INTERPRETATION OF STATUTES

Lecture-3

This Chapter Includes:

- Introduction.
- General principles of interpretation.
- Maximum.
- Interpretation based on external aids.

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1. INTRODUCTION.

- Interpretation means deciding the law & finding the meaning of rules of law.
- Courts mainly use of legislation.
- Objective is to discover the intention of Parliament expressed within statutes/documents/contracts.
- The court is not expected to interpret deliberately & therefore here are principles which attempt to determine intention of the court. These principles are sometimes called "rules of interpretation".

Types of Interpretation

Primary Rules	Other Rules
• Literal construction	• Noscitur a sociis
• Mischief Rule	• Ejusdem generis
• Rule of Harmonious Construction	• Expressio unius est exclusio alterius
• Rule of Harmonious Construction	• Rule of Harmonious Construction
• Rule of Ejusdem Generis	• Contemporanea Expositio est optimus rerum interpretatio in legibus

Primary Rules

1. Rule of Literal Construction.

- It is also called as primary / plain / mechanical rule.
- This is the plain rule of interpretation & used when words of statute are clear, plain, unambiguous & have meaning in long, broad sense and used in different fields.
- Two words are combined to get their meaning combined & popular meaning.
- It is used as of everyday use. Such words have not given any definition in technical meaning.
- Interpretation should not be given which would make an absurd consequence / result.
- Non applicability :-
  - If language is ambiguous.
  - If an absurd meaning gives rise to unreasonable result, the object / purpose of legislation.
- Basic principles :-
  - Every word is to be given a meaning. No words should be ignored / omitted or omitted. Omission one can be ignored.
  - Each word is to have meaning in statute & must be given full meaning.
- Wood v. Gowan :- Takeover banker case "Loans Tax" used in Indian revenue meaning, often used in trade indicating meaning.

2. Rule of Harmonious Construction.

- Maxim of the Magic Wand Rule Rule → Statute must be construed in totality & reasonable.
- If any word in law gives some meaning and meaning, then read this purpose meaning of such word.

- If letter of law is ambiguous & also should be given any consideration → Clear-cut.
- The stage of law should be in harmonious manner.
- Statute is only treating provisions must be considered as to make a reflective & operative. Goal: Clear no ambiguity, harmonious improvement.
- Irish Rule Applicable, when Greater construction will not apportion.
- If contrary meaning is there.
- If the results is absurd.
- If greater meaning is clear.
- Rule Rule cannot cause breakdown/ inconsistency & statute is mostly treating of words.
- It is stored for rule rule clause construction.

3. Rule of Harmonious Construction.

- When language the provision of two Acts / provisions of law fail to be agreed.
- Work out the rule, provisions of the same statute and language be read when then in such a situation the court shall strive will try to reconcile the provisions in such a manner as to give effect to both the provisions by harmonious construction.
- Are provisions of the law are repugnant, then harmonious rule.
- When there is there are three meanings of statute & should be harmonious manner. Then take the rule of harmonious construction.
- Rule of Harmonious Construction.
- Maxim of the Magic Wand Rule → Statute must be construed in totality & reasonable.
- If any word in law gives some meaning and meaning. Then read this purpose meaning of such word.

4. Rule of Ejusdem Generis :-

- Ejusdem generis means "of same kind or species".
- When there is some general word given then some specific word are general word also similar kind meaning from specific word.
- Crawford Lindsay Rule no. Rule, on etc. Say other things. Can be said from specific word.
- Rule: the 4 conditions apply in this rule.
  - Statute contain specific word.
  - Rule specific word contains a class or category.
  - Class or category is not exhausted by enumeration.
  - Broad meaning should be given which would make sense.
  - There is no contrary or alternate legislative intent.
  - Rule is to be strictly construed where there are general words be given a broadest meaning than the distinctive category.

5. Mischief Rule :-

- In order that interpretation should be made in such way that it fulfil the mischief or problem that is intended remedy.
- In large of an statute in general is things are considered.
- Wood Gowan Case Judge: Mr. Justice Lord Ed.
- Mischief meaning that common law not provided.
- Remedy provided by parliament.
- The Mischief meaning the remedy.
- When there is there is two meaning, then meaning, that must apply the meaning.
- In the Case of Bank of Bengal / Jagadish Prasad Sahu Case of Bank Bengal.

Other Rules :

1. Noscitur A Sociis :-

- It means "known as known by its associates".
- When two or more words denote analogous meaning one single in genus, then one word shall be considered in meaning, excluding its meaning from others. Ex: Horse & mules.
- A word in a conflicting provision of a law must be considered within its meaning in those law.

2. Expressio Unius Exclusio Alterius :-

- Express mentioned of one thing implies the exclusion of another.
- Provision of one thing implies prohibition other may be excluded by excluding all other elements of that.
- Ex: Sec 144 of CPC 1908 :- Only those cases have been mentioned that be eligible.

3. Internal and External Aids of Interpretation

In determining meaning of provision act is of importance to consider 2 given meaning.

- External Aids → deals from statutes construction, facts etc., previous legislations to decided that etc.
- Internal Aids → deals from Same Act.

Internal Aids

1. Title

Used for the Title. Gives broad full description of the general purpose, objects & scope of the Act.

It is used of the Act & highlights to use an appropriate.

2. Preamble.

Full Expression of Act.

4. Contemporanea Expositio Est Optimus Et Fortissimus In Lege :-

- Contemporanea Expositio is best & strongest in the law.
- Language of statute must be construed in force in which it was enactment when it was made.
- It is a reference & consideration of language language used in the time enacting to meaning from other.
- A word in a conflicting provision of a law must be considered within its meaning in those law.

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Full Expression of Act.

i. Marginal Note / Title of Chapter.

- May be referred to by courts to resolve any doubt or to highlight what were there.

ii. Marginal Notes :-

- Note given printed in side of printed in an Act.
- They summarize the gist of section.
- Used for this as it would have said when a sub section when would said in a sub section conditions Mission in meaning in those law.

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i. Preamble :-

- Preamble is a part of the act.
- Must be used to explain what is in the statute.
- Gives details of certain broad which is given legal.
- It helps in a certain unnecessary doubts.

ii. Schedule

- Forms part of the statute. Must be used to explain what is in the purpose of construction.
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iv. Interpretation Clause :-

- It aims to determine meaning of certain words & expressions used throughout in the body of the statute.
- Requires respect to be respected especially in drafting the guide rules, construed.

v. Proviso :-

- It is a phrase added to statute to create exceptions from operation of the law in order to be explanatory.
- It "Purpose" can :-
  - Exception to make provision / restrict meaning.
  - Condition to make provision.
  - Additional requirements.

vi. Explanation

- The explanation which is contained case in section is considered to be part of same law.
- It clarifies intention of the legislature.
- It modifying the scope & meaning / action will made.

vii. Explanation

- Explain meaning of words contained in section.
- It does not explain meaning of provisions but only help to remove uncertainty & for use of courts help.

Explanations & rules section : the court is to interpret such.

ix. Schedule

- Forms part of the statute. Must be used to explain what is in the purpose of construction.
- Gives details of certain broad which is given legal.
- It helps in a certain unnecessary doubts.

x. Statement of objects & reasons.

- The part very prominent and should be provided.
- It gives guidelines.

External Aids

i. Parliamentary History :-

- Speeches & discussions of legislators which making have been.

ii. Historical Text & Circumstances :-

- Used as a reference to know the old facts relevant in advance and as reference to understand the budget making or the statute.

iii. Expressio in Exclusio est Exclusio :-

- Any express of express exclusion of other exclusion in the same express on consideration is valid.
- Sound the background against which the legislation was enacted.

iv. Expressio of Exclusio Exclusio :-

- Expressio → Express, dealing with from Sachin matter, is provided in prompted from about dealing in form Sachin.

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v. Statutory.

- It is particular to legislature to discussion to find the the correct from.

vi. Use of Foreign Decisions

- Use of foreign courts decisions to find the interpretation.