



STUDY OF GENERAL PRINCIPLES OF STATUTORY LAW

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ABSTRACT: -

Interpretation of Statutes has defined statute as the will of the legislature. Usually, it refers to the act that is enacted by the legislature. The term statute is generally applied to laws and regulations of every sort law which ordains permits or prohibits anything which is designated as a statute, without considering from what source it arises.

The legislature makes laws with a specific intent in mind. The responsibility of deciphering that intent lies with the judiciary.

This process of getting to know the intent behind the law is known as statute interpretation. According to its dictionary meaning, interpretation is an act of explaining the meaning of a thing. In legal context, interpretation means the act of interpreting and deciphering the intent behind a statute.

The term 'interpretation' has its roots in the Latin word 'interpretari' which means to explain, or to translate. The main aim of interpreting a statute is to determine the intention behind the law. Drafting a law is a complex task; the legislature has to keep in mind thousands of scenarios so that the legislation drafted is complete in itself. In an ideal world, the meaning of the statute would be clear and direct.

In the real world that we live in, most of the times the law drafted is complicated and vague. The complicated process of drafting laws leads to a variety of gaps and ambiguity in the statute. The words, phrases, terms used in the statute can have varying meanings due to the multifaceted nature of the language. A law is never drafted by a single person but rather by a group of people, this leads to incoherence in the language. Some statutes use technical language because of their complicated subject matter. The applicability of law changes with new developments.

Keywords: Interpretation, rules, principles, laws, literal, ambiguity, language.

INTRODUCTION:-

Interpretation is the art and science of understanding and explaining the meaning of a text. In the legal realm, interpretation is particularly critical, especially when it comes to statutes – laws written by legislatures. Understanding these statutes is essential for judges, lawyers, and anyone involved in the legal system. At its core, interpretation involves uncovering the intention behind a text. When it comes to statutes, this means discerning what lawmakers intended the law to achieve and how it should be applied in different situations. However, this task is not always straightforward. Statutes can be complex, containing technical language, and sometimes, they may not clearly express the lawmakers' intentions. This complexity leads to various approaches and principles of interpretation. These principles serve as guides for judges and legal professionals as they navigate through statutes to determine their meaning.

General Principles of Interpretation:-

When the intention of legislature is not clearly expressed, a court needs to interpret the laws using the rules of interpretation. There are two types of Rules of Interpretation with sub-categories:

Primary Rules

1. The Primary Rule: Literal Interpretation
2. The Mischief Rule: Heydon's Rule
3. Rule of Reasonable Construction or Ut Res Magis Valent Quam Pareat
4. Rule of Harmonious Construction

Secondary Rules

1. Noscitur a Sociis.
2. Rule of Ejusdem Generis

The Literal rule/ Grammatical Interpretation:

The primary rule gives literally and grammatically meaning and giving the words their ordinary and natural meaning. This rule is also known as the **Plain meaning rule**. The first to be applied by the judges while statutory interpretation. The words in an enactment have their own natural effect and the construction of an act depends on its wording. There should be no additions or substitution of words in the construction of statutes and in its interpretation. The primary rule is to interpret words as they are. It should be taken into note that the rule can be applied only when the meanings of the words are clear i.e. words should be simple so that the language is plain and only one meaning can be derived out of the statute.

To avoid ambiguity, legislatures often include “definitions” sections within a statute, which explicitly define the most important terms used in that statute. But some statutes omit a definitions section entirely, or (more commonly) fail to define a particular term. The plain meaning rule attempts to guide courts faced with litigation that turns on the meaning of a term not defined by the statute, or on that of a word found within a definition itself. **The literal rule is what the law says and not what law mean.**

Proponents of the plain meaning rule claim that it prevents courts from taking sides in legislative or political issues. They also point out that ordinary people and lawyers do not have extensive access to secondary sources. In probate law the rule is also favoured because the testator is typically not around to indicate what interpretation of a will is appropriate. Therefore, it is argued, extrinsic evidence should not be allowed to vary the words used by the testator or their meaning. It can help to provide for consistency in interpretation. One criticism of the rule is that it rests on the erroneous assumption that words have a fixed meaning. In fact, words are imprecise, leading justices to impose their own prejudices to determine the meaning of a statute. However, since little else is offered as an alternative discretion-confining theory, plain meaning survives.

Case Law:

Maqbool Hussain v. State of Bombay

In *Maqbool Hussain v. State of Bombay*, the appellant, a citizen of India, on arrival at an airport did not declare that he had brought gold with him. Gold, found in his possession during search in violation of government notification, was confiscated under Section 167 (8), Sea Customs Act, 1878. He was charged under Section 8, Foreign Exchange Regulation Act, 1947 also. The appellant pleaded that his trial under the Act of 1947 was violative of Article 20 (2) of the Constitution relating to double jeopardy as he was already punished for his act by way of confiscation of his gold. It was held by the Supreme Court that the Sea Customs Authority is not a court or a judicial tribunal and the adjudging of confiscation or the increased rate of duty of penalty under the Sea Customs Act was not a prosecution. Consequently, his trial under the Act of 1947 was valid.

The Mischief Rule: Heydon’s Case

It is known as heydon’s rule because it was given by lord pike in heydon’s case 1584. It is called mischief rule because the focus is on curing the mischief. In Heydon’s Case, it was resolved by the Barons of the Exchequer “that for the sure and true interpretation of all statutes in general (be they penal or beneficial, restrictive or enlarging of the Common Law) four things which have to be followed for true and sure interpretation of all the statutes in general, which are as follows:-

1. What was the Common Law before the making of the Act?
2. What was the mischief and defect for which the Common Law did not provide?
3. What remedy the Parliament had resolved and appointed to cure the disease of the Commonwealth?
4. What is the true reason of the remedy?

The office of all the judges is always to make such construction as shall suppress the mischief, and advance the remedy, and to suppress subtle inventions and evasions for continuance of the mischief, and *pro privato commodo*, and to add force and life to the cure and remedy, according to the true intent of the makers of the Act, pro bono publico.

The application of this rule gives the judge more discretion than the literal and the golden rule as it allows him to effectively decide on Parliament’s intent. It can be argued that this undermines Parliament’s supremacy and is undemocratic as it takes law-making decisions away from the legislature.

There are certain advantages and disadvantages of the rule. The Law Commission sees it as a rule that is far more satisfactory way of interpreting acts as it avoids unjust or absurd results in sentencing but for some it is considered to be out of date as it was established in 16th century when conditions were very different from now.

Case Law:***Smith v. Huges, 1960 WLR 830***

In this case around the 1960s, the prostitutes were soliciting in the streets of London and it was creating a huge problem in London. This was causing a great problem in maintaining law and order. To prevent this problem, Street Offences Act, 1959 was enacted. After the enactment of this act, the prostitutes started soliciting from windows and balconies.

Further, the prostitutes who were carrying on to solicit from the streets and balconies were charged under section 1(1) of the said Act. But the prostitutes pleaded that they were not solicited from the streets.

The court held that although they were not soliciting from the streets yet the mischief rule must be applied to prevent the soliciting by prostitutes and shall look into this issue. Thus, by applying this rule, the court held that the windows and balconies were taken to be an extension of the word street and charge sheet was held to be correct. **Rule of Reasonable Construction or Golden Rule**

The words used in a statute have to be construed in their ordinary meaning, but in many cases, judicial approach finds that the simple device of adopting the ordinary meaning of words, does not meet the ends as a fair and a reasonable construction. Exclusive reliance on the bare dictionary meaning of words may not necessarily assist a proper construction of the statutory provision in which the words occur. Often enough interpreting the provision, it becomes necessary to have regard to the subject matter of the statute and the object which it is intended to achieve.

According to this rule, the words of a statute must be construed ut res magis valeat quam pareat, so as to give a sensible meaning to them. A provision of law cannot be so interpreted as to divorce it entirely from common sense, every word or expression used in an Act should receive a natural and fair meaning.

It is a compromise between the plain meaning (or literal) rule and the mischief rule. Like the plain meaning rule, it gives the words of a statute their plain, ordinary meaning. However, when this may lead to an irrational result that is unlikely to be the legislature's intention, the judge can depart from this meaning. In the case of homographs, where a word can have more than one meaning, the judge can choose the preferred meaning; if the word only has one meaning, but applying this would lead to a bad decision, the judge can apply a completely different meaning.

Case Law:***Dimakuchi the state v. Management (AIR) 1958***

In this case the expression was interpreted under section 2k Industrial dispute Act . The expression by person was constitute the scheme and object of the act. Any person is only the person who have direct and substantial Interest in industry. A stronger cannot be considered any person under Industrial dispute Act.

Rule of Harmonious Construction

When there is a conflict between two or more statues or two or more parts of a statute then the rule of harmonious construction needs to be adopted. The rule follows a very simple premise that every statute has a purpose and intent as per law and should be read as a whole. The interpretation consistent of all the provisions of the statute should be adopted. In the case in which it shall be impossible to harmonize both the provisions, the court's decision regarding the provision shall prevail.

When there are two provisions in a statute, which are in apparent conflict with each other, they should be interpreted such that effect can be given to both and that construction which renders either of them inoperative and useless should not be adopted except in the last resort.

The important aspects of this principle are:

1. The courts must avoid a head on clash of seemingly contradicting provisions and they must construe the contradictory provisions so as to harmonize them.
2. The provision of one section cannot be used to defeat the provision contained in another unless the court, despite all its effort, is unable to find a way to reconcile their differences.
3. When it is impossible to completely reconcile the differences in contradictory provisions, the courts must interpret them in such as way so that effect is given to both the provisions as much as possible.
4. Courts must also keep in mind that interpretation that reduces one provision to a useless number or a dead lumbar, is not harmonious construction.
5. To harmonize is not to destroy any statutory provision or to render it loose.

Case Law:***Raj Krishna v. Binod.***

In this case two provisions of Representation of People Act, 1951, which were in apparent conflict, were brought forth. Section 33 (2) says that a Government Servant can nominate or second a person in election but section 123(8) says that a Government Servant cannot assist any candidate in election except by casting his vote. The Supreme Court observed that both these provisions should be harmoniously interpreted and held that a Government Servant was entitled to nominate or second a candidate seeking election in State Legislative assembly. This harmony can only be achieved

if Section 123(8) is interpreted as giving the govt. servant the right to vote as well as to nominate or second a candidate and forbidding him to assist the candidate in any other manner.

Rule of Ejusdem Generis

Ejusdem Generis (**pronounced as “eh-youse-dem generous”**) is a Latin term which means “of the same kind.” The term ‘Ejusdem Generis’ in other words means words of a similar class, means of the same kind.

The rule is that where particular words have a common characteristic (i.e. of a class) any general words that follow should be construed as referring generally to that class; no wider construction should be afforded.

It is presumed that a statute will be interpreted so as to be internally consistent. A particular section of the statute shall not be divorced from the rest of the Act. The Ejusdem Generis rule applies to resolve the problem of giving meaning to groups of words where one of the words is ambiguous or inherently unclear.

Normally, general words should be given their natural meaning like all other words unless the context requires otherwise. But when a general word follows specific words of a distinct category, the general word may be given a restricted meaning of the same category. The general expression takes its meaning from the preceding particular expressions because the legislature by using the particular words of a distinct genus has shown its intention to that effect.

The rule of Ejusdem Generis must be applied with great caution, because, it implies a departure from the natural meaning of words, in order to give them a meaning on a supposed intention of the legislature. The rule must be controlled by the fundamental rule that statutes must be construed so as to carry out the object sought to be accomplished. The rule requires that the specific words are all of one genus, in which case, the general words may be presumed to be restricted to that genus.

Noscitur a Sociis

The “Noscitur a Sociis” i.e. “It is known by its associates”. In other words, meaning of a word should be known from its accompanying or associating words. It is not a sound principle in interpretation of statutes, to lay emphasis on one word disjuncted from its preceding and succeeding words. A word in a statutory provision is to be read in collocation with its companion words. The pristine principle based on the maxim „noscitur a sociis” has much relevance in understanding the import of words in a statutory provision (K. Bhagirathi G. Shenoy v. K.P. Ballakuraya, AIR 1999 SC 2143). The rule states that where two or more words which are susceptible of analogous meaning are coupled together, they are understood in their cognate sense. It is only where the intention of the legislature in associating wider words with words of narrower significance, is doubtful that the present rule of construction can be usefully applied.

The same words bear the same meaning in the same statute. But this rule will not apply:

1. When the context excluded that principle.
2. If sufficient reason can be assigned, it is proper to construe a word in one part of an Act in a different sense from that which it bears in another part of the Act.
3. Where it would cause injustice or absurdity.
4. Where different circumstances are being dealt with.
5. Where the words are used in a different context. Many do not distinguish between this rule and the ejusdem generis doctrine. But there is a subtle distinction as pointed out in the case of State of Bombay v. Hospital Mazdoor Sabha.

Pradeep Agarbatti, Ludhiana v. State of Punjab [AIR 1998 SC 171]

The word ‘perfumery’ under entry 16, schedule A of Punjab General Sales Tax Act, 1948 was to be interpreted. It reads ‘cosmetics, perfumery and toilet goods, excluding tooth paste, tooth powder, kumkum and soap’. Applying the noscitur a sociis rule the Supreme Court ruled that the word could mean only such articles as are used as cosmetics and toilet goods and, therefore, this cannot mean ‘dhoop’ and ‘agarbatti’.

Conclusion:-

The general principles of statutory interpretation serve as indispensable tools for legal professionals in deciphering the meaning and intent of statutes. By exploring legislative intent, applying textualism or purposivism, employing canons of construction, considering precedent, and exercising judicial discretion, courts can navigate the complexities of statutory language to ensure fair and consistent application of the law. These principles not only provide a framework for interpretation but also uphold the principles of justice, fairness, and the rule of law. As statutes continue to evolve and society's needs change, a nuanced understanding and application of these principles will remain crucial in maintaining the integrity and efficacy of the legal system.

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