

Note: The question paper shall have Parts 'A' and 'B'. In part 'A' there shall be one compulsory question based on objective or short answer type questions carrying 25 marks and covering the entire course. In part 'B', two questions of 125 marks each shall be asked from every unit asking the candidates to attempt one question from each unit.

Interpretation of Statues forms an important component of course content in Law teaching. It is very important to interpret the statute. The object of all interpretation of statutes is to determine what intention is conveyed, either expressly or implied by the language used. And the duty of the Court in administering Statute Law is two fold:

- (i) to discover the facts of the case and then
- (ii) to discover how the legislature intends him to act in such circumstances. The legislature could not foresee all the cases and makes its intention clear so as to make it applicable to all of them. Here, the question arises-should the judge in such cases confine himself within the four corners of the Act or travel beyond and modify the meaning of the word where an apparent absurdity, hardship or injustice will be caused by applying the literal meaning of law?

UNIT-I

Introduction: Under Unit I, two topics have been covered. Meaning of Interpretation and need for Interpretation. The definition of Interpretation given by Salmond, Gray & Cross etc.

UNIT – II

Different parts of a Statute: Under this Unit, what is Statute & Different parts of a statute is to be discussed i.e. Short title, Long title, Preamble, Marginal notes, Heading of a group of sections, definition of interpretation clauses, Provisos, Illustrations, exceptions & saving clauses, explanations, schedules & Punctuations.

UNIT-III Rules of Interpretation:

- a) Literal Rule b) Golden Rule c) Mischief Rule

There are certain fixed principles and rules upon which judges proceed for interpreting a statute. These rules and principles came into being through various sources in a course of time. Many of them are based on maxims of Roman Law; some of them reflect the Natural Law, some are laid down by Courts in their decisions and some are the creations of eminent jurists like Maxwell. Some of them are following:-

1. The Literal Rule or Grammatical Construction
2. The Golden Rule
3. The Mischief Rules

Literal Rule:-The first principle of interpretation is the literal or grammatical interpretation which means that the words of an enactment are to be given their ordinary and natural meaning, and if such meaning is clear and unambiguous, effect should be given to a provision of a statute irrespective of the consequences:

CASES:

- 1 Maqbool Hussain V. State of Bombay AIR 1953 SC 325
- 2 S.A. Venkataraman V. U.O.I. AIR 1954 SC 375
- 3 Shriram V. State of Maharashtra AIR 1961 SC 674
- 4 Ranjit Udeshi V. State of Maharashtra AIR 1965 SC 881
- 5 Municipal Board V. State Transport Authority, Rajasthan AIR 1965 SC 458
- 6 Ramji V. State of Bihar AIR 1963 SC 1088
- 7 M/S Motipur Zamindary Co. Pvt. Ltd. V. State of Bihar AIR 1962 SC 860
- 8 Ramavatar Buddaiprasad etc. V. Asstt. S.T. Officer, Akola AIR 1961 SC 1325
- 9 M.V. Joshi V.M.U. Shimpi AIR 1961 SC 1494
- 10 The Queen V, Charles Arthur Hill Heaten Ellis (1844) 6Q.B. 499

The Golden Rule or Modifying Rule

The so called “Golden Rule “ is really a modification of the literal rule. The purpose & meaning of the “Golden Rule” was made clear by Parke B in the case of Black V. Smith.

CASES:

1. Workmen of Dmakuch Tea Estate V. Mgt. AIR 1958 SC 353
2. Uttar Pradesh Bhoodan Yagna Samiti V. Brij Kishore AIR 1988 SC 2239
3. Ramji Misser V. State of Bihar AIR 1963 SC 1088
4. Karnail Singh V. Moinder Kaur AIR 2003 P & H 135
5. State of U.P. V. Synthetics & Chemical Limited AIR 1980 SC 614
6. Lee V. Knapp (1967) 2 Q.B. 442
7. Annapurna Biscuit Manufacturing Co. V. Commissioner of Sales Tax U.P. AIR 1981 SC 1656
8. Nokes V. Doncaster Amalgamated Collieries (1940) AC 1014

Mischief Rule or Heydon’s Case or Purposive Construction

Statutes are meant to implement some policy to curb some public evil or to give benefit to a person or class of persons either in present or in future. The Mischief rule of Interpretation originated in Heyden’s case in 1584. Mischief Rule can be applied while interpreting a statute only when the language of the enactment is capable of two

or more constructions. In such a case it becomes important to consider the mischief & defect which the Act purports to remedy & correct. However, if the language of the enactment is clear the courts can go no further than to give plain meaning to the words.

CASES:

1. Kannailal V. Parammidhi AIR 1957 SC 907
2. Glaxo Laboratories V. Presiding Officer AIR 1984 SC 505
3. Bengal Immunity Company V. State of Bihar AIR 1955 SC 661
4. Smith V. Hughes (1960) I WLR 830
5. Kanwar Singh V. Delhi AIR 1965 SC 871
6. Ranjit Udeshi V. State of Maharashtra AIR 1965 SC 881
7. R.M.D. Chamarbangwalla V. U.O.I. AIR 1957 SC 628
8. Commissioner of Income Tax V. Smt. Sadra Devi AIR 1957 SC 832.
9. Alamgir V. State of Bihar AIR 1959 SC 436
10. Pyarelal V. Mahandeo Ramachandra AIR 1974 SC 228

UNIT-IV

External & Internal Aids of Construction

External Aids to construction will cover Parliamentary History of the Legislation, Reports of the Committees, Statement of Objects & Reason, Previous Statutes, subsequent statutes, Judicial Interpretations, Foreign Law & decisions, Dictionary & Law Books.

Internal Aid to constructions will cover Preamble, title, heading, Marginal Note, Definition, Proviso, Illustrations, Exceptions & saving clause, explanations, schedules, punctuations & brackets.

BOOKS REFERRED:

- 1 Interpretation of Statutes by T. Bhattacharya.
- 2 Interpretation of Statutes by Vepa P. Sarathi
- 3 Interpretation of Statutes by G.P. Singh
- 4 Interpretation of Statutes by Maxwell
- 5 Interpretation of Statutes by A.B. Kafaltiya

FURTHER READING:

- 1 Craies on Interpretation
- 2 Crawford on Interpretation.

