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GRAMMATICAL INTERPRETATION OF STATUTES

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ABSTRACT:

This research is intent to analysis the recent trend of the one of the basic rules of interpretation of statutes, which is Primary rule or grammatical rule of interpretation. It is the one of the oldest methods of interpretation adopted by the judiciary. "The primary principle of interpretation dictates that the language within a text should be understood according to its everyday, literal meaning. If this interpretation renders the meaning unmistakably clear and free of ambiguity, then the provision of a statute must be upheld, irrespective of the resulting implications. The fundamental principle underscores that the legislature's intent in crafting provisions is conveyed through the language employed, subject to the rules of grammar. This principle stands as the most reliable guide in statutory interpretation, as it allows the court to discern legislative intent solely from the wording and structure of the statute. In accordance with this principle, the court's sole responsibility is to enforce the statute if its language is clear and unambiguous, without delving into potential repercussions. The court's duty is strictly to elucidate the law as written; any adverse effects must be addressed through legislative action rather than judicial intervention. This article deals with Features and subsidiary rule of the interpretation; how the courts are used this rule in recent days and the points kept in mind while applying this rule.

INTRODUCTION:

Interpretation stands as the cornerstone of the judiciary's role, indispensable in deciphering the true essence of statutes. It is a skilful endeavour aimed at unravelling the legislative intent embedded within the text of the law. Through interpretation, the courts engage in the vital task of comprehending, analysing, and drawing conclusions from statutory provisions. Derived from the Latin phrase "Interpreteri" interpretation embodies the ability to elucidate, expound, and translate legal language, thereby uncovering its genuine meaning.

As statutes are enacted, the responsibility for their execution falls upon the executive branch before being subject to judicial scrutiny. However, there are instances where the judiciary may encounter difficulties in understanding the laws crafted by the

legislative body, necessitating the process of interpretation.

The court's objective transcends mere obedience to the law; rather, it strives to apply statutes in a manner that aligns with the context and requirements of each case. This endeavour seeks to discern the legislative intent, which serves as the primary objective of interpretation. Two distinct approaches guide this process: grammatical interpretation, focusing on the literal language of the statute, and logical interpretation, aimed at uncovering the underlying intent behind the legislative enactment. While the former emphasizes the verbal expression of the legislature, the latter delves into the broader implications and objectives of the law. Through these interpretative methods, the courts endeavour to ensure the faithful application of the law, promoting justice and legal certainty in the process.

The three primary objectives for requiring statutory interpretation are as follows:

1. To determine the intent of the legislature behind the creation of the law.
2. To understand the true meaning of the provision.
3. To comprehend the methods of interpreting the terms mentioned in the statute.

According to Salmond, "Interpretation or construction is the process by which the courts seek to ascertain the meaning of the legislature through the medium of authoritative forms by which it is expressed."

GRAMMATICAL RULE OF INTERPRETATION OF STATUTES:

The Literal Rule, also known as the Plain-Meaning Rule, is a method of statutory interpretation that requires courts to interpret statutes based on the ordinary, everyday meaning of the language used, unless the statute specifically defines certain terms. This approach emphasizes adhering strictly to the wording of the law without deviation from its explicit meaning. It serves as a foundation for textualism and, to some extent, originalism. To prevent ambiguity, legislatures often include a "definitions" section within a statute to clarify key terms, but some statutes may omit this section or fail to define certain terms. When a term is not defined in the statute, or when interpretation hinges on the meaning of a word within a definition, the plain meaning rule directs courts to apply the word's common, literal meaning, unless the statute provides otherwise.

Understanding of statutory interpretation lies in two fundamental rules. Firstly, it is presumed that technical terms within legislation carry their specialized meaning, if established, or else, their ordinary interpretation applies. Secondly, phrases and sentences are to be understood according to grammatical rules.

In essence, statutes are to be understood according to their plain and ordinary meaning,

unless there exists a compelling reason to interpret otherwise. When the grammatical structure of a statute is clear and unequivocal, it should be upheld without deviation, as ambiguity leaves no space for interpretation. The most persuasive argument in statutory interpretation often lies in the straightforward and literal understanding of the words used.

If the language used by the legislature is clear and unambiguous, a court of law at the present day has only to expound the words in their natural and ordinary sense; 'Verbis plane expressis ammino standum est'. Granted that words have certain elasticity of the general rule remains that the judges regard themselves as bound by the words of the statute when these words clearly govern the situation before the court. The words must be applied with nothing added and nothing taken away. More precisely, the general principle is that the court can neither extend the statute to a case not within its terms though perhaps within its purpose). The literal rule is a rule against using intelligence in understanding language. Anyone who in ordinary life interpreted words literally, being indifferent to what the speaker or writer meant would be regarded as a pedant, a mischief-maker or an idiot.

INTENTION OF THE LEGISLATURE:

The rule of construction is that "the legislature is presumed to have meant what they have explicitly expressed." The purpose of interpretation is to uncover the intent of Parliament, but this intent must be inferred from the language used in the statute. If the wording of the statute is clear and unambiguous, the court must apply it as written and has no authority to extend its scope to fulfill any real or perceived intentions of the legislature. It is a well-established principle that courts must assume the legislature did not make a mistake and enacted exactly what it intended. If applying the literal rule produces a result that was not intended by the legislature, it is the legislature's responsibility to amend the statute, rather than for the courts to reinterpret the plain

meaning to fit what they believe the legislature meant. If a statutory provision allows only one interpretation, the court cannot adopt an alternative interpretation simply because it might avoid unreasonable or absurd outcomes. Clear and unambiguous words must be applied as they are, even if the legislature's intent seems different or the result is harsh or undesirable. The literal rule focuses on what the law states, rather than what it may imply. The court's primary duty is to enforce the intention of the legislature as expressed in the statute's words, without relying on external considerations to determine that intention. When the language of the statute is unambiguous and clear, the court cannot impose its own interpretation to extract a meaning not supported by the text.

SUBSIDIARY RULES OF LITERAL INTERPRETATION:

A. CASUS OMISSUS

The term casus omissus refers to "cases of omission." When a statute omits something, the courts cannot supply the missing provision through interpretation. Any issue that should have been addressed but is not covered by the statute cannot be filled in by the courts, as doing so would amount to legislating rather than interpreting.

In *Hiradevi v. District Board, Shahjahanpur*, under Section 71 of the U.P. District Boards Act, 1922, a Board could dismiss its secretary by special resolution, with the sanction of the Local Government required in certain cases. Section 90 granted the power to suspend the secretary "pending an inquiry into his conduct or pending orders of any authority whose action is necessary for his dismissal." Section 71 was later amended by U.P. Act 1 of 1933, stating that a resolution of dismissal would not take effect until the appeal period expired or the appeal decision was made, if one was presented. However, Section 90 was not similarly amended. The Supreme Court held that suspending a secretary under Section 90 until an appeal against dismissal was decided was ultra vires the Board's powers.

Similarly, in *State of Jharkhand v. Govind Singh*, Sections 52(3) and 68 of the Forest Act, 1927, as amended in Bihar, allowed for the confiscation of vehicles used in forest offences but did not provide for the release of the vehicle upon payment of a fine. The vehicle could only be released if the offence was compounded and compensation along with the full value of the vehicle was paid. Thus, the courts could not infer a power to impose a fine in lieu of confiscation and release the vehicle.

B. EJUDEM GENERIS

The principle of ejusdem generis is a legal doctrine that holds when a statute lists specific items followed by general words, those general words are interpreted to include only items of the same type as the specifically listed ones. In other words, when specific words are followed by broader terms in a statute, the broader terms will be restricted in meaning to the same category or class as the specific words. This principle is frequently applied in statutory construction and legal interpretation.

This doctrine, also known as Lord Tenterden's Rule, is an ancient principle of law. The Doctrine of Ejusdem Generis ensures that when general words follow a list of specific words, they are interpreted in a way that limits their meaning to items or things of the same nature as the specific words. In the case of *Evans v. Cross* [(1938) 1 KB 694], the court applied the ejusdem generis rule.

The issue in this case revolved around the interpretation of the phrase "other devices" within the definition of "traffic signals" under Section 48(9) of the Road Traffic Act, 1930, which included "all signals, warning signposts, signs, or other devices." The court ruled that a painted line on a road could not be considered one of the "other devices" because the term "devices" implied a physical object, whereas a painted line did not fit that description.

The Doctrine of Ejusdem Generis is a rule of statutory interpretation used by courts to deliver justice by interpreting laws in accordance with

the intention of the legislature. This ensures that provisions are clear, unambiguous, and in line with the purpose of the legislation.

C. NOSCITUR A SOCIIS

Noscitur a sociis means "a word is known by the company it keeps." This Latin principle is commonly used in statutory interpretation and legal analysis to determine the meaning of a particular word or phrase within a law or regulation by considering the context provided by the words and phrases surrounding it.

In practice, when a word or term is unclear or ambiguous in a legal document, such as a statute or contract, its meaning is interpreted by examining the other words or phrases associated with it in that specific context. By analyzing how the word is used alongside its surrounding language, one can better grasp its intended meaning and purpose.

A notable case discussing the rule of *noscitur a sociis* is *State of Bombay v. Hospital Mazdoor Sabha* (1960), in which Justice Gajendragadkar delivered the judgment. Although the Supreme Court rejected the application of the rule in this case, it clarified its scope. The court noted that *noscitur a sociis* is a tool for interpreting laws but cannot be applied when the legislative intent is clear and the lawmakers deliberately use broad, unambiguous language. The judgment further explained that the rule can be used when legislative intent is unclear, as it associates general words with those of a narrower scope.

The case also referenced an English case, *The Corporation of Glasgow v. Glasgow Tramway and Omnibus Co. Ltd.*, in which Lord Halsbury, L.C., noted that some words in a statute are so broad that they cannot be restricted by associating them with other words, in line with the principle of *eiusdem generis* (similar in nature).

D. EXPRESSIO UNIUS EST EXCLUSIO ALTERIUS

The maxim *expressio unius est exclusio alterius* means "the express mention of one person or thing implies the exclusion of another." When

the language of a statute is clear and unambiguous, there is no room for applying this rule. However, when a word or phrase is capable of two interpretations, the express mention of one possibility in a similar context excludes the other possibility. This rule can help indicate the intention of the legislature, although it should not be regarded as an obligatory rule of law. As Lopes, L.J., observed, "it is a valuable servant but a dangerous master."

For example, Section 5 of the Transfer of Property Act, 1882, defines "transfer of property" as "an act by which a living person conveys property, in present or future, to one or more other living persons, or to himself and one or more other living persons." The section further clarifies that "living person" includes a company, association, or body of individuals, whether incorporated or not. This makes it clear that "living person" refers not only to an individual or human being but also to entities such as companies or associations. However, this rule does not always offer a definitive solution to problems of statutory interpretation. Sometimes, its application results from oversight or accident, and the maxim should not be applied if doing so would lead to inconsistency or injustice.

Additionally, this principle cannot be used to extend the operation of a statute beyond what it explicitly provides. For instance, if Parliament enacts a law for a particular group (A) and that law already applies to other groups, the new law will not alter the existing law for those other groups.

PRESENT POSITION IN INDIA:

In *Kanai Lal v. Paramnidh*, the court emphasized that "the first and primary rule of construction is that the intention of the Legislature must be found in the words used by the Legislature." It further added, "When the material words are capable of two constructions, one of which is likely to defeat or impair the policy of the Act, while the other construction is likely to assist in achieving the policy, the courts would prefer the latter construction." This case dealt with the

ejection of theka tenants under the provisions of the Calcutta Theka Tenancy Act, 1949.

In *S.A. Venkataraman v. The State*, the court addressed Section 6 of the Prevention of Corruption Act, concerning the requirement of obtaining sanction from an appropriate authority. The court ruled that the Act only considered current employees as employees, excluding retirees. The court noted, "In construing the provisions of a statute, it is essential for a court, in the first instance, to give effect to the natural meaning of the words used therein, if those words are clear enough." Even language that seems simple and clear may become ambiguous upon deeper analysis, creating difficulty in interpretation.

Regarding Article 105(2) of the Constitution, which states that "no member of Parliament shall be liable to any proceeding in respect of anything said or any vote given by him in Parliament," the Supreme Court in *Tej Kiran Jain v. N. Sanjeeva Reddy* held that the Article's meaning was straightforward and could not be clearer.

In *P.V. Narasimha Rao v. State (CBI)*, the case involved allegations of bribery during a no-confidence motion against then-Prime Minister P.V. Narasimha Rao. Several members were accused of bribery, and a complaint was filed with the CBI. The court, citing Article 105 of the Constitution, held by a majority that a member who voted in Parliament after receiving a bribe could not be prosecuted because such prosecution would be a proceeding related to a vote given, which is protected by Article 105(2).

In *Ramavtar Budhaiprasad v. Assistant Sales Tax Officer*, the Supreme Court examined the meaning of "vegetables" under the C.P. and Berar Sales Tax Act, 1947, as amended in 1948, and whether the term included betel leaves. The court held that "vegetables," being a word of everyday use, must be understood in its popular sense, excluding betel leaves from its scope.

In *Forest Range Officer v. Khushboo Enterprise*, the question was whether sandalwood oil

qualified as "wood oil" under Section 2(f) of the Kerala Forest Act, 1961. A technical dictionary defined wood oil as a natural forest product, leading the court to conclude that sandalwood oil was indeed wood oil.

In *Vemma Reddy Kumarsawmy Reddy v. State of Andhra Pradesh*, the dispute concerned the surrender of excess land, which included cashew-nut plantations, under the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973. The court clarified that when the statutory language is plain and unambiguous, the primary rule of interpretation must be applied. The Act was also referenced for compensation related to the surrendered land, which contained fruit-bearing trees.

CRITICISMS ATTACHED WITH LITERAL RULE OF STATUTORY INTERPRETATION:

There are certain defects of the literal rule of interpretation. The defects may be of two types; Logical defect which constitutes of ambiguity, inconsistency and incompleteness and the second type is absurdity or irrationality.

A. Ambiguity

Ambiguity arises when a term or expression in a statute has multiple possible meanings, making it unclear which one applies in a given context. When ambiguity is present, courts must go beyond the statute's surface and interpret the words while staying faithful to their literal meaning. Ambiguity can also be "syntactic," meaning that the vagueness results from the structure of the sentence or words like "or," "and," or "all." For instance, when a law states that the punishment for a crime is "fine or imprisonment or both," the court has the discretion to impose either a fine, imprisonment, or both.

B. Injustice

Words cannot be fully understood without considering their context. Strict adherence to the literal rule may sometimes result in injustice or outcomes that go against the broader intention of the statute or common sense.

C. Incompleteness

Incompleteness occurs when a statute contains a gap or omission that prevents it from providing a complete solution. In such cases, the court may need to fill the gap by adding or modifying elements, but it must do so carefully, ensuring the statute's intent is respected. This corrective action is only permissible when the statute, in its incomplete form, is inapplicable. The court may examine other materials to discern the likely intention of the legislature. However, in some instances, judges may find no external sources to help them and will have to infer the legislature's intentions based on the defect alone.

D. Absurdity

Another issue with the literal rule is that it may lead to interpretations that the legislature never intended, resulting in absurd or illogical outcomes.

E. Restriction on Courts

The literal rule traditionally limits courts from attributing any meaning to a statute other than its ordinary, grammatical meaning. This rule restricts judicial creativity, leaving no room for judicial innovation or flexibility.

F. Not Suitable for Changing Times

As policies and societal contexts evolve, interpreting statutes solely based on the ordinary meanings of words from the time they were drafted may become impractical. A strict literal interpretation of older laws may fail to keep up with modern realities. Critics argue that the literal rule can force courts to enforce statutes even when it is clear that doing so is not morally or practically right. Moreover, the rule is based on the flawed assumption that words always have fixed meanings, while in reality, language can be imprecise. This often leads to justices imposing their own biases when interpreting statutes. As noted in Black's Law Dictionary, this approach can treat statutory and contractual language with overly narrow readings.

CONCLUSION:

The Literal Rule of interpretation stands as the primary principle that courts use when interpreting statutes. According to this rule, statutes must be interpreted based on the ordinary and plain meaning of the words used, without looking beyond the text for deeper meanings or intentions. The court is obligated to apply the grammatical and literal meaning of the statutory language.

Under this rule, the judiciary does not have the liberty to add or alter the statute's language but must focus solely on the words as they are written. Originating from English law, the Literal Rule has been adopted in many other jurisdictions, including India, to ensure that legislative intent is expressed clearly through the text itself.

In applying this rule, courts must carefully distinguish between provisions that are ambiguous and those that are clear. A provision is considered ambiguous if a word or phrase within it has multiple interpretations in the same context. However, if a term has different meanings across various contexts, it is still treated as plain rather than ambiguous. By following the Literal Rule, courts aim to maintain clarity and uniformity in interpreting statutes, preventing judicial overreach into legislative functions.

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