the more well-known rules of interpretation, commonly known as the Primary Rules of Interpretation.

1. Literal Interpretation: The basic principle in interpreting statutes would be to interpret their provisions. Providing the words their usual and natural sense both literally and grammatically. The Plain Meaning Rule is another name for this rule. The most important stage in the process of interpretation is to look at the statute's wording and literal meaning. The words in an enactment have their own natural effect, and the structure of an act is determined by how they are written. In the formulation and interpretation of statutes, there should be no additions or substitutions of terms.

The Regional Transport Authority modified the site of a bus stop in "*Municipal board v State transport authority, Rajasthan.*"⁷ According to "*section 64 A of the Motor Vehicles Act of 1939*"⁸, an appeal can be filed within 30 days of receiving a regional transport authority's order. The application was submitted after 30 days, based on the argument that the Act should be understood as "30 days from the date of the order." The Supreme Court ruled that the petition must be interpreted literally and thus dismissed it as invalid.

The plain meaning rule is intended to help courts when they are challenged with a dispute over the meaning of a term not defined by the statute or a word contained inside a definition. Without an alternative definition in the act, terms should be assigned their simple, usual, and literal meaning, according to the plain meaning rule. Even though the legislator's intent was distinct, or the effect is severe or undesired, the words should be implemented if they are explicit. Rather than what the law says, the literal rule is what the law states.

Criticism of Literal Rule: The plain meaning rule's critics argue that it is based on the incorrect premise that words have a fixed meaning. In reality, language is ambiguous, prompting judges to apply their individual views to interpret statutes. Nevertheless, because there isn't much else to give as a discretion-constricting explanation, simple interpretation endures. This is the oldest of the construction principles, and it is still in use today, owing to the fact that judges cannot legislate. Because there is always the risk that a specific interpretation would be seen as establishing law, some judges generally stick to the legislation's plain language.

7. 7 1965 AIR 458, 1963 SCR (2) 273
8. 8 MVA § 64 (1939)

2. Golden Rule of Interpretation: The Golden Rule, is a type of statutory interpretation that allows a court to deviate from a word's ordinary meaning to prevent an absurd conclusion. It's a middle ground between the literal (or plain meaning) rule and the mischief rule. It, like the plain meaning rule, determines the plain, customary interpretation of a statute's wording. Nonetheless, if this could result inside an unreasonable result that is unlikely to be the legislature's goal, the judge may deviate from this interpretation. When it comes to homographs, where a word can have multiple meanings, the judge could choose the favored one; if the term only has one meaning and adopting it will result in a terrible judgement, the judge can use an entirely other meaning. This rule can be used in two different ways. It's most commonly used in a restricted meaning, where the terms itself are ambiguous or absurd. The golden rule is often used in a broader sense to prevent outcomes that are contrary to public policy goals, even when words have only one interpretation.

*Tiranth Singh v Bachittar Singh*⁹, in this case, a problem arose over the issuance of a notice under *section 99* of the *Representation of People's Act, 1951*¹⁰, in relation to electoral corruption.

As per the rule, the notice must be sent to all individuals who are parties to the election petition as well as those who really aren't. Tirath Singh claimed under the abovementioned rule, no such notification was provided to him. Only individuals who were not parties to the election petition received notices. On this reason, it was argued that this was improper. The court determined that whatever is intended is the providing of the information, which stays the same even if it is delivered twice. Because the petition's party has already notice of the petition, section 99 should be interpreted by using the golden rule that notice is only necessary against non-parties.

3. Mischief Rule: The mischief rule is a statutory interpretation rule which tries to figure out what the legislature was thinking. The major goal is to discover the "mischief and defect" that statutory provision sets out to rectify, as well as what judgment would successfully execute this remedy. This is based on a 16th century case (*Heydon's case*)¹¹ in the United Kingdom. If essential phrases can be construed in two or more ways, the rule of *Heydon's case* applies to "all statutes in general, whether punitive or beneficent, limiting or extending of the common law." Purposive Construction or the Mischief Rule are terms used to describe the rules established in this case.

Heydon's Case: It was said in Heydon's Case, where it has been declared that while interpreting a statute, four factors must be considered:

- i. What's the common law prior to the act's enactment?
- ii. What exactly has been the "mischief and defect" that the common law didn't

address?

- iii. What remedy has the legislature decided and selected to heal the

commonwealth's disease?

iv. What is the remedy's real purpose?

1955 830, 1955 SCR (2) 457

1956 RPA § 99 (1951)

1957 (1584) 76 ER 637

The use of this rule permits the court to properly determine on Parliament's intention, giving them greater latitude than that of the literal and golden rules. It could be claimed that this weakens Parliament's authority and is undemocratic because it removes legislative power from the legislature.

Importance of this rule: This construction rule is more limited than that of the golden rule or the plain meaning rule given that it could only be applied to read a statute and, necessarily correct once the act was written to correct a flaw in the common law. Secondary sources such like committee reports, treatises, law review articles, and comparable statutes are used to assess legislative intent. When the literal rule cannot be implemented, this rule is frequently employed to settle ambiguities.

Lord Lindley M.R. remarked in *Thomson vs. Lord Clan Morris*¹² that while interpreting any statutory legislation, one should consider not just language employed, as well as the history of the Act and the reasons for its enactment.

In *Bengal Immunity Co. V. State of Bihar*¹³, the Supreme Court used the mischief rule to interpret Article 286 of the Indian Constitution. "It was to cure the said mischief of multiple taxation and to retain the free movement of interstate carrying on a business in the Union of India," Chief Justice S.R.Das said after making reference to the state of law with in province prior to the constitution, as well as the panic and disorder carried about in inter-state trade and commerce by indiscriminate activity of taxing authority by the various Provincial Legislatures based on the theory of territorial nexus.

4. Harmonious Construction: Whenever two or more provisions of the same statute are incompatible, the court should attempt to interpret the provisions in such a manner that both are made applicable by harmonizing them. The court can do this by treating two or more seemingly contradictory sections as treating with distinct circumstances, or by concluding that one provision simply allows an exception to the general rule set forth in the other. The issue of whether various portions of the same statute intersect or are mutually exclusive, on the other hand, could be difficult to address. The notion of harmonious construction is based on the idea that the legislature certainly didn't intend to contradict themselves. The idea has been utilized in a vast number of circumstances involving constitutional interpretation. It is safe to assume that whenever the legislature grants something, it's doesn't take it away with the other. A provision of a law doesn't really render other provisions of the same law ineffective. By adopting two seemingly contradictory sections in the same Act, the legislature cannot be said to be contradicting itself.

12 (1900) 1 CH.718, CA

13 AIR 1953 Pat 87, 1953 (1) BLJR 48

While determining on the constitutionality of the *Bombay Prohibition Act, 1949*,¹⁴ enacted by the Bombay Legislature, which impose restrictions upon that manufacture and sale of alcohol, the Supreme Court noted in the case of *State of Bombay v. F.N. Balasara*¹⁵ the interpretation possession and sale occurring in Entry 31 of List In should be interpret without qualification. The State Legislature has the authority to enact complete prohibitions on the purchase, use, and sale of intoxicating liquor under that section. The term "import" as used in Entry 19 of List I doesn't include sale or ownership of an imported object by a person belonging in the region into which it is imported.

In the case of *Raj Krishna v. Binod*¹⁶ the court was required to resolve a contradiction between Sections 33 (2) and 123 (8) of the *1951 Representation of the People Act*¹⁷. A government servant can propose or support a candidate for election under Section 33 (2), but under Section 123 (8), a government servant also isn't allowed to help a candidate in an election in just about any way other than by voting. The Supreme Court has ruled that a government employee has the right to propose or support a candidate for election to the State Legislative Assembly, and that all of these laws must be construed in the same way.

14 BPA (1949)

15 1951 AIR 318, 1951 SCR 682 16 1954 AIR 202, 1954 SCR 913 17 RPA § 33(2) 123(8) (1951)

VI. MAXIMS IN INTERPRETATION OF STATUES

Legal maxims are a crucial instrument for interpreting laws. They have, unfortunately, become largely outmoded since laws have grown more codified. Nonetheless, in periods of legal ambiguity and confusing legal outcomes, these are a useful resource of credibility.

1. Ejusdem Generis: When a class of things is followed by general terminology which is not inherently broad, the generic phrase normally restricts items of the same kind as the items listed, according to a rule of interpretation. This word literally means "of the same kind and of the same sort." When one specific term is used in the Act and a generic word is being used thereafter, the generic word is interpreted in reference to the specific term, as per this rule. The following requirements must be met in order to implement this rule:

- a) The statute specifies a list of elements individually, utilizing precise terms to do so. b) A category must be formed by the number of items provided
- c) The items described are referred to by a broad word.
- d) There is a separate genus that contains multiple species.

2. *Expressio Unius Est Exclusio Alterius*: The legal maxim *Expressio Unius Est Exclusio Alterius* directly translates to “explicit statement of one thing is the exclusion of the other.” When something is specifically listed in a section of an Act, all other factors are ignored. In the case of *Prabani Transport Co-operative Society Ltd. v. Regional Transport Authority, Aurangabad and Ors.*¹⁸ This maxim is used to determine the legislative intent. The maxim *expressio unius est exclusio alterius* may be of some assistance to the petitioner. This maxim can be used to figure out what the legislature’s intentions are. Because *S.42 (3) (a) of the Motor Vehicles Act*¹⁹ expressly says that the Government cannot run buses as a commercial business without first obtaining permits under S. 42(1) of the Act, that maxim cannot be interpreted to mean that application within Chapter IV of the Act is prohibited. As a result, there has been no cause to suppose that Act’s Chapter IVA included the only clause allowing the government to operate stage vehicles.

3. *Contemporanea Expositio Est Optima Et Fortissima in Lege*: This rule of construction says that the key to understanding a legislation is to understand it as it was intended to be understood at the time it was enacted. This rule as well takes into account the context wherein the Legislation was enacted.

4. *Noscitur a Sociis*: The definition of the word can be deduced out of its context. This is a construction rule which asserts that interpretation of a clear word or phrase must be determined by the context it was being used.

18 1960 AIR 801,1960 SCR (3) 177 19 MVA § 42(3)(a) (1939)

VII. CONCLUSION

A country’s legal system should be effective and solid in order to successfully run. The court should strive to interpret the law in a way which ensures citizens receive proper justice. In order to guarantee such justice, judges must interpret the law in a way that minimizes disagreements. There are many general principles of interpretation that courts have used from time to time. Different methods of statutory interpretation have risen and gone out of fashion throughout time. Statutory interpretation rules are not rules in the formal sense, because each can lead to a different approach to the very same issue. There really is no order of rules to adopt, and no court is required to follow a specific rule. They are only suggestions for the courts to use in resolving legislative interpretation issues. In each circumstance, the judge must know which rule to apply. While interpreting a statute, the legislature’s aim should be kept in mind. It is not required that perhaps the terms used throughout the statute always be obvious, clear, and completely operational, therefore courts must take the appropriate efforts to find a clear and transparent interpretation of the terms and phrases used by the legislature while also removing any questions that may exist. As a result, all of the rules described in the article are critical for ensuring justice.