

# Interpretation of Statutes and its Rules

## Interpretation meaning

The term has been derived from the Latin term '*interpretari*', which means to explain, expound, understand, or to translate. Interpretation is the process of explaining, expounding and translating any text or anything in written form. This basically involves an act of discovering the true meaning of the language which has been used in the statute. Various sources used are only limited to explore the written text and clarify what exactly has been indicated by the words used in the written text or the statutes.

Interpretation of statutes is the **correct understanding of the law**. This process is commonly adopted by the courts for determining the exact intention of the legislature. Because the objective of the court is not only merely to read the law but is also to apply it in a meaningful manner to suit from case to case. It is also used for ascertaining the actual connotation of any Act or document with the actual intention of the legislature.

There can be mischief in the statute which is required to be cured, and this can be done by applying various norms and theories of interpretation which might go against the literal meaning at times. The purpose behind interpretation is to clarify the meaning of the words used in the statutes which might not be that clear.

According to **Salmond**, "**Interpretation**" is the process by which the court seeks to ascertain the meaning of the legislature through the medium of authoritative forms in which it is expressed.

# Construction meaning

In simple words, construction is the process of drawing conclusions of the subjects which are beyond the direct expression of the text. The courts draw findings after analyzing the meaning of the words used in the text or the statutes. This process is known as **legal exposition**. There are a certain set of facts pending before the court and construction is the application of the conclusion of these facts.

The objective is to assist the judicial body in determining the real intention of the legislature. Its aim is also to ascertain the legal effect of the legal text.

## Classification of Statutes

Codified statutory law can be categorized as follows-

### Codifying statutes

The purpose of this kind of statute is to give an authoritative statement of the rules of the law on a particular subject, which is customary laws **For example- The Hindu Marriage Act, 1955 and The Hindu Succession Act, 1956.**

### Consolidating statutes

This kind of statute covers and combines all law on a particular subject at one place which was scattered and lying at different places. Here, the entire law is constituted in one place. **For example- Indian Penal Code or Code of Criminal Procedure.**

## Declaratory statutes

This kind of statute does an act of removing doubts, clarifying and improving the law based on the interpretation given by the court, which might not be suitable from the point of view of the parliament. **For example-** the definition of house property has been amended under the Income Tax (Amendment) Act, 1985 through the judgment of the Supreme Court.

## Remedial statutes

Granting of new remedies for enforcing one's rights can be done through the remedial statutes. The purpose of these kinds of statutes is to promote the general welfare for bringing social reforms through the system. These statutes have liberal interpretation and thus, are not interpreted through strict means. **For example- The Maternity Benefits Act, 1961, The Workmen's Compensation Act, 1923 etc.**

## Enabling statutes

The purpose of this statute is to enlarge a particular common law. **For example-** Land Acquisition Act enables the government to acquire the public property for the purpose of the public, which is otherwise not permissible.

## Disabling statutes

It is the opposite of what is provided under the enabling statute. Here the rights conferred by common law are being cut down and are being restrained.

## Penal statutes

The offences for various types of offences are provided through these statutes, and these provisions have to be imposed strictly. **For example- Indian Penal Code, 1860.**

## Taxing statutes

Tax is a form of revenue which is to be paid to the government. It can either be on income that an individual earns or on any other transaction. A taxing statute thus, levies taxes on all such transactions. There can be income tax, wealth tax, sales tax, gift tax, etc. Therefore, a tax can be levied only when it has been specifically expressed and provided by any statute.

## Explanatory statutes

The term explanatory itself indicates that this type of statute explains the law and rectifies any omission left earlier in the enactment of the statutes. Further, ambiguities in the text are also clarified and checked upon the previous statutes.

## Amending statutes

The statutes which operate to make changes in the provisions of the enactment to change the original law for making an improvement therein and for carrying out the provisions effectively for which the original law was passed are referred to as amending statutes. **For example-** Code of Criminal Procedure 1973 amended the code of 1898.

# Repealing statutes

A repealing statute is one which terminates an earlier statute and may be done in the express or explicit language of the statute. **For example-** Competition Act, 2002 repealed the MRTP Act.

# Curative or repealing statutes

Through these statutes, certain acts which would otherwise be illegal are validated by curing the illegality and enables a particular line of action.

# Rules of Interpretation

## Literal or Grammatical Rule

It is the first rule of interpretation. According to this rule, the words used in this text are to be given or interpreted in their natural or ordinary meaning. After the interpretation, if the meaning is completely clear and unambiguous then the effect shall be given to a provision of a statute regardless of what may be the consequences.

The basic rule is that whatever the intention legislature had while making any provision it has been expressed through words and thus, are to be interpreted according to the rules of grammar. It is the safest rule of interpretation of statutes because the intention of the legislature is deduced from the words and the language used.

According to this rule, the only duty of the court is to give effect if the language of the statute is plain and has no business to look into the consequences which might arise. The

only obligation of the court is to expound the law as it is and if any harsh consequences arise then the remedy for it shall be sought and looked out by the legislature.

### Case Laws

**Maqbool Hussain v. State of Bombay**, In this case, the appellant, a citizen of India after arriving at the airport did not declare that he was carrying gold with him. During his search was carried on, gold was found in his possession as it was against the notification of the government and was confiscated under **section 167(8) of Sea Customs Act**.

Later on, he was also charged under **section 8 of the Foreign Exchange Regulations Act, 1947**. The appellant challenged this trial to be violative under **Article 20(2)** of the Indian Constitution. According to this article, no person shall be punished or prosecuted more than once for the same offence. This is considered as double jeopardy.

It was held by the court that the Seas Act neither a court nor any judicial tribunal. Thus,

The issue in the case was regarding the interpretation of section 3 accordingly, he was not prosecuted earlier. Hence, his trial was held to be valid.

### **Manmohan Das versus Bishan Das, AIR 1967 SC 643**

(1)(c) of U.P Control of Rent and Eviction Act, 1947. In this case, a tenant was liable for evidence if he has made addition and alternate in the building without proper authority and unauthorized perception as materially altered the accommodation or is likely to diminish its value. The appellant stated that only the constitution can be covered, which diminishes the value of the property and the word ‘or’ should be read as land.

It was held that as per the rule of literal interpretation, the word 'or' should be given the meaning that a prudent man understands the grounds of the event are alternative and not combined.

**State of Kerala v. Mathai Verghese and others, 1987 AIR 33 SCR(1) 317,** in this case a person was caught along with the counterfeit currency "dollars" and he was charged under section 120B, 498A, 498C and 420 read with **section 511 and 34 of Indian Penal Code** for possessing counterfeit currency. The accused contended before the court that a charge under section 498A and 498B of Indian Penal Code can only be levied in the case of counterfeiting of Indian currency notes and not in the case of counterfeiting of foreign currency notes. The court held that the word currency notes or bank note cannot be prefixed. The person was held liable to be charge-sheeted.