

Chapter - 3

* Interpretation of Statute

3. Rule of Reasonable Construction or Doctrine of Ut Res Magis valeat quam Pareat. It means Court should interpret law that make sense and fulfill the laws Purpose.

- So, Statute must be Constructed Sensibly and reasonably
- To make the discovered intention fit the words used in the Statute, actual expression used in it may be modified.
- The letter of law is not clear, the interpretation must be according to the Purpose, Policy Object or Spirit of law.

(उद्देश अथवा अर्थ निकालना +
Bhavnao ki Samjho intention
Spirit)

CASE LAW

* In Case of Tirath Singh v. Bachittar Singh

- Supreme Court held that, if literal interpretation of Statute leads to absurdity,

↳ Confusion

- Court may modified the interpretation to align with the laws purpose (असंगतता + contradiction + to words ko modify kar sake + interpretation done + imo)

* In Case of RBI v. Peerless general finance and Investment Company.

- Supreme Court emphasize the Importance of Looking at entire Context of law and not just individual words to understand what the law is really trying to say.

(means :- 311411 whole law padhna padhke kuch word decide kr rahi)

Lecture - 02

30/Aug/24.

→ Other Principle / Rule of Interpretation :-

* Expresio Unius est exclusio Alterius :-

- The Rule shall not be applied in a way that create inconsistency or injustice.
- This Rule must be applied with Caution.

* Noscitur A Sociis :-

- It Means word is known by its associates.
- When few words having analogous Meaning Couple together then one will drive its Meaning from another.

- It means word should be interpret based on their Surrounding

- Words grouped together are understood in the related Sense.

Example → Plant & Machinery

* Exceptions :-

- * if Context Suggest different meaning.
- if word has different meaning in different part of Statue.
- If applying the rule would leads to injustice.
- If words deal with different Circumstances Or Context.

4. Harmonious Construction →

- It requires Statue to read as a whole.
- where in an enactment there are two provision which cannot be Reconcile with each other then interpretation should be made in such a way to give effect to both of them.
- Statue must be interpreted entirely and not in individual parts.
- Interpretation should be aligned with Statute's Overall Purpose.

CASE LAW

in Venkataramana devaru Vs. State of Mysore.

- Issue was Conflict between article 25 (2) (b) and 26 (b) of Indian Constitution regarding religious rights and social reforms
- Supreme Court harmonize the provision by holding that right to Manage religious affairs article 26 (b) is Subject to laws for social welfare and reform.

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3/sept/24.

4. Strict and Liberal Construction →

- Strict Construction means Statute should be Constructed narrowly.
- Law should only cover what is clearly stated in both letter and spirit. and statute should be Constructed strictly. but sometimes words spell short to satisfy intention of author at that time liberal Construction can be given.
- This allows broader interpretation that goes beyond the literal words to achieve statute intended purpose.

* Examples of Citation :-

(i) A.I.R → All India Reporter.

(ii) S.C.C — Supreme Court Cases.

(iii) S.C.R — Supreme Court report

(iv) D.L.T — Delhi law times.

(v) S.C.J — Supreme Court Journal.

CASE LAW

* Nabendu dutta V. Arindam Mukherjee.

In this case, Court held that although Companies Amendment act, 2000 did not explicitly state it was retrospective, the language used -

"Is already a director" and "has failed to repay its deposits" implied that it was meant to apply to situation existing before amendments. This suggests that directors of defaulting Co. before the amendment would still be affected by the new law.

* interpretation of proviso :-

* In AN Sehgal & other.

• Supreme Court clarified :-

(i) proviso is meant to provide exception to the main rule.

(ii) It only affects the area covered by the main rule not beyond it.

(iii) It cannot change or nullify the main rule but only offer exception or special conditions.

(iv) If main rule is clear proviso should be interpreted to fit within that rule without contradicting it.

Lecture - 04

4/sep/24.

Interpretation of fiscal & taxing statutes :-

- In Partington Vs. attorney General.
- if person falls within letter of law they must be taxed if not then they are free from tax.

Lecture - 05

5/sep/24.

In Rajkumar dey Vs. Taxapada dey

It was held that if arbitral award is held by Court and arbitrator's can't retrieve it to register it within usually 4 month period, the time when award is held by Court should not count against arbitrator.

* Doctrine of Substantial Compliance :-

- Doctrine of Substantial Compliance allows minor mistake or technical errors in following law to be overlooked if main purpose is achieved and no one is harmed.
- So, It's about fulfilling important parts of law even if some details aren't perfectly followed

* In Umesh Challyal vs. R.P Rajendran, A minor wording error in affidavit was not enough to dismiss petition since, overall meaning was correct

- So this doctrine prevent legal cases from being dismissed due to small, technical errors when main goal is met.

* Strict Construction of Penal Statutes :-

- Penal laws are usually interpreted strictly, means court should follow exact wordings.
- However, if penal law can be understood in two different ways,
- Interpretation that favours the accused should be chosen
- However, if strict interpretation would

defeat the laws objective. Court should adopt more flexible interpretation to support the laws intent.

* In Tola Ram Relumal vs. State of Bombay

- Court held that when there are two reasonable interpretation of penal law, the one that avoids imposing penalties should be preferred.

* Need for interpretation of a statute :-

1. Law cannot predict every situation and may have unclear language.
2. The goal of interpretation is to discover author's true intention based on words used in statute.
3. Interpretation helps the Court to understand the meaning of law through words expressed by legislature.
4. Proper interpretation ensures that law is applied correctly.
5. When statute has more than one meaning judges often apply rules of interpretation.

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* Internal aids of interpretation :-

• Title :-

1. It is a part of act.
2. It outlines Purpose and Scope of law.
3. It is a legitimate tool for interpretation.
4. It cannot override clear meaning of text.
5. In Supreme Court advocates (Practice in High Court Act 1951) having a full title as an act to authorise advocates of Supreme Court to practice as of right in any High Court. — S.R. Das observed that title of statute may be referred for the purpose of ascertaining general scope.

• Preamble :-

1. Earlier views were that Preamble is not a part of Statute.

2. In Powell vs. Kempton Park Race Course Co. Lord Halsbury said -

(a) Preamble may be useful for interpretation but when enactment is clear & unambiguous Preamble cannot alter it.

(b) Indian Courts including Sc. use Preamble to

clarify Statute.

(c) So, Preamble is very useful when Statute is unambiguous.

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7/Sept/24.

* Heading : -

1. Heading is useful aid for interpretation when words are ambiguous.
2. Clear words cannot be overwritten by heading.
3. Headings can resolve doubt but they cannot change the clear meaning of unambiguous words.
4. So, they are only referred in case of ambiguity.

• Marginal Notes : -

- In England
- Marginal notes are disregarded in statutory interpretation.
- In C.I.T vs. Anand Bhai Umar Bhai, it was held that marginal notes in India Statute should not be used for construction.
- Marginal notes are not useful when language is clear and unambiguous.

- in Sarabjit Rick Singh vs. Union of India
- It was held that marginal notes may be referred when language is ~~the~~ ambiguous.
- Marginal notes are useful in Indian Constitution as they provide clues to the meaning of articles.

• Interpretation clause :-

- Definitions in Statues aim to avoid repetitive descriptions.

Types of Definitions →

(i) Restrictive :-

- when word is defined to mean something specific, definition is restrictive and Exhaustive

(ii) Extensive :-

- when definition is define to include something definition is extensive.

(iii) Mixed :-

- when definition is Combined of restrictive & and extensive

(iv) legal fiction :-

- This includes deemed to include.
- When word is define in interpretation Clause definition applies throughout the Statue.

Provisos :-

- Same as = In AN Sehgal & other.

Illustrations & Explanation :-

- Illustration are attached to Sections & are Considered part of Statue.
- Illustration Cannot modify, expand, limit the Scope of the Section.
- There primary role is to clarify & not to alter the Statues meaning.
- Explanation are attached to Sections to clarify meaning.

- in *Lalla Ballanmal vs. Ahmad Shah*

- In this case, it was held that illustration and explanation must be interpreted based on their wording.

- Explanation are added some times for Caution, to clear up doubts or clear miss interpretation.

- Schedules :-

- Schedules are integral to Statute and must be read with Statute.

- whenever there is conflict between Schedule & enactment, enactment prevails.

- Schedule must follow the main law.

- If law says Schedule has specific purpose it should be read with that purpose in mind.

- whether a form in Schedule is compulsory or optional depends on purpose of the form.

Q In the interpretation of a Statute a Judge must not alter the material of which it is woven, but he can and should iron out the creases. Comment.

- ans →
- English language and by extension Statutory language lacks precision of Mathematics.
 - Laws can be unclear or incomplete because language isn't as exact as Math.
 - Judges can't blame draftmen when language is not clear instead they should work to interpret.
 - Judges should figure out intention behind the law by considering to the problem.
 - Judges should ask how legislature would have address the issue, Judges must then do what legislature would have done.
 - So Judges must not alter the material of which it is woven, but he can and should iron out the creases.