

# PRINCIPLES OF RULE OF INTERPRETATION

# PRINCIPLES

Certain principles of interpretation are formulated by the Superior Courts to find out the intention of the legislature

## Primary rules

- 1. Literal rules
- 2. Golden rules
- 3. Mischief rules(rule in the Haydon's case)
- 4.Noscitur a sociis
- 5.Ejusdem generis
- 6.Reddendo singular singularis

# 1. Literal rules

In construing Statutes the cardinal rule is to construe its provisions literally and grammatically giving the words their ordinary and natural meaning. This rule is also known as the Plain meaning rule. The first and foremost step in the course of interpretation is to examine the language and the literal meaning of the statute. The words in an enactment have their own natural effect and the construction of an act depends on its wording. There should be no additions or substitution of words in the construction of statutes and in its interpretation. The primary rule is to interpret words as they are. It should be taken into note that the rule can be applied only when the meanings of the words are clear i.e. words should be simple so that the language is plain and only one meaning can be derived out of the statute.

In **Municipal board v. State transport authority**, Rajasthan, the location of a bus stand was changed by the Regional Transport Authority. An application could be moved within 30 days of receipt of order of regional transport authority according to section 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”. The Supreme Court held that literal interpretation must be made and hence rejected the application as invalid.

Lord Atkinson stated, ‘In the construction of statutes their words must be interpreted in their ordinary grammatical sense unless there be something in the context or in the object of the statute in which they occur or in the circumstances in which they are used, to show that they were used in a special sense different from their ordinary grammatical sense.’

**The literal rule may be understood subject to the following conditions –**

- Statute may itself provide a special meaning for a term, which is usually to be found in the interpretation section.
- Technical words are given ordinary technical meaning if the statute has not specified any other.
- Words will not be inserted by implication.
- Words undergo shifts in meaning in course of time.
- It should always be remembered that words acquire significance from their context.

## 2. Golden rules

The Golden rule, or British rule, is a form of statutory interpretation that allows a judge to depart from a word's normal meaning in order to avoid an absurd result.

It is a compromise between the plain meaning (or literal) rule and the mischief rule. Like the plain meaning rule, it gives the words of a statute their plain, ordinary meaning. However, when this may lead to an irrational result that is unlikely to be the legislature's intention, the judge can depart from this meaning. In the case of homographs, where a word can have more than one meaning, the judge can choose the preferred meaning; if the word only has one meaning, but applying this would lead to a bad decision, the judge can apply a completely different meaning.

**This rule may be used in two ways. It is applied most frequently in a narrow sense where there is some ambiguity or absurdity in the words themselves.**

For example, imagine there may be a sign saying “Do not use lifts in case of fire.” Under the literal interpretation of this sign, people must never use the lifts, in case there is a fire. However, this would be an absurd result, as the intention of the person who made the sign is obviously to prevent people from using the lifts only if there is currently a fire nearby.

The second use of the golden rule is in a wider sense, to avoid a result that is obnoxious to principles of public policy, even where words have only one meaning. Example: The facts of a case are; a son murdered his mother and committed suicide. The courts were required to rule on who then inherited the estate, the mother’s family, or the son’s descendants. There was never a question of the son profiting from his crime, but as the outcome would have been binding on lower courts in the future, the court found in favour of the mother’s family.

## 3. Mischief rules (rule in the Haydon's case)

- The mischief rule is a rule of statutory interpretation that attempts to determine the legislator's intention. Originating from a 16th-century case (Heydon's case) in the United Kingdom, its main aim is to determine the "mischief and defect" that the statute in question has set out to remedy, and what ruling would effectively implement this remedy. When the material words are capable of bearing two or more constructions the most firmly established rule or construction of such words "of all statutes, in general, be they penal or beneficial, restrictive or enlarging of the common law is the rule of Heydon's case. The rules laid down, in this case, are also known as Purposive Construction or Mischief Rule.
- The mischief rule is a certain rule that judges can apply in statutory interpretation in order to discover Parliament's intention. It essentially asks the question: By creating an Act of Parliament what was the "mischief" that the previous law did not cover



## Heydon's case

This was set out in Heydon's Case where it was stated that there were four points to be taken into consideration when interpreting a statute:

- What was the common law before the making of the act?
- What was the “mischief and defect” for which the common law did not provide?
- What remedy the Parliament hath resolved and appointed to cure the disease of the commonwealth?
- What is the true reason for the remedy

This rule of construction is of narrower application than the golden rule or the plain meaning rule, in that it can only be used to interpret a statute and, strictly speaking, only when the statute was passed to remedy a defect in the common law. Legislative intent is determined by examining secondary sources, such as committee reports, treatises, law review articles and corresponding statutes. This rule has often been used to resolve ambiguities in cases in which the literal rule cannot be applied.

In the case of *Thomson v. Lord Clan Morris*, Lord Lindley M.R. stated that in interpreting any statutory enactment regard should not only be paid to the words used, but also to the history of the Act and the reasons which lead to its being passed.

In the case of **CIT v. Sundaradevi** (1957) (32 ITR 615) (SC), it was held by the Apex Court that unless there is an ambiguity, it would not be open to the Court to depart from the normal rule of construction which is that the intention of the legislature should be primarily to gather from the words which are used. It is only when the words used are ambiguous that they would stand to be examined and considered on surrounding circumstances and constitutionally proposed practices.

The Supreme Court in **Bengal Immunity Co. v. State of Bihar**(AIR 1995 SC 661), applied the mischief rule in construction of Article 286 of the Constitution of India. After referring to the state of law prevailing in the province prior to the constitution as also to the chaos and confusion that was brought about in inter-state trade and commerce by indiscriminate exercise of taxing powers by the different Provincial Legislatures founded on the theory of territorial nexus, Chief Justice S.R. Das, stated “It was to cure this mischief of multiple taxation and to preserve the free flow of interstate trade or commerce in the Union of India regarded as one economic unit without any provincial barrier that the constitution maker adopted Article 286 in the constitution”

## 4. Noscitur a sociis

- In Latin the term ‘Noscitur a Sociis’ means ‘the meaning of a word may be known from accompanying words’. It is also used for interpreting questionable words in statutes. When a word is ambiguous, its meaning may be determined by reference to the rest of the statute. It is one of the rules of the language used by the courts that helps to interpret legislation. For the case with “noscitur a sociis” the questionable meaning of a word or doubtful words can be derived from its association with other words within the context of the phrase. This indicates that words in a list which is within a statute have meanings that are related to each other.

# DICTIONARY MEANING

- **Noscitur A Sociis**
- [Latin, it is known by its associates]  
: a doctrine or rule of construction: the meaning of an unclear or ambiguous word (as in a statute or contract) should be determined by considering the words with which it is associated in the context

# NaS

- The principle of Noscitur a Sociis is a rule of construction. It is used by the court to interpret legislation. This means that the meaning of an unclear word or phrase must be determined by the words that surround it. In other terms, the meaning of a word must be judged by the company that it keeps. The questionable meaning of a doubtful word will be derived from its association with other words. It is used wherever a statutory provision constitutes a word or phrase that is capable of bearing more than one meaning.
- This rule is explained in the Maxwell on the interpretation of statutes in the 12th edition in following words – When two or more words susceptible of analogous meaning are coupled together, they are understood to be used in their cognate sense. The words take their color from and are quantified by each other, the meaning of the general words being restricted to a sense analogous to that of the less general.
- This principle needs a word or phrase or even a whole provision that stands alone has a clear meaning, will be given quite a different meaning while viewed in the light of its context.

## 5. Eiusdem generis

- "This rule, which is sometimes called **Lord Tenterden's rule**, is thus stated ... where a statute, or other document; enumerates several classes of persons or things, and immediately following and classed with such enumeration the clause embraces 'other' persons or things-the word 'other' will generally be read as 'other such like,' so that the persons or things therein comprised may be read as *eiusdem generis* with, and not of a quality superior to, or different from, those specifically enumerated.

# JUDICIAL DECISION

- "The principle or this rule as regards statutes was explained ... in *Ibex v. Wallis* (1793), 5 [T.R.](#) 375, 379, wherein he said that if the legislature had meant the general words to be applied without restriction it would have used only one compendious word.

"But this rule is not invariably followed, and it seems to be now considered that it has little if any value in statutes conferring discretionary powers on the judiciary or such like public functionaries.

"The object of the statute should be carefully considered in order to determine whether a restrictive meaning should be given or one which is unrestrictedly comprehensive; and, where the latter seems best to carry out the object of the statute, it should be adopted."



*Watt v Trail*, a New Brunswick case, (2000) 190 DLR 4th 439

- "Where specific words are followed by a general expression, the general expression is limited to the shared characteristics of the specific words, even though the general expression may ordinarily have a much broader meaning. To effectively use this rule of statutory interpretation, the shared characteristics of the specific words should be identified as precisely as possible.
- "However, the rule is but a means to ascertain the intention of the legislature and should be used prudently and with caution since it is not always a sure indication of the legislature's intention and other principles of interpretation may apply. As well, the rule may not have any application in certain cases."

# WHAT ARE THE DIFFERENCE BETWEEN EJUSDEM GENERIS AND NOSCITUR A SOCIIS

- In Latin Eiusdem generis means 'of the same kind' and Noscitur means 'recognised by its partners'. Eiusdem generis is used for interpreting loosely written statutes legislation and Noscitur a sociis is used for interpreting questionable words in statutes.

## 7. REDDENDO SINGULAR SINGULIS

- Reddendo singula singulis is a Latin term that means by referring each to each; referring each phrase or expression to its corresponding object. It is a rule of construction used typically in distributing property. For example, when a will says "I devise and bequeath all my real and personal property to A", the principle of reddendo singula singulis would apply as if it read "I devise all my real property, and bequeath all my personal property, to B", since the word devise is appropriate only to real property and the term bequeath is appropriate only to personal property.

# K. V Kamath v. K. Rangappa Baliga & Company

Relying upon a decision of the Apex Court in the case of K.V Kamath v. K. Rangappa Baliga & Company reported in 1969 (1) SCC 255, it is contended on behalf of the petitioners that when a sentence in a statute contains several antecedents and several consequences, then they are to be read distributively by applying the principle of REDDENDO SINGULA SINGULIS. The submission is that where there are general words of description followed by enumeration of particular things and the general words apply to some things and not to others, then, by applying the principle of REDDENDO SINGULA SINGULIS it must be held that the general words would apply only to those thing to which they apply and not to other things. In the present case, the general words on the fulfillment of the requirements laid down in sub-section (4) by the dealer are followed by the words all sales of goods by any dealer or any class of persons to a registered dealer or the Government and the words to any person or class of persons. Since the requirements of fulfilling the conditions of Section 8(4) apply only in the case of sales of goods to registered dealer or the Government it must be held that the said conditions would apply only in respect of sales of goods to the registered dealer/Government under Section 8(1) and not in respect of sales of goods to any person or persons covered under section 8(2) of the cst act