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Internal Aids to Interpretation

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ABSTRACT

The interpretation is the term used for explaining something which is complex for the people or the individuals, in general, to understand in the words or in a form which would make a person have the knowledge over the concept at hand in an easier way. Considering the statutes present in the Indian Constitution which are drafted by the legal experts are comparatively difficult to understand by a person with no legal background or knowledge to that of the person with a legal background or knowledge over the statutes or to that of the terms with the legislations or statutes which are at question. The interpretation is a step taken by the judiciary to determine or analyse the meaning of a particular legal provision or statute provided, though the meaning is being determined by the judiciary there are certain principles or rules laid down for the judiciary to interpret the statute of the legal provision in question before the court of law. The article is a detailed analysis of Internal Aids to Interpretation of Statutes. Interpreting legal texts can be akin to navigating a labyrinth, with twists and turns that demand careful consideration. To unravel the complexities woven into legal documents, legal scholars and practitioners often rely on a range of tools, among which internal aids to interpretation stand as pillars of analysis. These aids, intrinsic to the text itself, serve as guideposts illuminating the intended meaning and scope of legal provisions. In this article, we delve into the intricacies of internal aids to interpretation, elucidating their significance and application within the realm of law.

INTRODUCTION

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 primary or secondary rule of interpretation.

What is interpretation? In day-to-day life, if someone says something that you do not understand, you ask him to explain himself more fully. This is impossible with the interpretation of statutes, because when parliament has passed an Act the words of Act are authoritative as words. The function of the court is to interpret the document according to the intent of them that made it. From that function the court may not resile, however ambiguous or difficult of application the words of Act of Parliament may be, the court is bound endeavour to place some meaning upon them.

Internal aids to interpretation are those devices that are present within the statute. No external references are required to interpret the meaning. Various in-texts (within the statute) are sufficient to interpret it. On the contrary, sometimes external references are also used to understand the true meaning of a particular disputed provision. These are references as termed as 'external aids'.

The Supreme Court enjoys advisory jurisdiction as per Article 143 of the Indian constitution. Similarly, High Courts are often referred to when a substantial question of law is involved in a case. Judiciary uses these aids to solve the ambiguity related to the interpretation of statutes.

WHAT ARE INTERNAL AIDS?

According to Salmond, Interpretation is the process by which the court seek to ascertain the meaning of the legislature through the medium of authoritative forms in which it is expressed.

In simple meaning it is referred to as those aids which are available in the statutes, The courts or judges may take help of these aids without referring to the external sources.

Legal interpretation plays a pivotal role in the judicial process, bridging the gap between legislative intent and practical application. Within this intricate framework, exploring internal aids is crucial for gaining valuable insights into the complexities of understanding statutory law. This article takes a thorough journey through the maze of legal interpretation, diving deep into the various aids embedded within legislative texts.

Each internal aid, from the broad scope of the Long Title to the finer details of Punctuation and Explanations, is carefully examined to reveal its distinct contribution to the interpretive process. By drawing from a diverse range of legal principles and court decisions, this study navigates through the intricate terrain of legal language, illuminating the interplay between statutory provisions and interpretive aids.

Through a detailed qualitative analysis and thorough review of court interpretations, this research goes beyond theoretical concepts, providing practical insights into how internal aids shape legal discussions and court decisions. Particularly in the dynamic socio-legal context of India, with its diverse legal traditions and cultural nuances, understanding internal aids becomes even more crucial, highlighting the importance of nuanced comprehension in promoting fair access to justice.

Ultimately, this article serves not only as an academic exploration of legal theory but also as a practical resource for legal professionals and policymakers. It offers actionable insights into leveraging internal aids to navigate the complexities of statutory interpretation and uphold the integrity of the legal system.

TYPES OF INTERNAL AIDS

Following are the internal aids of interpretation:

1) LONG TITLE –

Every Statute is headed by a long title at the head of the statutes, and it gives the description about the object of an Act. For e.g. the long title of the Code of Civil Procedure, 1908, is – “An Act to consolidate and amend the laws relating to the procedure of the Courts of Civil Judicature”.

In recent times, long title has been used by the courts to interpret certain provision of the statutes. However, it is 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 olden days the long title was not considered a part of the statutes and was , therefore , not considered an aid while interpreting it . therefore, has been a change in the thinking of the courts in recent times and there are numerous occasions when help has been taken from the long titles to interpret certain provision.¹

In *Re Kerala Education bill*² , 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*⁷ , Long title of the Act is relied as a guide to decide the scope of the Act.

The Supreme Court, in *M.P.V. Sundararamier & Co. v. State of A.P.*³ , considered whether the impugned enactment was in the true sense a Validation Act. This Court held that while the short title as well as the marginal note described the Act as a Validation Act, that description was not answered by the substance of the legislation.

2) 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. For e.g. Section 1 of the Code of Civil Procedure, 1908, says –“This Act may be cited as the Code of Civil Procedure, 1908. It shall come into force on the first day of January 1909.”

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. Neither can it extend, nor can it delimit the clear meaning of particular provisions.⁴

3) PREAMBLE :

A Preamble is an introductory statement of an document which shows the aims, objective, purpose and history behind the creation of such act. Many old statutes have preambles in which the main objects of the Act are set out, and there are legitimate aids in construing the enacting parts⁵ . The main objective and purpose of the Act are found in the Preamble of the Statute.

Through the preamble of the statute, the importance or the purpose and objective of the act is determined or simply the preamble of the statute is something which contains the aims or objectives of the concerning Act which are sought to be achieved or the importance of the Act. The difference between the long title provided and the preamble is that it (Preamble) delivers the causes and basis as to the creation of a particular law within the Act, the preamble cannot be used to delete any clauses within the statute which are operative or by declaring the clause unintended or unnecessary, but can be used to refer any uncertainty or helps in correcting the meaning of the terms which might have more than one meaning. The preamble is mentioned in the first page of any concerning act, though those are or where applicable to all the Acts

which are old but the modern or the Acts which are passed doesn't consist of the preamble in the first page for reference declining its importance.

¹ 5 Bhattacharyya Prf. T., the interpretation of statutes, Central Law Agency, Tenth edition, 2017, P.-196

² 1959 1 SCR 995

³ AIR 1958 SC 468

⁴ Bhattacharyya Prf. T., the interpretation of statutes, Central Law Agency, Tenth edition, 2017, P.-196

⁵ Langan P. St. J., Maxwell on the interpretation of statutes, LexisNexis Butterworths, Twelfth edition 2002, P.6

In *Global Energy Ltd. v. Central Electricity Regulatory Commission*, it was put forth by the apex court that the preamble is to be used to analyse the object of a legislation.

In *Rashtriya Mill Mazdoor Sangh v. NTC (South Maharashtra)*, while interpreting certain provisions under the Textile Undertakings (Take over of Management) Act of 1983, the Supreme Court held that the preamble cannot be appealed to restrict or to curtail the scope of the concerning enactment when the language of the mentioned Act is clear.

4) HEADINGS

Headings are generally prefixed to sections or group of sections. Headings give the key to the interpretation and may be treated as preambles to the provisions following them. According to one view, "Heading" is to be interpreted as giving the key to the interpretation of the clauses under it, unless the language is inconsistent with such interpretation and the headings may be viewed "as preambles to the provisions which follow." The Supreme Court recently stated as follows: 'It is well known that headings prefixed to sections or entries (of a tariff schedule) cannot govern the plain words of the provisions they cannot also be referred to for the purpose of making provision where the words used in the provision are explicit and unambiguous; nor can they be used to diminish the plain meaning of the provision. Similarly, the title serves as a succinct descriptor, offering clues regarding the subject matter and focus of the legislation.

In *Krishnaiah v. State of A.P. and OR's*⁶, it was held that headings prefixed to sections cannot control the plain words of the provisions. Only in the case of ambiguity or doubt, heading or sub-heading may be referred to as an aid in construing provision.

In *Durga Thathera v. Narain Thathera and Anr*⁷, 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.

5) DEFINITION OR INTERPRETATION CLAUSE

The definition or the interpretation clauses are included within a statute with the purpose of extending the already existing meaning of certain words, whose meaning is not clear by providing them with meaning in a general sense. The court during the interpretation of the provision feels that if the definition clause if in a case is applied the result would be unreasonable or simply absurd.

The definition clause, however, is not used in explaining the same word which is being used in the other statute, if the word is defined or explained in one statute under the definition clause it must be limited to its use under the same. if in case both acts or statutes are *pari materia* (on the same subject) then the word which is defined under the interpretation or definition clause could be assigned to the other Act.

Under the rule of interpretation if the words mean and means and include are being used within the scope of the provided definition then the definition is considered to be exhaustive i.e., simply complete which will not allow the words to be interpreted widely but if the word 'include' is only used within the definition then it shall provide the interpretation in the widest way possible or simply it expands the already existing meaning of the clause with the use of the word include.⁸

Considering the case of *Mahalaxmi Oils Mills v. State of A.P.*⁹, where in the case the word tobacco which was interpreted was in question which provided that the word tobacco implies any form of tobacco whether manufactured or not or whether cured or uncured and this also includes the stems of the tobacco plant and the leaf stalks. The Apex Court held that the definition provided for the word is exhaustive and the Supreme Court refused to consider the tobacco seeds within the scope of the provided definition.

6) EXPLANATION

The purpose of adding explanations to sections within Acts is to provide clarity and aid in understanding the meaning of specific provisions. These explanations serve to remove doubts and facilitate clear comprehension, rather than expanding the scope of the section. In Indian legislation, many Acts include explanations attached to sections to assist in

interpretation. For example, Section 108 of the Indian Penal Code defines the term "abettor" and includes five explanations clarifying its application. These explanations are typically added after the enactment of the statute, not during its initial drafting. For instance, in Section 405 of the Penal Code, 1860, which defines "Criminal breach of trust," two explanations were inserted into the provision in 1973 and 1975 respectively, to provide further clarification.

Explanations are keys to the sections to which they appended. They explain the heart of the matter with a purpose. An explanation does not enlarge the scope of the original section that it is supposed to explain.¹⁰

In the case of *Bihta Co-operative Development Cane Marketing Union v. State of Bihar*[18] in case of conflict between the explanation provided for the main provision, the Supreme Court held that as of the duty of the courts to harmonise or settle the issue or the two.¹¹

⁶ AIR 2005 AP 10

⁷ AIR 1931 All 597

⁸ *Hamdard (Waqf) Laboratories v. Deputy Labour Commissioner* 2003 (97) FLR 1053.

⁹ *Mahalaxmi Oils Mills v. State of A.P.* AIR 1985 SC 335.

¹⁰ Bindra N.S., *Interpretation of statutes*, the law book company (P) Ltd., Ninth edition, 2002, P.134-135

¹¹ *Bihta Co-operative Development Cane Marketing Union v. State of Bihar* 1967 AIR 389.

7) PUNCTUATIONS

In a general sense, punctuation plays a crucial role in conveying the intended meaning within sentences or any written text. Without proper punctuation, the meaning of a sentence can change significantly. Similarly, in the interpretation of statutes, punctuation holds importance. Various punctuation marks such as semicolons, colons, commas, and dashes help clarify the structure and meaning of statutory provisions.

Historically, courts did not give much attention to punctuation when enacting statutes. However, in modern times, punctuation is considered essential in drafting statutes. Punctuation is carefully added to ensure clarity and precision in statutory language. Courts now recognize the significance of punctuation in interpreting statutes. When analysing a provision, courts examine the text, including its punctuation, to determine the intended meaning. If the punctuation alters the meaning of the provision, courts may interpret it accordingly.

8) SCHEDULE

The schedule of a statute holds equal significance as any other part of the law and is considered an enactment. It can be used to interpret provisions within the main body of the Act.

Schedules, typically found at the end of an Act, contain intricate details necessary for implementing the provisions laid out in the main body. However, it's important to note that the content in the schedule cannot override the explicit provisions stated in the main body of the Act.

Schedules serve as integral components of statutes, emphasizing the authority vested in the Act and outlining the practical implementation of its policies and subjects. For example, in cases where there is a conflict between the main body of the Act and its schedules, the provisions of the main body take precedence.

For instance, Article 1 of the Indian Constitution declares India as a Union of states, while Schedule 1 lists the names of these states and their territorial jurisdictions. In any conflict between the main body and the schedules, the provisions of the main body, such as Article 1, would prevail.

In *M/s. Aphali Pharmaceuticals Limited v. State of Maharashtra*,¹² the Supreme Court held that in case of a clash between the schedule and the main body of an Act, the main body prevails and the schedule has to be rejected.

In *Jagdish Prasad v. State of Rajasthan and others*,¹³ the Supreme Court ruled that the purpose of a schedule is to advance the object of the main provision and deletion of schedule cannot wipe out provisions of an Act in effect and spirit.

9) EXCEPTIONS

In general, exceptions are additional provisions included in a new statute to exclude certain cases from the scope of the main or original provision. For example, in Section 499 of the Indian Penal Code, 1860, which defines defamation, there are ten exceptions listed that specify cases that do not amount to defamation. Similarly, Section 2 of the Penal Code, 1860, which deals with intra-territorial jurisdiction, includes five exceptions. Saving clauses are typically inserted during the repeal of a statute. In the event of a conflict between the saving clause and the main statute, the provisions of the main statute take precedence, and the saving clause is disregarded.

In *Collector of Customs v. M/s. Modi Rubber Limited*,¹⁴ it was held by the apex court that in the case where there are exceptions under any of the existing provisions to the principal clause, then the exceptions must be considered with regard to the concerning principal clause.

In *Shah Bhojraj Kuverji Oil Mills v. Subhash Chandra Yograj Sinha*¹⁵, under which the apex court refused the use of the saving clause which was enacted similarly to that of the proviso in determining whether the section under the Act is retrospective in its operation.

10) PROVISIO

A proviso serves the specific purpose of addressing cases that would otherwise be covered by the general language of the main statute. Its effect is limited to that particular case. Essentially, it's a clause added to a law that commonly expresses a condition or exception. Typically, a proviso is used to qualify or establish an exception to the main provisions of the law, rather than stating a general rule. It usually does not go beyond what it is intended to address.

In legal texts, a proviso is part of the sections that begin with phrases like "provided that ___." It's added after the main provision to restrict or modify its application. Its primary function is to exclude or qualify certain aspects within the scope of the law. Courts have the authority to interpret and potentially expand the scope of a proviso by adding words to it. In cases of conflict between the proviso and the main provision, the interpretation of the proviso is given precedence, as it is presumed to reflect the intention of the legislature or drafters of the law.¹⁶ Under the case of *Union of India v. Sanjay Kumar Jain*,¹⁷ the court held that the proviso's function is to carve out or to qualify the exception to the concerning main provision.

¹² 1989 AIR 2227

¹³ LQ 2010 HC 2728

¹⁴ Civil Appeal no. 4090 of 1995.

¹⁵ *Shah Bhojraj Kuverji Oil Mills v. Subhash Chandra Yograj Sinha* 1961 AIR 1596.

¹⁶ Bindra N.S., *Interpretation of statutes*, the law book company (P) Ltd., Eighth edition, 1997,

¹⁷ *Union of India v. Sanjay Kumar Jain* 102 (2003) DLT 525 (DB).

NAVIGATING CHALLENGES: INTERNAL AIDS TO INTERPRETATION

While internal aids to interpretation are invaluable tools for deciphering legal texts, they are not without challenges. From linguistic nuances to evolving judicial trends, several hurdles must be navigated in effectively applying these aids. Below, we explore some of the key challenges faced in the realm of internal aids to interpretation:

- 1. Ambiguity in Language:** Legal texts often contain language that is open to interpretation, leading to ambiguity. Internal aids may not always provide clear guidance in resolving linguistic ambiguity, necessitating careful analysis and contextual understanding.
- 2. Divergent Interpretative Approaches:** Different interpreters may employ varying methods in applying internal aids, leading to divergent interpretations of statutory provisions. This divergence can create uncertainty and inconsistency in legal outcomes, posing challenges to legal certainty and predictability.
- 3. Evolution of Language and Usage:** Language evolves over time, and legal terminology is no exception. As language usage changes, the meaning of terms within legal texts may shift, complicating interpretation. Internal aids must adapt to evolving linguistic norms to remain effective in clarifying legislative intent.
- 4. Complexity of Legal Frameworks:** Legal systems are inherently complex, with statutes often interconnected and subject to layers of interpretation. Internal aids must navigate this complexity, balancing the need for clarity with the intricacies of legal doctrine and precedent.
- 5. Interplay with External Aids:** Internal aids do not operate in isolation but interact with external aids such as legislative history, judicial precedents, and societal context. Harmonizing internal and external aids presents a challenge, as conflicting interpretations may arise, requiring careful reconciliation.
- 6. Cultural and Contextual Considerations:** Legal interpretation is influenced by cultural norms, societal values, and historical context. Internal aids must account for these factors, particularly in multicultural and diverse legal environments, to ensure equitable application and representation.
- 7. Technological Advancements:** While technology offers tools for analysing large volumes of legal texts, it also presents challenges. Automated analysis may overlook contextual nuances and subtleties, potentially leading to erroneous interpretations of internal aids.
- 8. Judicial Discretion and Precedent:** Judicial discretion plays a significant role in interpreting internal aids, with courts often relying on precedent to guide their decisions. However, conflicting precedents and judicial discretion can create uncertainty, making it challenging to establish consistent interpretive frameworks.

ADDRESSING CHALLENGES: TOWARD CLARITY AND CONSISTENCY

Addressing the challenges of internal aids to interpretation requires a multifaceted approach. Clear guidelines and principles for interpreting internal aids can promote consistency and predictability in legal outcomes. Moreover, ongoing dialogue among legal scholars, practitioners, and policymakers can foster a deeper understanding of the complexities surrounding internal aids, enabling more effective navigation of these challenges in the pursuit of justice and the rule of law.

Addressing challenges in internal aids to interpretation, particularly within legal contexts, involves several key considerations:

- 1. Clarity of Language:** Internal aids, such as definitions and interpretive provisions, must be drafted with precision and clarity to minimize ambiguity. Vague or overly complex language can hinder interpretation and lead to conflicting understandings.
- 2. Consistency:** Internal aids should be consistent throughout the document or legal framework to ensure coherence in interpretation. Inconsistencies can create confusion and undermine the effectiveness of the aids.
- 3. Hierarchy of Aids:** Establishing a clear hierarchy of internal aids can help prioritize their use in interpretation. For example, definitions may take precedence over general provisions, and specific provisions may prevail over general ones.
- 4. Scope and Application:** Internal aids should clearly outline their scope and application to prevent misuse or misinterpretation. Legal drafters should consider the intended purpose of each aid and its relevance to different sections or provisions.
- 5. Cross-Referencing:** Effective cross-referencing between internal aids and related provisions can enhance clarity and facilitate interpretation. Clear citations and cross-references help readers navigate the document and understand the relationships between different components.
- 6. Accessibility and Availability:** Internal aids should be readily accessible to those interpreting the document, whether they are judges, lawyers, or other stakeholders. This may involve providing comprehensive tables of contents, indices, or appendices containing relevant aids.
- 7. Revision and Updates:** Regular review and updates of internal aids are essential to ensure they remain accurate and reflect any changes in legal interpretation or context. Outdated or inaccurate aids can lead to misinterpretation and legal disputes.
- 8. Training and Education:** Providing training and guidance on the use of internal aids can help improve consistency and accuracy in interpretation. Legal professionals should be familiar with the purpose and application of different aids within the framework they are interpreting.

By addressing these challenges, legal drafters and interpreters can enhance the effectiveness of internal aids and promote clearer, more consistent interpretation of legal documents.

CONCLUSION

It could be concluded from the aids provided that the internal aids are important for the interpretation of the statutes, the statutes especially the meaning of the clauses or the sections drafted by the lawmakers seems to have a specific meaning and importance to each of the provisions within the statutes. It is important for the legal persons as well as for the individuals to understand a particular provision if, in need, it cannot be unknowingly questioned before any authority. It is important to understand the structure or the nature of the provisions. The aids help in interpreting the provisions of the statutes in a systematic form. The research highlighted the aids along the cases concerning the same.

Internal aids to interpretation serve as indispensable tools for unravelling the complexities of legal texts. By scrutinizing linguistic, contextual, and structural elements, interpreters discern legislative intent, clarify ambiguities, and uphold the rule of law. Through scholarly exploration and pragmatic application, internal aids guide legal practitioners and policymakers, ensuring fidelity to legislative intent and fostering a just and transparent legal system.