

Course Name- LL.B 6<sup>th</sup> sem  
Subject- Interpretation of Statute  
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Concept – General Rules of Interpretation

# GENERAL PRINCIPLES OF INTERPRETATION

## **Introduction:**

The term interpretation means “To give meaning to”. Governmental power has been divided into three wings namely the legislature, the executive and the judiciary. Interpretation of statutes to render justice is the primary function of the judiciary. It is the duty of the Court to interpret the Act and give meaning to each word of the Statute. The most common rule of interpretation is that every part of the statute must be understood in a harmonious manner by reading and construing every part of it together. The maxim “*A Verbis legis non est recedendum*” means that you must not vary the words of the statute while interpreting it. The object of interpretation of statutes is to determine the intention of the legislature conveyed expressly or impliedly in the language used.

In *Santi swarup Sarkar v pradeep kumar sarkar*, the Supreme Court held that if two interpretations are possible of the same statute, the one which validates the statute must be preferred.

# Literal interpretation

- Literal interpretation Giving words their ordinary and natural meaning is known as literal interpretation or *litera legis*. It is the duty of the court not to modify the language of the Act and if such meaning is clear and unambiguous, effect should be given to the provisions of a statute whatever may be the consequence. The idea behind such a principle is that the legislature, being the supreme law making body must know what it intends in the words of the statute. Literal interpretation has been called the safest rule because the legislature's intention can be deduced only from the language through which it has expressed itself. The bare words of the Act must be construed to get the meaning of the statute and one need not probe into the intention of the legislature. The elementary rule of construction is that the language must be construed in its grammatical and literal sense and hence it is termed as *litera legis* or *litera script*.

# Case Laws

- ***R v Harris* (1836) 7 C & P 446**  
The defendant bit off his victim's nose. The statute made it an offence 'to stab cut or wound' the court held that under the literal rule the act of biting did not come within the meaning of stab cut or wound as these words implied an instrument had to be used. Therefore the defendant's conviction was quashed.
- ***Fisher v Bell* [1961] 1 QB 394**  
The defendant had a flick knife displayed in his shop window with a price tag on it. Statute made it a criminal offence to 'offer' such flick knives for sale. His conviction was quashed as goods on display in shops are not 'offers' in the technical sense but an invitation to treat. The court applied the literal rule of statutory interpretation.
- **ICAI Vs PWC (1997)**  
The council of ICAI referred a complaint of professional misconduct to its Disciplinary Committee. The rules provided that if the disciplinary committee reports the respondents as guilty, the council of ICAI could direct a further enquiry. If literal interpretation is adopted, it would mean that council has no power to direct further enquiry in case the DC reports the respondents as non guilty. However, the council of ICAI is a body superior to DC. It is charged with the duty of maintaining discipline amongst its members. Reasonable construction was applied and it was held that council could direct further enquiry even if the disciplinary committee had reported the respondents as non guilty.

# Golden Rule

- The Golden Rule is that the words of a statute must prima facie be given their ordinary meaning. This interpretation is supreme and is called the golden rule of interpretation.

In *Ramanjaya Singh v Baijnath Singh*, the Election tribunal set aside the election of the appellant under s 123(7) of the Representation of People's Act, 1951 on the grounds that the appellant had employed more persons than prescribed for electioneering purpose. The appellant contended that the excess employees were paid by his father and hence were not employed by him.

The golden rule is still referred to by the courts today as a means of modifying stringent application of the literal rule. It was set out by Lord Blackburn in *River Wear Commissioners v, Adamson*. The golden rule, he stated, enabled the courts: "to take the whole statute together, and construe it all together, giving their words their ordinary significance, unless when so applied they produce an inconsistency, or an absurdity or inconvenience so great as to convince the court that the intention could not have been to use them in their ordinary significance, and to justify the court in putting on them some other signification, which, though less proper, is one which the court thinks the words will bear."

### ***R v Allen (1872) LR 1 CCR 367***

The defendant was charged with the offence of bigamy under s.57 of the Offences Against the Person Act 1861. The statute states 'whosoever being married shall marry any other person during the lifetime of the former husband or wife is guilty of an offence'. Under a literal interpretation of this section the offence would be impossible to commit since civil law will not recognise a second marriage any attempt to marry in such circumstances would not be recognised as a valid marriage.

Held:

The court applied the golden rule and held that the word 'marry' should be interpreted as 'to go through a marriage ceremony'. The defendant's conviction was upheld.

### ***London and North Eastern Railway v Berriman [1946] AC 278***

A railway worker was killed whilst oiling the track. No look out man had been provided. A statute provided compensation payable on death for those 'relaying or repairing' the track. Under the literal rule oiling did not come into either of these categories. This result although very harsh could not be said to be absurd so the golden rule could not be applied. There was no ambiguity in the words therefore the mischief rule could not be applied. Unfortunately the widow was entitled to nothing.

### ***Municipal board v State transport authority, Rajasthan,***

an application against the change of location of a bus stand could be made within 30 days of receipt of order of regional transport authority according to s 64 A of the Motor vehicles Act, 1939. The application was moved after 30 days on the contention that statute must be read as "30 days from the knowledge of the order"

- ***In Bhavnagar University v Palitana Sugar Mills Pvt Ltd,***

it was held that according to the fundamental principles of construction the statute should be read as a whole, then chapter by chapter, section by section and then word by word

**THANK YOU**