

ASSIGNMENT

# INTERPRETATION OF STATUTES

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# DEFINE MEANING, SCOPE, NATURE AND OBJECTIVES OF INTERPRETATION OF STATUTES

## INTRODUCTION:

The term 'statute' has been derived from the old French word statute, a statute which means royal promulgation, (legal) statute, and from the Late Latin word statutum which means a law or decree and statute means to enact or establish. A statute is a formal written enactment of Legislative authority that governs a state, city, or country. Typically, statutes command or prohibit something, or declare policy; the word is often used to distinguish law made by legislative bodies from the judicial decisions of the common law and the regulations used by the government agencies".

The term interpretation is derived from *Latin* term "*interpretari*" which means to *explain* or *to understand* or *to translate*. Interpretation is a process through which one ascertains the true and correct intention of law making bodies as is laid in the form of statutes. It is a familiar feature of law and legal practices. Interpretation is an important aspect of the practice of law. Interpretation has very important role in justice administration in the sense that it helps the legal system "understand" the law.

In the words of the Salmond "legislation is that source of law which consists in the declaration of legal rule by a competent authority". In the strict sense "is the laying down of legal rules by a sovereign or sub-ordinate legislator".

According to Prof.Allen "the operation of the statute is not automatic, and can never be so. Like all legal rules, it has to take effect through the interpretation of courts".

## MEANING:

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.

According to Gray "The process by which a judge (or indeed any person· lawyer or layman who has occasion to search for the meaning of a statute) constructs from the words of statute book a meaning which he either believes to be that of legislature or which he proposes to attribute to it, is called interpretation."

Salmond defines interpretation as "Interpretation or construction is the process by which the courts seek to ascertain the meaning of legislation through the medium of the authoritative form in which it is expressed."

## **NATURE AND SCOPE**

The need for interpretation will be there when ambiguity is caused due to language of the statute, or the meaning of the statute has become multifaceted and the primary object and meaning of the language used in the statute are not in consonance with each other but interpretation is not needed in the opposite situation.

As in ***R.S. Nayak v. A.R Antulay***, the Constitutional Bench of the Supreme Court consisting of five judges held that if the words or language of the statute are clear and also unambiguous then the court is dutiful to give effect to the natural meaning of the words used in the provision. The need for construction will be there only in case of ambiguity or the plain meaning of the words of the statute is self-defeating.

This principle was again followed by the Supreme Court in the case of ***Grasim Industries Ltd. v. Collector of Customs, Bombay*** and held "Where the words are clear and there is no obscurity, and there is no ambiguity and the intention of the legislature is clearly conveyed, there is no scope for the court to take upon itself the task of amending or altering the statutory provisions".

According to Blackstone the fairest and rational method for interpreting a statute is by exploring the intention of the Legislature through the most natural and probable signs which are 'either the words, the context, the subject-matter, the effects and consequence, or the spirit and reason of the law'.

So, interpretation plays a vital role in removing ambiguity, semantic barriers, and the various hurdles which arise due to technical use of language, various jargon, etc. but it cannot be used arbitrarily by the judges as such practice will be against the constitutional practice.

## **OBJECTIVES OF INTERPRETATION OF STATUTES:**

The object of interpretation of statutes is to determine the intention of the legislature conveyed expressly or impliedly in the language used. 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 are following two fold objects of interpretation:

### **1. DETERMINATION OF MEANING:**

As statutes are composed of language and language is consisting on words and phrases. Whereas, the words are carrying sometimes multiple meanings and connotations.

Therefore, the first task of the courts is to determine the meanings of different words and phrases used in a statute.

## **2. FINDING THE INTENTION OF THE LEGISLATURE:**

As we know that legislation is the task of the legislature and the court cannot assume that position while interpreting.

Hence, while determining the meanings of the words and phrases during interpretation, the court must find out the intention of the legislature, and in accordance with this intention it shall assign the meaning to the words and phrases used in the statutes.

## **CONCLUSION:**

Interpretation makes the understanding possible of the subject. Interpretation is the art of finding out the true sense of any form or words; i.e. the sense which their framers intended to convey, and of enabling other to derive from them the same idea which the author intended to convey. Interpretation only takes place if the text conveys some meaning or other. Thus the courts are expected not to act arbitrarily and consequently they are to follow the rules of interpretation.

It is not necessary that the words used in a statute are always clear, explicit and unambiguous and thus, in such cases it is very essential for courts to determine a clear and explicit meaning of the words or phrases used by the legislature and at the same time remove all the doubts if any.