

# AIDS TO INTERPRETATION

Internal aids mean those aids which are available in the statute itself, The statute generally means the law or the Act of the legislative authority. The general rule of the interpretation is that statutes must prima facie be given this ordinary meaning. If the words are clear, free from ambiguity there is no need to refer to other means of interpretation.

But if the words are vague, ambiguous or conflicting than internal aid may be sought for interpretation. With these internal aids, a reader can understand and construct the true meaning and purpose of the law.

# INTERNAL AIDS TO INTERPRETATION

## INTERNAL AIDS

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# 1. Context

- If the words of a statute are ambiguous then the context must be taken into consideration. The context includes other provisions of the statute, its preamble, the existing state of law and other legal provisions. The intention behind the meaning of the words and the circumstances under which they are framed must be considered

## 2. Title

- The title of an Act is not part of enactment. So it cannot be legally used to restrict the plain meaning of the words in an enactment. Long title. The heading of the statute is the long title and the general purpose is described in it.
- E.g. Prevention of Food Adulteration Act, 1954, the long title reads as follows “An Act to make provisions for the prevention of adulteration of food”.
- In Re Kerala Education Bill, the Supreme Court held that the policy and purpose may be deduced from the long title and the preamble.
- In Manohar Lal v State of Punjab, Long title of the Act is relied as a guide to decide the scope of the Act.

## 3. Short Title

- The short title of the Act is purely for reference only. The short title is merely for convenience. E.g. The Indian Penal Code, 1860.

## 4. Preamble

- The Act Starts with a preamble and is generally small. The main objective and purpose of the Act are found in the Preamble of the Statute. “Preamble is the Act in a nutshell. It is a preparatory statement. It contains the recitals showing the reason for the enactment of the Act. If the language of the Act is clear the preamble must be ignored. The preamble is an intrinsic aid in the interpretation of an ambiguous act.
- In *Kashi Prasad v State*, the court held that even though the preamble cannot be used to defeat the enacting clauses of a statute, it can be treated as a key for the interpretation of the statute.

## 5. Headings

- A group of Sections are given under a heading which acts as their preamble. Sometimes a single section might have a preamble. S.378- 441 of IPC is “Offences against property”. Headings are prefixed to sections. They are treated as preambles. If there is ambiguity in the words of a statute, headings can be referred.
- In *Durga Thathera v Narain Thathera*, the court held that the headings are like a preamble which helps as a key to the mind of the legislature but do not control the substantive section of the enactment.

## 6. Marginal notes

- Marginal notes are the notes that are printed at the side of the section in an Act and it summarizes the effect of the section. They are not part of the statute. So they must not be considered. But if there is any ambiguity they may be referred only as an internal aid to the construction.
- In *Wilkes v Goodwin*, the Court held that the side notes are not part of the Act and hence marginal notes cannot be referred.



## 7. Proviso

- A proviso merely carves out something from the section itself. A proviso is a subsidiary to the main section and has to be construed in the light of the section itself. Ordinarily, a proviso is intended to be part of the section and not an addendum to the main provisions. A proviso should receive strict construction. The court is not entitled to add words to a proviso with a view to enlarge the scope.

## 8. Definition/ Interpretation clause

- The legislature can lay down legal definitions of its own language, if such definitions are embodied in the statute itself, it becomes binding on the courts. When the act itself provides a dictionary for the words used, the court must first look into that dictionary for interpretation.
- In *Mayor of Portsmouth v Smith*, the court observed: “The introduction of interpretation clause is a novelty.”

## 9. Conjunctive and Disjunctive words

- The word “and” is conjunctive and the word “or” is disjunctive. These words are often interchangeable. The word ‘and’ can be read as ‘or’ and ‘or’ can be read as ‘and’.

## 10. Explanations

- IN certain provisions of an Act explanations may be needed when doubts arise as to the meaning of the particular section. Explanations are given at the end of each section and it is part and parcel of the enactment.

## 11. Exceptions and savings clause

- To exempt certain clauses from the preview of the main provisions, an exception clause is provided. The things which are not exempted fall within the purview of the main enactment. The saving clause is also added in cases of repeal and re-enactment of a statute.

## 12. Schedules

- Schedules form part of a statute. They are at the end and contain minute details for working out the provisions of the express enactment.  
The expression in the schedule cannot override the provisions of the express enactment. Inconsistency between schedule and the Act, the Act prevails. ( Ramchand textiles v sales tax officer)

## 13. Illustrations

- Illustrations in enactment provided by the legislature are valuable aids in understanding the real scope.

## 14. Meaning of the words

- The definition of the words given must be construed in the popular sense. Internal aid to construction is important for interpretation.

## 15. Punctuation

- Punctuation is disregarded in the construction of a statute. Generally, there was no punctuation in the statutes framed in England before 1849. Punctuation cannot control, vary or modify the plain and simple meaning of the language of the statute

# EXTERNAL AID

The External aids for Interpretation are those which are not present in the statute but it can be found somewhere else

- History – Facts and Circumstances
- Statement of Objects and Reasons
- Dictionary
- Precedents
- Use of Foreign Decisions

# Case law

- *B. Prabhakar Rao v. State of Andhra Pradesh*
- "Where internal aids are not forthcoming, we can always have recourse to external aids to discover the object of the legislation".

# 1. History – Facts and Circumstances

- In order to arrive at the intention of the legislature, the state of law and judicial decisions antecedent to and at the time the statute was passed are material matters to be considered.
- Evidence of matters relating to such surrounding circumstances and historical investigation of which judicial note can be taken by court, including reports of select committees and statements of objects and reasons, can be resorted to for ascertaining such antecedent law and for determining the intention of the legislature.



## **2.STATEMENT OF OBJECTS AND REASONS**

The Statement of Objects and Reasons, seeks only to explain what reasons induced the mover to introduce the bill in the House and what objects he sought to achieve. But those objects and reasons may or may not correspond to the objective which the majority of members had in view when they passed it into law. The Bill may have undergone radical changes during its passage through the House or Houses, and there is no guarantee that the reasons which led to its introduction and the objects thereby sought to be achieved have remained the same throughout till the Bill emerges from the House as an Act of the Legislature, for they do not form part of the Bill and are not voted upon by the members. The Statements of Objects and Reasons appended to the Bill should be ruled out as an aid to the construction of a statute.

## 3. DICTIONARY

The meaning of particular words in an Indian statute is to be found not so much in a strict etymological propriety of language nor even in popular sense, as in the subject or occasion on which they used. But it is well known that words are generally used in their ordinary sense and therefore, though dictionaries are not to be taken as authoritative in regard to the meanings of the words used in statutes, they may be consulted.

# Case

- Voltas Ltd. v. Rolta India Ltd
- “Dictionaries can hardly be taken as authoritative exponents of the meanings of the words used in legislative enactments for the plainest words may be controlled by a reference to the context.

## 4. PRECEDENTS

- Under this rule, a principle of law which has become settled by a series of decisions is generally binding on the courts and should be followed in similar cases. The rule is based on expediency and public policy. It is however not universally applicable. For example, if grievous wrong may result, a court will not follow the previous decisions which, they are convinced, are erroneous.

# Case

- *Ramkrishna Bus Transport and Ors v. State of Gujarat and Ors*
- *Mahadeolal Kanodia v. Administrator General of W.B*

## 5. USE OF FOREIGN DECISIONS

- Reference to English and American decisions may be made, because they have the same system of jurisprudence as ours, but do not prevail when the language of the Indian statute or enactment is clear. They are of assistance in elucidating general principles and construing Acts in pari material. But Indian statutes should be interpreted with reference to the facts of Indian life.