

All About Interpretation of Statutes

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CONCEPT OF INTERPRETATION OF STATUTES.

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

The term ‘Interpretation’ is derived from Latin term ‘*interpretari*’ which means to explain or to understand or translate. Interpretation is a process through which one ascertains the true and correct intention of the law making bodies as is laid in the form of statutes.

As the administration of justice is conducted by the judges in accordance with the provisions of law, therefore it requires that there are certain rules of interpretation to ensure that just and uniform decisions are delivered by them. The most important objective that is achieved by the interpretation of statutes is that it ensures that the court act according to the intent of the legislature.

Salmond defines interpretation as “*Interpretation or construction is the process by which the courts seek to ascertain the meaning of legislation through the medium of the authoritative form in which it is expressed.*”

Interpretation is the primary function of the judges. There are three wings of a Government: Legislature, Executive and Judiciary. It is the legislature which lays down the laws but it is judiciary which puts the law into operation or in use. There arises need for the judges to ascertain the correct meaning of the law laid by the legislature.

The courts are expected not to act arbitrarily and consequently they are to follow the rules of interpretation. It is basically finding out the true sense of any form of words that is the sense the author intended to convey, and of enabling others to derive from them the same idea which the author intended to convey.

KINDS OF INTERPRETATIONS.

THE LITERAL OR GRAMMATICAL INTERPRETATION

According to this rule, the words are given their ordinary and natural meaning and if the meaning of such words is clear they should be given effect to whatever is their consequence. So, the ordinary, natural popular or literal meaning of the words has to be taken into consideration. It is the general rule of interpretation that judges are not at liberty to add to or to take away from the letters of law. They have to be limited to the language of the law. Courts cannot read anything into statutory provision which is plain and unambiguous.¹

In the case of *Lalita Kumari v. Government of Uttar Pradesh*², the main question was the interpretation of Section 154 of the Code of Criminal Procedure. The court held that use of word “shall” leaves no discretion to police officer to hold preliminary enquiry before recording an FIR. Use of the expression “information” without any qualification also denotes that police has to record information despite he being unsatisfied by its reasonableness. So here, the court interpreted the literal meaning of the words used.

In *Keshavnanda Bharti v. State of Kerala*,³ it was held that a word gets its ‘colour’ in the context in which it is used. The word gathers its meaning not only in the context that it has been used but from the words used in similar conditions.

THE MISCHIEF RULE

This rule of interpretation was laid down in the case of Heydon’s Case⁴, in which it was held four things are to be considered:-

- (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 commonwealth
- (4) The true reason of the remedy.

¹ Union of India v. Braj Nandan Singh, AIR 2005 SC 4403

² AIR 2014 SC 184

³ (1973) 4 SCC 225

⁴ (1854) EWHC Exch J36

This principle is used by the courts to interpret the intention of the legislators. This aims at finding the mischief and defect in the statute and then providing for remedy for the same. The main advantage of this rule is that it closes the loopholes in the law and helps to develop the law. This rule allows the judges to change the meaning of the law with the view to ensure administration of justice. This rule gives most discretion to the judges and is suited to the ambiguous cases.

In the case of *Bengal Immunity Company v. State of Bihar*⁵, the mischief rule was applied to the construction of Article 286 of the Constitution of India, observing that it was to cure the mischief of multiple taxation and to preserve the free flow of the inter-state trade or commerce in the Union of India regarded as one economic unit without any provincial barrier that the Constitution makers adopted Article 286 in the Constitution.

THE GOLDEN RULE

This rule is the modification of the principle of grammatical interpretation. According to this rule, ordinarily the words used in the statute should be given their natural meaning but if it leads to inconvenience, hardship or injustice, the courts must modify the meaning to such an extent so as to remove such inconvenience or injustice. So as this rule solves all problems this is known as Golden Rule. This rule is based on the assumption that the legislature does not intend certain objects and any construction leading to any of such objects deserves to be rejected.

In the case of *Uttar Pradesh Bhoodan Yagna Samiti v. Brij Kishore*⁶, the supreme court held that the expression “landless person” used in section 14 of U.P. Bhoodan Brij Kishore, the supreme court held that the expression “landless person” used in Section 14 of U.P. Bhoodan Yagna Act, 1953 which made provision for grant of land to persons, was limited to “landless laborers”. A landless labour is he who is engaged in agriculture but having no agricultural land. The Court further said that “any landless person” did not include a landless businessman residing in a city. The object of the Act was to implement the Bhoodan movement, which aimed at distribution of land to landless labors who were verged in agriculture. A businessman though landless cannot claim the benefit of the Act.

⁵ AIR 1995 SC 661

⁶ AIR 1981 SC 1656

HARMONIOUS CONSTRUCTION

This rule of interpretation is adopted in those cases where arises a conflict between two or more statutes or between the two provisions of the same statute. The rule follows the principle that every statute has some purpose for which it is enacted, so it should be read as a whole. So the enactment which makes the enactment a consistent whole should be the aim of the courts and a construction which avoids inconsistency should be adopted.

In *T.M.A. Pai Foundation v. State of Karnataka* , while interpreting Articles 29 and 30 of the Constitution the Supreme court observed that when constitutional provisions are interpreted, it has to be borne in mind that the interpretation should be such as to further in corporation. They cannot be read in isolation and have to be read harmoniously to provide meaning and purpose. They cannot be interpreted in a manner that renders another provision redundant. If necessary, a purposive and harmonious interpretation should be given.

The Supreme Court laid down following rules of harmonious construction in the case of *CIT v. Hindustan Bulk Carriers*⁷:-

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 efforts, is unable to find a way to reconcile their differences. When it is impossible to completely reconcile the differences in contradictory provisions, the courts must interpret them in such as way so that effects is given to both the provisions as much as possible.
3. Courts must also keep in mind that interpretation that reduces one provision to a useless number or dead is not harmonious construction.

⁷ AIR 2002 SC 3491

In *M.S.M. Sharma v. Krishna Sinha*⁸, the petitioner, an editor of a newspaper, was asked to show cause as to why should he not be punished for a breach or privilege of the House guaranteed by Article 194 (3) of the Constitution for publishing a speech made in the state Legislative Assembly without expunging certain remarks as directed by the Speaker.

In a petition under Article 32 of the Constitution, he argued that the proposed action against him would be contrary to the freedom of speech and expression guaranteed by Article 19(1)(a) of the Constitution. The Supreme Court held that expediency demanded that Articles 19(1) (a) and 194 (3) had to be harmoniously interpreted. To give effect to both these provisions, it was necessary to hold that fundamental right of freedom of speech and expression under Article 19(1) (a) was subject to the privileges of houses guaranteed by Article 194(3). The petition was, therefore, dismissed.

BENEFICIAL CONSTRUCTION

A beneficial statute confers benefit on individuals if any provision is ambiguous so that is capable of two meanings, one of which would preserve the benefit and another which would take it away, the meaning which preserves it should be adopted. The basis of this rule is that the courts should be generous towards the persons on whom benefits has been conferred by the statute. It involves giving widest meaning to statute. The different kind of legislations which receive beneficial construction are The Factories Act, Industrial Disputes Act, Consumer Protection Act, Juvenile Justice Act and various socio economic legislations.

The following cases illustrate the use of beneficial construction:-

In case of *Hindustan Level Ltd v Ashok Vishnu Kate*⁹, the court held that in a case related to prevention of unfair labor practice, during interpreting social welfare legislation, a construction should be placed on the relevant provisions which further the purpose for which such legislation was enacted.

⁸ AIR 1959 SC 395

⁹ (1995) SCC 1385

The Supreme Court held in the case of *Spring Meadows Hospital v. H. Ahluwalia*¹⁰, that if the parents have hired the services of a hospital for the benefit of their child they and the child can maintain independent actions against the hospital for deficient services.

In *Noor Saba Khatoon v. Mohammad Quasium*¹¹, the Supreme Court held that the rights of maintenance of children below two years of age and the mother under Section 125 of the Code of Criminal procedure, 1973 are independent of each other and any subsequent legislation like the Muslim Women (Protection of rights on Divorce) Act, 1986 could not affect the same in absence of clear provision to the effect.

CONCLUSION

Everyday working of the courts involves interpretation of statutes because it is the duty of the judiciary to act according to the true intention of the legislature. So statutes are to be interpreted to enforce the law and also to avoid miscarriage of justice. But if any interpretation results in injustice, hardship, inconvenience it should be avoided and the one which supports the justice should be adopted. Different rules have been developed to provide the framework for the interpretation and it is the discretion of the judges to apply the best fitting rule in the case.

¹⁰ AIR 1998 SC 237

¹¹ AIR 1997 SC 3883

