

Course Name- LL.B 6th sem
Subject- Interpretation of Statute
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Concept – Internal Aid

Internal Aid

- Internal aids to construction are a part of the statute unlike text books and commentaries which are not a part of the statute.
- Courts may take assistance of various parts of a statute while trying to ascertain the meaning of vague and ambiguous words. Such kind of assistance or help is known as aids construction.

Internal Aids to Construction

Statement of Objects and Reasons

- The statement of objects and reasons accompanying a bill, when introduced in Parliament, can be used for "the limited purpose of understanding the background and the antecedent state of affairs leading up to the legislation." [State of West Bengal v. Union of India (1963)]
- The statement of objects and reasons for introducing a particular piece of legislation cannot be used for interpreting the legislation, if the words used therein are clear enough.[Express Newspaper (P) Ltd. v. Union of India (1958)]
- The statute has to be considered in its entirety. Picking a particular provision and analysing it in a manner contrary to the statement of objects and reasons is neither permissible nor warranted.
- State of Maharashtra v. Marwanjee F. Desai (2002)
Statement of objects and reasons is undoubtedly an aid to construction and a useful guide but the interpretation and the intent shall have to be gathered from the entirety of the statute and when the language of the sections providing an appeal to a forum is clear and categorical, no external aid is permissible in interpretation of the same.

Preamble

- Preamble is accepted as an aid in construing a provision. It is useful in ascertaining the legislative intention. The Preamble briefly indicates the object of the legislation. It discloses the primary purpose of the legislation.

Minerva Talkies v. State of Karnataka (1988)

- If the express provisions of the act are plain and unambiguous, it is always advisable to find out the purpose of the legislation from those provisions, but if the provisions are ambiguous and the courts face the difficulty in deducing the purpose of the act from the express provisions of the act, it is permissible to refer to the Preamble of the act to find out the legislative object and the purpose of the act.

Limitation to the use of the Preamble as an aid

Bhim Singhji v. Union of India (1981)

- Where the language of the act is clear, the Preamble cannot be a guide but where the object or meaning of the provision of the Act is not clear, then an aid from the Preamble can be taken into consideration for the purpose of explaining the provisions of the act
- Preamble of the constitution
- The Supreme Court in the case of **Kesavnanda Bharati vs State of Kerala 1973**, and **Minerva Mills Ltd vs Union of India 1980**, had strongly relied upon the Preamble of the Constitution and had reached the conclusion that the power of amendment conferred by Article 368 was a limited power.

Titles

There are two types of titles- long and short.

Long title is a part of the act and is thus admissible as an aid to construction.

Usually long title precedes the Preamble, e.g. 'An Act Authorise Advocates of the Supreme Court to practice as of right in any High Court.

Short title is not as useful as the long title. In words of Lord Moulton, it is a statutory nickname to obviate the necessity of always referring to the Act under its full and descriptive title.

R. vs Secretary of State for Foreign and Common Wealth Affairs, 1994

Long title as well as short title of an Act is a good aid to its construction and the object, purpose and scope of the act.

Aswini Kumar Ghose vs Arabinda Bose, 1952

S.R. Das J observed, according to earlier English cases, long title of an Act was not considered to be a part of the statute and was, therefore, excluded from consideration in construction but now it is well settled that it is an important part of the Act and is useful and legitimate aid to Construction.

Heading

- A "heading" may be a name, title, caption or nomenclature. They supply a key to the interpretation of clauses ranged under it. They are of two types:
 1. Short headings which are prefixed to sections, and
 2. Long headings which are prefixed to a set or a group of sections.

[Bhinka vs Charan Singh, 1959]

- There are two groups with different opinion regarding headings. One group is of the opinion that unless the wording is inconsistent with the interpretation, a heading is to be regarded as supplying the key to interpretation of clauses arranged under it.
- The section heading constitutes an important part of the Act itself and may be read not only as explaining the provisions of the section, but it also affords a better key to the construction of the provisions of the section which follows, than might be afforded by a mere Preamble. [Eastern Coalfields Limited vs Sanjay Transport Agency, 2009]
- Another group is of the opinion that when the words are ambiguous resort to the headings can be taken.
- A heading or label of a provision is not always the real determining test of its true nature. [Rani Choudhary vs Suraj Jut Chaudhary, 1982]
- But it but it can certainly be referred to as indicating the general drift of the clause and affording a key to a better understanding of its meaning. [Union of India vs Raman Iron Foundry, 1974]
- It prima facie furnishes clues as to the meaning and purpose of the section.
- Thus, there is no unanimity of opinions about the weight age to be attached to the heading.

Marginal Headings or Notes

Headings or notes which are present on one side of the section are called marginal headings or marginal notes.

- This marginal headings or notes were considered useful in the past but now according to majority of views, they cannot be used for construing the section. **[Karnataka Rare Earth vs Deptt. of Mines and Geology, 2004]**
- **Shrimanta Padmaraje R. Kadambande vs CIT, 1992**
- Marginal heading of the section cannot control the meaning of the section when it is clear and unambiguous.
- **Eastern Coalfields Ltd vs Sanjay Transport Agency, 2009**
- The section headings constitute an important part of the Act itself, and may be read not only as explaining the provisions of the section, but it also affords a better key to the construction of the provisions of the section which follows, than might be afforded by a mere Preamble.
- **Sarabjit Rick Singh vs Union of India, 2008**
- Although marginal notes may not be relevant for rendition of decisions in all types of cases, but where the main provision is sought to be interpreted differently, reference to marginal notes would be permissible in law.