

INTERNAL AIDS OF INTERPRETATION

- ⦿ The general rule of interpretation is that statutes must prima facie be given their 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 and ambiguous then internal aid may be sought for interpretation

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◎ **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 are to be considered

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- ◎ Title
- ◎ Title is not part of enactment. It cannot be used to restrict the plain meaning of the words in an enactment

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- ◎ Preamble

- ◎ The law starts with a Preamble. The main objective and purpose of the law are found in the Preamble the statute. Preamble is the Act in a nutshell. It contains the recitals showing the reason for enactment of the law.
- ◎ If the language of law is clear, the Preamble must be ignored. The preamble is an intrinsic aid in the interpretation of an ambiguous law

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- ① Headings

- ② A group of sections are given under a heading which act as their preamble. Headings are prefixed to sections.

- ③ They are treated as preambles. If there is ambiguity in the words of a statute, headings can be referred

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- ① Definition/ Interpretation clause
- ② 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

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◎ Conjunctive and Disjunctive words

CONJUNCTIVE Contracts, wills, instruments. A term in grammar used to designate particles which connect one word to another, or one proposition to another proposition. ... There are many cases in law, where the conjunctive and is used for the disjunctive or, and vice versa.

- ◎ 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’

◎ Gender

- ◎ Words using the masculine gender are deemed to include feminine also