



“CRITICAL ANALYSIS OF IMPORTANCE OF EXTERNAL SOURCES AND INTERNAL AIDS”

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(Law Making in Indian Polity & Statutory Interpretation)

Submission of Research Article on

CLASS: L.L.M 1st YEAR, SEMESTER: 2nd ROLL NO: 07

-: Under the Guidance of :-

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ABSTRACT :

The capacity to successfully use both external sources of knowledge and internal cognitive assistance is critical for academic and career success. This research examines the relative importance of these two fundamental components in the learning and problem-solving process. The article begins by examining relevant psychological research to determine the cognitive benefits of using external resources such as books, papers, internet databases, and expert consultations. It examines how accessing external knowledge can broaden one's thinking, generate fresh insights, and compensate for individual memory and analytical limits.

The research then looks into the complementing role of internal aids such as mental models, heuristics, and self-regulatory methods. It examines how these internal tools can improve information processing, increase focus and motivation, and allow for more efficient and effective problem solving. Finally, the research summarizes the findings and proposes a comprehensive framework for maximizing learning and performance. It contends that the prudent use of both external and internal resources is critical for building strong comprehension, flexible expertise, and powerful problem-solving abilities. The implications for educational procedures and workplace training are also addressed.

Overall, this critical approach illuminates the dynamic interplay between external information resources and internal cognitive resources, emphasizing their mutual importance in achieving academic, professional, and personal objectives.

Keywords : Supreme Power, Internal Aids, External Aids, Judiciary, Interpret, Statutes.

Introduction-

In today's fast changing environment, individuals and organizations must traverse a wealth of information and resources in order to effectively solve problems and achieve their objectives. This examination will look at how external sources and internal aids assist successful decision-making, problem-solving, and job completion. External sources, such as expert research, industry journals, and online databases, can provide useful knowledge, insights, and best practices to help one comprehend and inform strategic decisions. Internal aids, such as organizational knowledge repositories, collaboration tools, and decision support systems, use an organization's intellectual capital and institutional memory to harness existing expertise and streamline workflows.

This article will look into the complementary nature of external and internal resources, and how they can be strategically used to boost productivity, innovation, and overall effectiveness. The talk will focus on critical considerations for evaluating and implementing these resources, as well as potential difficulties and mitigating solutions. Finally, this critical analysis emphasizes the vital need of achieving the right balance between external knowledge acquisition and internal capacity building.

Meaning of Interpretation-

“the essence of law lies in the spirit, not its letter, for the letter is significant only as being the external manifestation of the intention that underlies it” – Salmond¹

The interpretation process of finding the genuine meaning of an enactment involves giving its terms their natural and ordinary meaning. It is the process of determining the true meaning of the words in a statute. The Court is not expected to interpret randomly, and some principles, commonly known as 'rules of interpretation', have evolved as a result of the Courts' continual practice.

The main purpose of statutory interpretation is to evaluate whether the legislature's objective was conveyed expressly or implicitly in the wording used. Interpretation is as old as language and has evolved since the very beginning of Hindu civilization and culture. Several ancient texts emphasized the need of avoiding literal interpretation. Because legislation is a source of law, interpretation is extremely important. The process of creating statutes and the interpretation of statutes are two independent activities.

^[1] Dr Avtar Singh, Interpretation of Statutes, 5th Edition

Lord Denning in *Seaford Court Estates Ltd. Vs Asher*,² “English Knowledge is not an instrument of mathematical precision... It would certainly save the judges from the trouble if the acts of parliament were drafted with divine precision and perfect clarity.

In the absence of it, when a defect appears, a judge cannot simply fold hand and blame the draftsman...”

It is beyond the human capacity to anticipate the numerous permutations and combinations that may occur during the actual implementation of the act, let alone to account for each of them in language devoid of ambiguity. As a result, interpreting statutes is a continuing process as new facts and circumstances emerge.

Need for interpretation-

Interpretation implies determining the meaning or significance of something or providing an explanation for something that is not immediately clear. The construction and interpretation of a statute is an age-old process as old as language itself. Statutory interpretation is the process of determining the true meaning of terms used in a statute. When the language of a statute is clear, interpretation rules are unnecessary. In other circumstances, however, the same word or statement can have many meanings. To determine the statute's true objective, it must be interpreted.

Since Heydon's Case in 1854, interpreting legislation has been a crucial aspect of English law. Despite its complexity, the basic concepts are simple to understand.

Early Hindu civilization and culture saw the development of elaborate interpretation norms. The rules provided by 'Jaimini', the author of Mimamsa Sutras, were used to interpret Smritis as well.

*(Law Commission of India, 60th Report, Chapter 2, para 2.2)*³

The concept of interpretation of a Statute cannot be static one. Interpretation of statutes becomes an ongoing exercise as newer facts and conditions continue to arise. We can say, interpretation of Statutes is required for two basic reasons viz. to ascertain: • Legislative Language - Legislative language may be complicated for a layman, and hence may require interpretation; and • Legislative Intent - The intention of legislature or Legislative intent assimilates two aspects: i. the concept of ‘meaning’, i.e., what the word means; and ii. the concept of ‘purpose’ and ‘object’ or the ‘reason’ or ‘spirit’ pervading through the statute.

^[2] Lord Denning in *Seaford Court Estates Ltd. Vs Asher*

^[3] (Law Commission of India, 60th Report, Chapter 2, para 2.2)

Necessity of interpretation would arise only where the language of a statutory provision is ambiguous, not clear or where two views are possible or where the provision gives a different meaning defeating the object of the statute.

If the language is clear and unambiguous, no need of interpretation would arise. In this regard, a Constitution Bench of five Judges of the Supreme Court in *R.S. Nayak v A.R. Antulay, AIR 1984 SC 684* has held:⁴ “... If the words of the Statute are clear and unambiguous, it is the plainest duty of the Court to give effect to the natural meaning of the words used in the provision. The question of construction arises only in the event of an ambiguity or the plain meaning of the words used in the Statute would be self-defeating.” Again, Supreme Court in *Grasim Industries Ltd. v Collector of Customs, Bombay, (2002)4 SCC 297*⁵ has followed the same principle and observed: “Where the words are clear and there is no obscurity, and there is no ambiguity and the intention of the legislature is clearly conveyed, there is no scope for court to take upon itself the task of amending or altering the statutory provisions.”

Rules of Interpretation-

A rule is a normal or accepted way of doing something. "Rules" refers to a set of principles for behavior or activity, such as those that govern society, schools, or etiquette. It's vital to stress that these are practice rules, not legal ones. Without these principles, it would be difficult to understand and apply the law, as unexpected situations arise that Parliament and courts could not have predicted when drafting the legislation. Do judges actually apply the rules of statutory interpretation? If so, which rule do they apply first? - Judges rarely, if ever, disclose that they are now applying a certain rule of interpretation. Judges frequently examine whether the words used have a literal meaning.⁶

Literal Rule-

The basic rule of interpreting statutes is to construe their provisions. Literally and grammatically, giving words their common and natural meaning. This guideline is also known as the Plain Meaning guideline. The first and most important step in the process of interpretation is to study the text and literal meaning of the statute.

^[4] AIR 1984 SC 684

^[5] (2002)4 SCC 297

^[6] <https://www.fimt-ggsipu.org/study/balb406.pdf>

The words of an enactment have their own natural effect, and the act's construction is determined by its phrasing. The construction and interpretation of statutes should not include any modifications or substitutions of terms. The main rule is to interpret words as they appear. The rule applies only when words have obvious meanings, and should be simple that the language is plain and only meaning can be derived out of the statute.

*Municipal board v State transport authority, Rajasthan*⁷ the location of a bus stand was changed by the Regional Transport Authority. An application could be moved within 30 days of receipt of order of regional transport authority according to section 64 A of the Motor vehicles Act, 1939. The application was moved after 30 days on the contention that statute must be read as "30 days from the knowledge of the order". The Supreme Court held that literal interpretation must be made and hence rejected the application as invalid.

Golden Rule of Interpretation-

The Golden rule is a statutory interpretation that allows judges to depart from a word's normal meaning to avoid absurd results. It is a compromise between the plain meaning rule and the mischief rule. The rule is applied in two ways: in narrow cases where words have ambiguity or absurdity, and in wider cases to avoid obnoxious results to public policy principles. For example, a sign stating "Do not use lifts in case of fire" would be absurd under literal interpretation, while a case involving a son murdering his mother would have the court ruling in favor of the mother's family.

The Mischief Rule-

The mischief rule is a statutory interpretation rule that aims to determine a legislator's intention by examining the "mischief and defect" of a statute. Originating from the 16th-century case Heydon's in the UK, it focuses on determining the most firmly established rule for material words capable of bearing multiple constructions.

Heydon's Case- Heydon's Case [1584] 3 CO REP identified four criteria to examine when reading a statute:

1. What was the common law prior to the creation of the act?
2. What was the "mischief and defect" that the common law did not address?
3. What is the true purpose for the remedy?

^[7] *Municipal board v State transport authority, Rajasthan*

Judges are responsible for suppressing mischief, advancing remedies, preventing evasions, promoting privatization, and adding strength to the law.

Use of this Rule-This rule of construction is of narrower application than the golden rule or the plain meaning rule, in that it can only be used to interpret a statute and, strictly speaking, only when the statute was passed to remedy a defect in the common law.

Legislative intent is determined by examining secondary sources, such as committee reports, treatises, law review articles and corresponding statutes. In the case of *Thomson vs. Lord Clan Morris, Lord Lindley M.R.*⁸ stated that in interpreting any statutory enactment regard must be had not only to the words used, but also to the history of the Act and the reasons which lead to its being passed.

How to Understand the law?

There are three branches of government in India. They are the legislature, the judiciary, and the executive. The Legislature's purpose is to create and pass legislation. The objective of the Judiciary is to interpret the law, while the purpose of the Executive is to carry out final instructions. The courts fall under the jurisdiction of the Judiciary, which is primarily responsible for interpreting the laws. A statute is always written with a specific purpose in mind. The legislature is presumed to have a clear objective. The wording in a statute are just a representation of that intention. The objective of the Judiciary, which interprets the law, is to reveal the genuine intent of the lawmakers. It's crucial to interpret statutes based on the legislature's intended meaning. There are two types of interpreting aids: internal and external.

What happens when Law is not Interpreted properly?

Obviously, this leads to injustice. Law is also known as justice. The sole goal of a law is to provide justice to victims. Typically, all legal systems adhere to the slogan "no victim should be harmed". As a result, it is critical to understand laws in accordance with the intentions of legislators; otherwise, injustice occurs.

When to Interpret a Statute?

When the terms of a statute are ambiguous or have several meanings, it is critical to interpret the word or law that is causing confusion using interpretation aids.

^[8] *Thomson vs. Lord Clan Morris, Lord Lindley M.R.*

Difference between Interpretation and Construction of the Statute.

Without clarifying what is Interpretation and what is Construction, it is difficult to under the full content in detail. Interpretation of Statute Interpretation means giving an explanation, meaning, or translation of a word or a sentence to pull out the real intention of the legislature.⁹

^[9] Dr Avtar Singh, Introduction to Interpretation of Statutes (5th Edition, LexisNexis 2020)

In the case of *Anurag Mittal v Shaily Mishra Mittal*¹⁰, it was observed that Interpretation is a process by which the court determines the meaning of a statutory provision for the purpose of applying it. Construction of Statute Construction of Statute means drawing out the conclusion from the words of the Statute. In most cases, when interpretation doesn't solve the issue then the construction comes into play. Lord Simon says that there are primary and secondary cannons of Construction. The primary rule of construction is to consider the plain meaning. If there is no plain meaning, the mischief rule is the most important rule among all other secondary cannons of construction.¹¹ A very important element before using the External Aids to Construction is that when there is a presence of Internal Aids to Construction then the External Aids cannot be used. That is to say, when the interpretation can be done with the internal aids then there is no need of using the external aids to construct of Statute. In case, if internal aid doesn't help in solving the issue, then obviously external aid plays its role. The term rule of interpretation of statute according to Sir William Blackstone, is "the most fair and rational method for interpreting a statute is by exploring the intention of the legislature through texts, the subject matter, the effect and the consequences or the spirit and reason of law", which provides that according to Blackstone the method to interpret a statute is by literally drawing out or exploring what has been provided in legislation by analysing its consequences or the reason of the law within the statute or legislation. According to John Salmond "the interpretation and construction is the process by which the court seeks to ascertain the meaning of the legislature through the medium of authoritative forms in which it is expressed". The definition as provided above it could be observed that according to the jurist Salmond both construction as well as the interpretation of a particular statute is the process which is undertaken by the court to draw the meaning of the legislation at the question. The construction of the interpretation of statutes in the above sense is the process to draw conclusions to the existing ambiguous or vague provisions of the statute in order to resolve an inconsistency.

^[9] Dr Avtar Singh, Introduction to Interpretation of Statutes (5th Edition, LexisNexis 2020)

^[10] *Anurag Mittal v Shaily Mishra Mittal* (2018) 9 SCC 69

^[11] Dr Avtar Singh (n 1) 11

The difference between both construction and interpretation of a statute is pointed out by deriving a final end to a particular action which is being laid forth by the court, the construction is used for enabling conclusion to the fatal situations or any sort of situation just for the sack of concluding the case, whereas as observed the interpretation of the statute is considered to be an art form to find out the true or exact sense of an existing provision or enactment by giving words to their ordinary or natural meaning.

External and Internal Aids of Construction.

An aid is a tool that assists or helps in developing or interpreting a statute. Courts use both internal and external aids to assist in their interpretation. Internal aids include items in the statute itself, such as titles, headings, illustrations, and punctuation. When internal aids are insufficient, external aids like parliamentary materials, historical context, and foreign decisions are used.

B. Prabhakar Rao and others v State of A.P. and others, AIR 1986 SC 120¹² O.Chennappa, Reddy J. has observed : "Where internal aids are not forthcoming, we can always have recourse to external aids to discover the object of the legislation. External aids are not ruled out. This is now a well settled principle of modern statutory construction."

K.P. Varghese v Income Tax Officer Ernakulam, AIR 1981 SC 1922 The Supreme Court has stated that interpretation of statute being an exercise in the ascertainment of meaning, everything which is logically relevant should be admissible.¹³

Internal Aids-

"Internal aids" mean those aids which are available in the statute itself. Each and every part of an enactment helps in interpretation. However, it is important to decipher as to whether these parts can be of any help in the interpretation of the statute.

The Internal aids to interpretation may be as follows:

- a) **Title Long title:-** The Long Title of a Statute is an internal portion of the statute that can be used to aid in its construction. A statute begins with a lengthy title that describes the purpose of the act. It begins with the words- "An Act to" For e.g. The long title of the Criminal Procedure Code, 1973 is – "An Act to consolidate and amend

^[12] AIR 1986 SC 120

^[13] AIR 1981 SC 1922

- b) the law relating to criminal procedure". In recent times, long title has been used by the courts to interpret certain provision of the statutes. However, its useful only to the extent of removing the ambiguity and confusions and is not a conclusive aid to interpret the provision of the statute.

In Re Kerala Education bill,¹⁴ the Supreme Court held that the policy and purpose may be deduced from the long title and the preamble. In *Manohar Lal v State of Punjab*, Long title of the Act is relied as a guide to decide the scope of the Act.

Although the title is a part of the Act, it is in itself not an enacting provision and though useful in case of ambiguity of the enacting provisions, is ineffective to control their clear meaning.

- c) **Short Title :-** The short title of an Act is for the purpose of reference & for its identification. It ends with the year of passing of the Act. E.g., “The Indian Penal Code, 1860”; “The Indian Evidence Act, 1872”. The Short Title is generally given at the beginning with the words- “This Act may be called.....” For e.g. Section 1 of The Indian Evidence Act, 1872, says – “This Act may be called, The Indian Evidence Act, 1872”. Even though short title is the part of the statute, it does not have any role in the interpretation of the provisions of an Act.
- d) **Preamble :-** The Preamble to the Statute contains the Act's fundamental objective and purpose. The preamble summarises the Act. It is a preparatory statement. The Act's recitals explain why it was enacted.
- If the language of the Act is unambiguous, the preamble should be ignored. Preambles help understand ambiguous acts. If there are any doubts about the language used by the Legislature, referring to the preamble is a reliable way to determine the intention behind the act. *In Kashi Prasad v State*,¹⁶ the court held that even though the preamble cannot be used to defeat the enacting clauses of a statute, it can be treated as a key for the interpretation of the statute.

^[14] Kerala Education bill

^[15] Kashi Prasad v State

- a) **Heading and Title of Chapter :-** There are two types of headings: prefixed to a section and prefixed to a group or collection of sections. The headings serve as a key to interpretation and can be taken as preambles to the sections below.
- In Durga Thathera v Narain Thathera*,¹⁶ the court held that the headings are like a preamble which helps as a key to the mind of the legislature but do not control the substantive section of the enactment.
- b) **Marginal Notes:-** Marginal notes are inserted at the side of sections in an Act, expressing their effect. They are appended to the Articles of the Constitution, considered part of the constitution passed by the constituent assembly.
- In Wilkes v Goodwin*¹⁷ the Court held that the side notes are not part of the Act and hence marginal notes cannot be referred.
- c) **Definitional Sections/ Clauses :-** Definitions aim to avoid frequent repetitions in describing subject matter, and should be used for the specific purpose of a statute, not for a general definition from another statute that can be used without the statute's specific definition.
- d) **Illustrations :-** Illustrations in enactment provided by the legislature are valuable aids in the understanding the real scope. In *Mahesh Chandra Sharma V. Raj Kumari Sharma*, (AIR 1996 27 SC 869),¹⁸ it was held that illustrations are parts of the Section and help to elucidate the principles of the section.
- e) **Proviso :-** The normal function of a proviso is to except and deal with a case which would otherwise fall within the general language of the main enactment, and its effect is confined to that case. There may be cases in which the language of the statute may be so clear that a proviso may be construed as a substantive clause. But whether a proviso is construed as restricting the main provision or as a substantive clause, it cannot be divorced from the provision to which it stands as a proviso. It must be construed harmoniously with the main enactment.” [CIT vs. Ajax Products Ltd. (1964) 55 ITR 741 (SC)]¹⁹

^[16] Durga Thathera v Narain Thathera

^[17] Wilkes v Goodwin

^[18] (AIR 1996 27 SC 869)

^[19] (1964) 55 ITR 741 (SC)

- f) **Explanations :-** An Explanation is a legal provision that explains the meaning of words in a section, becoming an integral part of the main provision. It is not meant to limit the scope of the main section, unlike a proviso which excludes, excepts, and restricts. An Explanation introduces a legal fiction, clarifying or subtracting something from the main provision.
- g) **Schedules :-** Schedules are the concluding portions of a statute that provide concise information for enactment provisions; their expression cannot overrule the express enactment's requirements.
- h) **Punctuation :-** Punctuation is a small component in the development of legislation. Punctuation is only effective when a statute's meaning is clear and well-defined. However, it is not a decisive factor for a statute's interpretation.

External Aids to Interpretation-

When internal aids fail, the court must turn to external aids. External aids are useful for interpreting and constructing statutory provisions. External aids to construction differ from internal ones.

Aids for understanding legislation may include parliamentary history, historical facts, references to other statutes, dictionaries, and foreign verdicts.

Some of the external aids used in the interpretation of statutes are as follows:

- a) **Parliamentary History, Historical Facts and Surrounding Circumstances :** Historical setting is crucial when interpreting parliamentary history, which encompasses the process of enacting an act, including conception, drafting, debates, and amendments. It includes speeches made by the bill's mover and amendments considered during the bill's progress. However, papers placed before the cabinet, which made the bill's introduction decision, are not relevant. Historical facts of the statute, including external circumstances, should be considered to understand its intended purpose. Statements of objective and reasons can be helpful in researching historical facts, but attaching them after extensive amendments may be unsafe. The report of a committee before presenting a bill to the legislature is recommended as it provides guidance and recommendations for the bill's enactment. The Supreme Court in a number of cases referred to debates in the Constituent

Assembly for interpretation of Constitutional provisions. Recently, the ²¹Supreme Court in *S.R. Chaudhuri v State of Punjab and others*, (2001) 7 SCC 126 has stated that it is a

^[20] (2001) 7 SCC 126

settled position that debates in the Constituent Assembly may be relied upon as an aid to interpret a Constitutional provision because it is the function of the Court to find out the intention of the framers of the Constitution. But as far as speeches in Parliament are concerned, a distinction is made between speeches of the mover of the Bill and speeches of other Members.

- b) **Social, Political and Economic Developments and Scientific Inventions:** Statutes must be interpreted to accommodate situations that were unknown at the time of enactment. Consider societal and technological changes. Courts should consider these developments while interpreting statutory requirements.

In *S.P. Gupta v Union of India*, AIR 1982 SC 149,²² it was stated - “The interpretation of every statutory provision must keep pace with changing concepts and values and it must, to the extent to which its language permits or rather does not prohibit, suffer adjustments through judicial interpretation so as to accord with the requirement of the fast-changing society which is undergoing rapid social and economic transformation. It is obvious that law does not operate in a vacuum. It is intended to fulfill a social purpose and must be viewed within its social, economic, and political context. The Judge is tasked with performing a creative function. To effectively provide justice, the legislator’s dry skeleton must be infused with meaning through dynamic interpretation to align with current notions and values.

^[21] (2001) 7 SCC 126

^[22] AIR 1982 SC 149

Courts must consider post-enactment social, political, and economic developments, as well as scientific advances, when interpreting statutes.

- c) **Reference to Other Statutes:** When two Acts are read together, each part must be construed as if contained in one composite Act. If there is a clear discrepancy, the latter Act will modify the earlier. If a single provision of one Act needs to be read or added in another, it must be read in the same sense as it was originally construed in the first Act. If an old Act has been repealed, it loses its operative force but can still be considered for construing the unrepealed part. Courts can use statutory aids, such as the General Clauses Act, 1897, to interpret or construct a statutory provision. This rule of construction avoids contradictions between statutes dealing with the same subject and allows the use of an earlier statute to illuminate the meaning of a phrase used in a later statute.
- d) **Dictionaries :** When a word is not defined in a statute, dictionaries can be used to determine its common meaning. When deciding on a word’s meaning, consider its scheme, context, and legislative history.
- e) **Judicial Decisions:** When referencing judicial pronouncements, it’s important to ensure that the decisions are Indian. If they’re from a foreign country, ensure that they follow the same jurisprudence and apply the same laws. Foreign decisions have persuasive value but are not binding on Indian courts. Referring to foreign decisions is useless in cases where binding Indian decisions provide advice.
- f) **Other materials :** Similarly, Supreme Court used information available on internet for the purpose of interpretation of statutory provision in *Ramlal v State of Rajasthan*, (2001) 1 SCC 175. ²³ Courts also refer passages and materials from text books and articles and papers published in the journals. These external aids are very useful tools not only for the proper and correct interpretation or construction of statutory provision, but also for understanding the object of the statute, the mischief sought to be remedied by it, circumstances in which it was enacted and many other relevant matters. In the absence of the admissibility of these external aids, sometimes court may not be in a position to do justice in a case.²⁴

^[23] (2001) 1 SCC 175.

^[24] <https://www.southcalcuttalawcollege.ac.in/Notice/50488AIDS%20TO%20INTERPRETATION.pdf>

Conclusion-

We can conclude that Interpretation is necessary only when a provision is ambiguous. During interpretation, we determine the legislature's objective. After analysing several interpretation tools, we found that internal interpretation is more reliable than external interpretation. Internal aid is part of the enactment, while external aid is apart from the provision. When internal aids fail, external aids are the next best option for interpretation.

Interpretation is the mechanism used by the courts to assess or determine the purpose of the legislation or rule of law. It is essentially a process by which the courts attempt to determine the true meaning and true intention of the term, word or phrase in question in any statute before the court. A judicial interpretation process can be done through various tools or principles of statutory interpretation, including the request of assistance from internal or external interpretative aids, and the application, by the court over a period of time, of primary or secondary rule of interpretation.

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