

Course Name- LL.B 6<sup>th</sup> sem  
Subject- Interpretation of Statute  
Teacher – Neeru Mangla  
Concept – Eiusdem Generis, Noscitur a sociis  
(NAS)

# Construction Ejusdem Generis

- Means of the same kind.
- 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 distinct category, the general word may be given a restricted meaning of the same category.

- Drafters commonly use a series of terms followed by a general phrase intended as a catch all.
- Courts construe that catch all phrase as restricted to cases that share common characteristics with the specific terms to which it is linked.
- The basis of the principle of Eiusdem Generis is that if the legislature intended general words to be used in unrestricted sense, it would not have bothered to use particular words at all

# R. v. Edmundson (1859) 28 L.J.M.C. 213

- It was stated by Lord Campbell "Where there were general words following particular and specific words, the general words must be confined to things of the same kind as those specified." By applying this rule the presumed intention of the Legislature is used to restrict the ambit of wide and general expressions. And therefore the ejusdem generis rule is applied when
  - (a) the statute contains an enumeration of specific words
  - (b) the general term follows the enumeration
  - (c) there is no indication of a different legislative intent.
  - (d) the subjects of the enumeration constitute a class or category
  - (e) that class or category is not exhausted by the enumeration.

- Eg. In an Act dealing with the slaughter of animals for food for human consumption, the expression “cows, goats, sheep and other animals” Whether the following animals are cover under the above expression: 1. Cats and Dogs 2. Poultry 3. Wild animals 4. Horse flesh

- It does not extend to cats or dogs, as these are not commonly eaten, or to poultry, as these do not have the same physical characteristics as those listed, or to wild animals that are hunted for their meat. But in places where horse flesh is used for human food, it may be construed to cover horses

- Which of the following foods the Act covers?  
Burger Toast Candy
- 8. • The ejusdem generis rule requires you to interpret the general words of the same kind as the specific words. • So all the specific words (bacon, sausage, fried eggs) are breakfast related words....because its not common to have a burger or candy for breakfast, those items are not covered by this act. ✓

# Powell v Kempton Park Racecourse Co (1899)

Facts • The Betting Act 1853 made it an offence to keep a house, office, room or other place for the purposes of betting. • The House of Lords had to decide if the statute applied to Tattersall's enclosure at Kempton Park Racecourse.

Held: The court applied the *eiusdem generis* rule and held that the other items mentioned in the statute related to places indoors whereas Tattersall's enclosure was outside. There was thus no offence committed

**Noscitur a sociis (NAS)**

# Noscitur a sociis (NAS)

- Know from association
- A word will be interpreted in the context of surrounding words.
- A word is known by the company it keeps.  
The meaning of a word or phrase is to be derived from its context

- A word or phrase can be read on its own as it stands. However, the maxim *noscitur a sociis* (something is known by its associates) proposes another possible meaning. Words and phrases next to and near the word or phrase in question might indicate a meaning that is not apparent when the word or phrase is viewed on its own. • In the obvious case the neighboring words create an alternative meaning by suggesting that words in question should receive a restricted scope

# Muir v Keay(1874-75) L.R. 10 Q.B. 594

- A particular provision of law says: “all houses, rooms, shops, or buildings, kept open for public refreshment, resort, and entertainment,” during certain hours of the night, are to be deemed refreshment houses and require a licence. Facts: The Appellant's house was called The Café; it was found open during the night, and seventeen females and twenty gentlemen were there, and were supplied with cigars, coffee, and ginger beer, which they consumed.
- On the part of the appellant it was contended, that the premises were not open for any public entertainment in addition to the sale of refreshments, such entertainment being intended to comprise a musical or other public performance; and therefore the appellant had not committed the offence charged.
- Blackburn, J. Opinion I do not think that entertainment need be something in the nature of refreshment. It is rather the correlative of resort—the reception and accommodation of the public who resort to the place • Lush, J. I think entertainment is something connected with the enjoyment of refreshment-rooms, tables, and the like. It is something beyond refreshment; it is the accommodation provided, whether that includes a musical or other amusement or not.
- The court held that “entertainment” did not mean musical entertainment but the reception and accommodation of people, so the defendant was guilty

# Inland Revenue Commissioners v Frere (1964)

- Inland Revenue Commissioners v Frere (1964) • The issue was the correct meaning of the word 'interest'.
- The words of the sections as a whole were looked at which read 'interest, annuities or other annual interest'.
- The court decided that the word 'interest' on its own could have meant any interest paid whether daily, monthly or annually but because of the presence of the words 'other annual interest' in the same section they were clearly of the view that 'interest' meant only annual interest.

# Foster v Diphwys Casson (1887) 18 QBD 428

A statute which stated that explosives taken into a mine must be in a “case or canister”. • The defendant used a cloth bag. • The courts had to consider whether a cloth bag was within the definition.

Held • Under *noscitur a sociis*, it was held that the bag could not have been within the statutory definition, because parliament’s intention was referring to a case or container of the same strength as a canister

- Pardeep Aggarbatti, Ludhiana vs State Of Punjab (AIR 1998 SC 171)
- [16.](#) • The appellant is a registered dealer in 'dhoop' and 'aggarbatti'.
  - The appellant was sought to be made liable to pay sales tax at the rate of 10 paise in a rupee, as was leviable upon items falling under the Entry No.16 of Punjab General Sales Tax Act, 1948. • Entry No.16 read thus; "Cosmetics, perfumery and toilet goods, excluding tooth-paste, tooth-power, kum- kum and soap,"
- [17.](#) • The question was whether "dhoop" or "dhoopbatti" fell within the description of "perfume" thereunder.
- [18.](#) • It was held that perfumery means such articles as used in cosmetics and toilet goods viz, sprays, etc but does not include 'Dhoop' and 'Agarbatti'