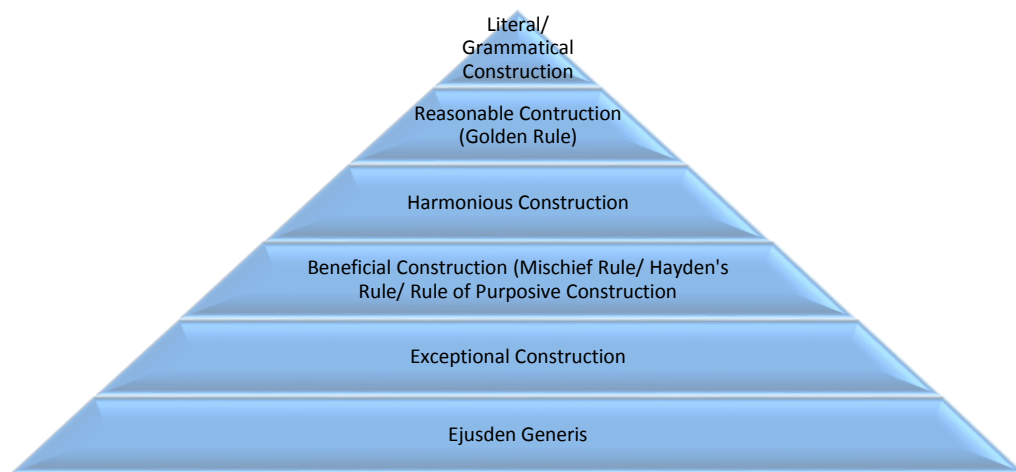
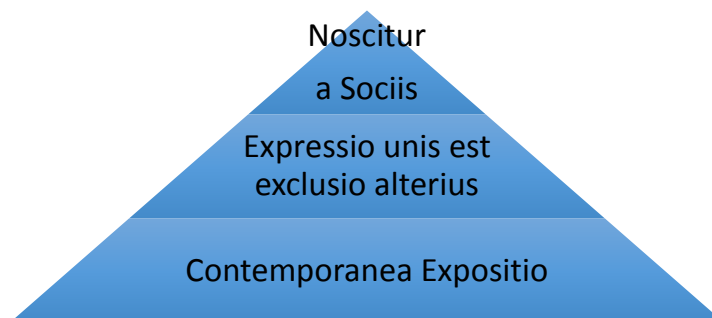


Interpretation of Statutes

1. **Meaning**: to identify the EXPRESS/ IMPLIED intention conveyed by statute so as to determine, if the facts of particular case falls within it or not.
2. **Aspects**:
 - a. Discover the facts of the situation;
 - b. Application of law by determining TRUE INTENTION of law.
3. **Rules of Interpretation**:
 - a. **Primary Rules**: to be used in first instance (i.e., used on priority). Use in order (top to bottom)



- b. **Secondary Rules**: used in conjunction to primary rules. Also where the primary rules don't provide clear interpretation.



4. Literal/ Grammatical Construction:

- Give plain and natural meaning to the statute.
- Rule requires that words must be given ordinary meaning unless the technical words which should be given technical meaning. Language must be grammatical.
- Clear words → no interpretation required.
- Each word of provision is equally important and be read
- Unless something is deliberately missing in provision, no words should be added
- Missing things cannot be added
- Irregularities in provision should not be rectified
- External/ External aid should not be taken
- Limitations:
 - a. Very limited use when words have single standard meaning
 - b. Cannot be used when same word has two different ordinary meanings
 - c. Intent of law is not emphasized
 - d. It is presumed that while expressing draftsman will not err
 - e. Carries risk of interpretation intended by draftsman and not legislature.

5. Reasonable/ Logical Construction:

- Statue must be give logical meaning which must be FAIR, SENSIBLE and RATIONAL.
- Meaning must be as per intention of statute seen in light of circumstances necessitating it.
- Limitations:
 - a. It leaves too much in hands of interpreter to interpret.
 - b. Interpretation varies person to person.

6. Harmonious Construction:

- Applies when there is CONFLICT between two statutes or two provisions of same statute so that both the statutes/ provisions can operate in harmony.
- It is reconciliatory rule.

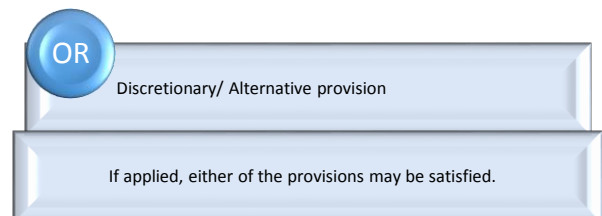
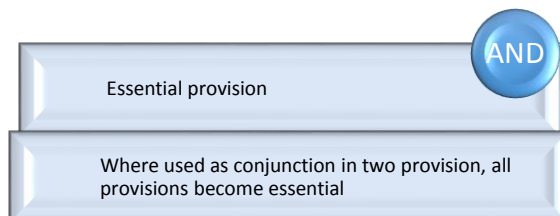
- Over-riding principles cannot be harmonized as provision is simply exception to main provision.

7. Mischief/ Hayden's Rule/ Purposive Construction:

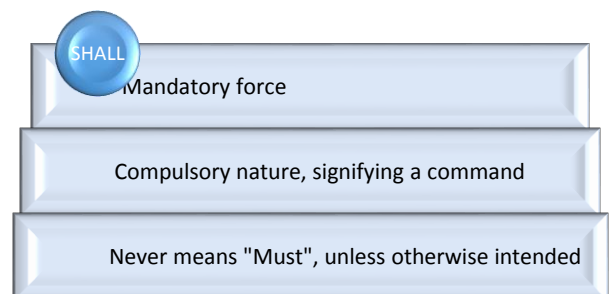
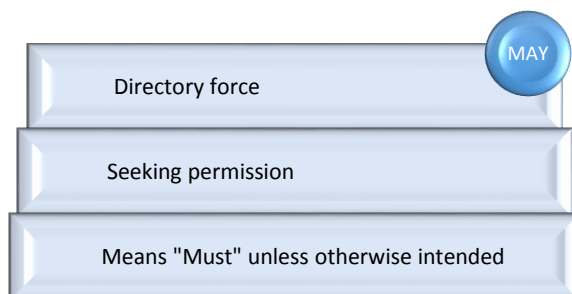
- Intention of legislature behind an enactment of law should be adhered to
- One can defeat the mischievous meaning and adopt the meaning that suits best to the intention of legislature
- Analysis required (of whole law and not just the provision under consideration) as to what legislature would have actually intended while drafting law.
- This rule shall not apply where the words are clear.
- No application in financial and taxation laws.

8. Exceptional Construction:

- Absurd words should be interpreted differently (other than what they mean as per dictionary) or be avoided (where their usage shall make provision absurd).
- Example- And/ Or



- Example- May/ shall



- Must → means a command → demands a positive action unless suffixed by "NOT".

9. **Ejusdem Generis:**

- Means of same SPECIES/ CLASS
- General words used after the specific words in construction.
- Example- Keeping dogs, cats, cows and "other animals". Thus, here other animals means domestic animals and not wild animals.

10. **Noscitur a sociis:**

- When two/ more words having same meaning are used together in provision must be understood in same sense what they mean. Ex- Pet dog shall not be understood as wild dog.

11. **Expressio unis est exclusio alterius:**

- One expression excludes the possibility of happening of other event.
- In case of two mutually exclusive expressions, happening of one event shall exclude the possibility of happening of other.

12. **Contemporanea exposition:**

- Largely acceptable interpretation given to provisions of existing legislation would be contemporaneous. It shall apply to the set of facts as well.
- It shall not apply to new statute or where irrelevant to new set of facts.

13. **Intrinsic Aids:** Assistance from various portions of statutes.

- Title
- Headings (Chapter/ Section heading- not part of statutes, but given for matter of convenience)
- Preamble
- Objects and Reasons
- Definitions
- Illustrations
- Proviso
- Explanations
- Schedules

- Marginal Notes (not part of Act)

14. **Extrinsic Aids**: Tools outside the legislation.

- History
- Socio-economic-political environment
- Reference to other statutes
- Dictionary
- Parliamentary debates.