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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

INTERPRETATION OF STATUTES AND RULES OF INTERPRETATION

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Abstract:

This work is an analysis of the ambiguity, uncertainty, incompleteness, and ambiguous words that arise when interpreting the legal language and understanding the intention of the legislator. This article is mostly about rules of interpretation. It explains with various examples and jurisprudence how sometimes the language used confuses the law, and to avoid such ambiguity, it talks about how the literal rule and the golden rule of interpretation help to correctly interpret the law and thereby avoid errors in judgement. . It shows how judges have the right to interpret the law by giving it a clear and precise meaning that shows the clear intention of the parliament when it exercises its powers in making a decision.

Keywords: Literal Rule, Golden Rule, Ambiguity, Plain meaning, Reasonable meaning, Interpretation.

Introduction:

One of the most and important functions of the judiciary is the interpretation of existing rules or law. When courts render justice in disputes, they strictly adhere to the limits set by the legal framework, which includes specific statutes, statutes, constitutions and delegated acts. The legal framework of a democratic country like India contains a number of laws and regulations. The Parliament makes and draws up certain written statutes and regulations in accordance with the Standing Orders of the Parliament. Courts ensure justice in legal matters by interpreting the basic principles of these laws. Courts confirm written laws, and courts administer justice by pronouncing judgments in litigation. In order to interpret the stamps and avoid misinterpretation of the laws, the court should follow certain rules in forming those laws. Thus, one of the basic rules of interpretation is the literal rule of legal interpretation, where the court interprets the wording of the statute as it is. However, there may be

loopholes in the law that prevent a straightforward understanding of the statutory wording from being interpreted. This can create ambiguity and absurdity when courts interpret the natural meaning of statutory language.

Interpretation meaning:

The term is derived from the Latin word "interpretari" which means to explain, explain, understand or translate. Interpretation is the process of interpreting, explaining and translating any text or other written form. Essentially this means finding out the true meaning of the language used in the statute. Many of the sources used are limited to only examining the written text and explaining what exactly is expressed in the words or rules of the written text. Interpretation of the rules is the correct understanding of the law. Courts typically use this process to determine the exact intent of the legislature. Because the purpose of the court is not only to read the law, but also to apply it meaningfully on a case-by-case basis. It is also used to find out the real meaning of any law or document in the real intention of the legislator.

Difference between Interpretation and Construction:

Interpretation:

Legally, interpretation means discovering the true meaning of the provisions of the rules and understanding the exact meaning of the words used in any text.

Interpretation refers to the linguistic meaning of the legal text.

In the event that the clear meaning of the text is to be adopted, one refers to the concept of interpretation.

Construction:

Construction, on the other hand, refers to drawing conclusions based on written texts that go beyond the direct expression of the legal text.

The purpose of construction is to determine the legal effect of the words and written text of a statute.

If the literal meaning of the legal text creates ambiguity, the concept of construction is used.

Classification of Statutes:

Codifying statutes

The purpose of this type of statute is to provide an authoritative account of the legal rules in a particular common law. For example - Hindu Marriage Act, 1955 and Hindu Succession Act, 1956.

Consolidating statutes

Such a law covers and unites in one place all the laws on a particular subject which were separated and lying in different places. Here, all the law is collected in one place. For example - Indian Penal Code or Criminal Procedure Code.

Declaratory statutes

Such regulation removes doubts, clarifies and improves the law based on the interpretation given by the court, which may not suit the Parliament. For example, in the Income Tax Act of 1985, the definition of real estate was changed by the decision of the Supreme Court.

Remedial statutes

Enabling new legal means to exercise one's rights can be done through remedial actions. The purpose of such regulations is to promote the general welfare in order to realize social reforms through the system. These rules have a liberal interpretation, so they are not strictly interpreted. For example - Maternity Relief Act, 1961, Workmen's Compensation Act, 1923 etc.

Enabling statutes

The purpose of this statute is to extend certain common law. For example, the Land Acquisition Act allows the government to acquire public property for public use, which is otherwise not allowed.

Disabling statutes

This is the opposite of what is stated in the authorization rule. This is where common law rights are limited and restricted. Rules on punishment These rules prescribe different types of crimes and these rules must be strictly followed. For example Indian Penal Code, 1860.

Taxing statutes

Tax is a form of income paid to the government. It can be either from income earned by an individual or from any other transaction. Thus, the tax law covers taxes on all such transactions. It can be income tax, property tax, sales tax, gift tax, etc. Therefore, tax can be collected only if it is specifically stipulated and foreseen in the law.

Explanatory statutes

The term clarification itself indicates that this type of action clarifies the law and corrects gaps left in earlier enactments of the law. In addition, ambiguities in the text based on previous rules are clarified and changed.

Amending statutes

Provisions which amend the provisions of an Act amending the original Act to improve it and give effective effect to the provisions for which the original Act was enacted are called Amending Ordinances. For example - the Criminal Procedure Act 1973 amended the 1898 Act.

Repealing statutes

A repealing law is a law that puts an end to an earlier law and can be done by the express or implied terms of the law. For example, the Competition Act 2002 repealed the MRTP Act. Curative or repealing statutes These rules validate certain otherwise illegal actions, correcting the illegality, and enable certain activity.

Need for Rules of Interpretation of Statutes

Interpretation of regulations is central to the legal system because it ensures consistency, predictability and justice in the application of the law. It helps establish legal precedents and principles that will guide future cases and explains to individuals, businesses and authorities their rights, duties and responsibilities under the law.

Principles of Interpretation of Statutes:

Courts have a key role in interpreting statutes and giving them meaning in a way that makes them useful in practice. But the courts cannot arbitrarily interpret the rules because that would prevent equal justice. To ensure consistency, the court developed principles of interpretation of the law, which were used by the courts on several occasions.

The rules for interpretation are the literal rule, the Mischief rule, the golden rule and the harmonious construction rule.

1. The Literal rule of Interpretation:

The fundamental rule of interpretation is to assign words their original meaning. This rule states that provisions must be examined in their literal sense and judges and court cannot go beyond the actual meaning. Should not change words if they are able to interpret.

It is also known as Plain meaning rule or Gramatical rule.

In case of Tata consultancy services vs State of AP:

In this case, it is said that the following conditions must be met in order to understand the rule of literal interpretation:

A rule must have a meaning and definitions section

Words may not be included indirectly

It is important to understand that words get their meaning from their context.

Criticism:

A single word can have multiple meanings depending on the context in which it is used.

This rule makes the rule of interpretation inflexible in its purest form.

Mischief rule of interpretation:

The term Mischief mean any harm or injury

This rule originated in Heydon's case:

Four questions required to be asked before interpretation:

1. Common law before making the act
2. What was Mischief and defect for which common law did not provide.
3. What remedy was made by parliament.
4. True reason for remedy.

[Smith v. Huges](#), 1960 WLR 830,

Around the 1960s, prostitutes begged on the streets of London and this created a huge problem in London. This created a serious problem in maintaining law and order. To prevent this problem, the Street Crimes Act 1959 was introduced. After that law came into force, prostitutes began to offer from windows and balconies. In addition, prostitutes who begged from the street and balcony were accused based on paragraph 1 of the aforementioned law. But the prostitutes claimed that they were not invited from the street. The court found that even if they did not search on the street, the vandalism law must be applied to prevent the solicitation of prostitutes and is investigating the matter. Thus, applying this rule, the court took the position that windows and balconies were considered extensions of the word street and the form of payment was correct.

[Pyare Lal v. Ram Chandra](#)

The defendant in this case was prosecuted for selling supari sweetened with artificial sweetener. He was charged under the Food Adulteration Act. Pyare Lal argued that supari is not food. The court said that the dictionary meaning is not always the correct meaning, so that the abuse rule must be applied and a correct interpretation must be considered. Therefore, the court said that the word "food" is orally and orally edible. His accusation was therefore considered valid.

The Golden rule of interpretation:

This is known as the Golden Rule because it solves all interpretation problems. The rule says that initially we proceed from the literal rule, but if the interpretation given by the literal rule leads to any or all ambiguity, unfairness, inconvenience, difficulty, unfairness, then the literal meaning must be set aside in all such cases. and the interpretation must be so as to fulfill the purpose of the law. The literal rule follows the concept of interpreting the natural meaning of the words used in the law. But if the interpretation of the natural meaning results in the desired unpleasantness, absurdity or difficulty, the court must modify the meaning according to the extent of the injustice or absurdity caused, and no longer prevent the consequence. This rule suggests that the consequences and effects of interpretation deserve much greater weight because they are clues to the true meaning and intention of the words used by the parliament. Sometimes the interpretation made in applying this rule may be against the literal rule, but this is justified because of the Golden Rule. Here, it is assumed that the legislator has no specific intentions. Thus, all such interpretations leading to unwanted artifacts are rejected.

[State of Punjab v. Quiser Jehan Begum](#)

A period of limitation was imposed under section 18 of the Land Acquisition Act 1844, which requires an appeal to be lodged against the publication of a decision within six months of the notice of compensation. The award was given on behalf of Quiser Jehan. The lawyer announced to him six months. The appeal was filed after the six-month deadline. The lower courts dismissed the appeal. The court considered that the six-month period begins to be counted from the moment Quiser Jehan received the information, because the interpretation led to an absurdity. The court accepted the appeal following the golden rule.

Harmonious Construction:

According to this rule of interpretation, if two or more provisions of the same law are repugnant to each other, the court in such a situation tries to interpret the provisions in such a way as to give them effect. maintaining harmony between the two. The question of whether two provisions of the same law are overlapping or exclusive can be difficult to determine. The parliament explains its intention by the words used in the provision of the law. Here, the basic principle of harmonious construction is that the legislature could not have sought to contradict itself. In cases of constitutional interpretation,

the rule of harmonious construction is repeatedly applied. It can be assumed that if the parliament intended to give something with one hand, it does not intend to take it away with the other hand, because both the provisions were framed by the parliament and took the force of the same law. One provision of the same Act cannot override another provision. Therefore, the legislator cannot be expected to contradict himself in any case.

Cases –

Ishwari Khaitan Sugar Mills v. State of Uttar Pradesh

The state government proposed to buy the U.P. sugar industry 1971 under the Sugar Undertakings (Acquisition) Act. This was challenged on the ground that the union declared these sugar industries under the Industries (Development and Regulation) Act, 1951. And consequently the State had no power to acquire property under the control of the Union. The Supreme Court said that the Industries (Development and Regulation) Act, 1951 did not contain a power of acquisition. The State had a separate power under Schedule III 42.

Conclusion:

Every nation has its own legal system which aims to provide justice to all. The purpose of the court is to interpret the law so that every citizen is guaranteed the right to all. To ensure justice, the concept of canons of interpretation was explained to everyone. They are rules developed to determine the true intent of the legislature. It is not necessary that the words used in a statute should always be clear, unambiguous and unequivocal, therefore in such cases it is very important that the court should give a clear and expressive meaning to the words or expressions used by the legislature. time to remove all possible doubts. Therefore, all the rules mentioned in the article are important for justice.

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