

INTERPRETATION OF STATUTES

UNIT – III

Rules and Principles of Statutory Interpretation
Primary Rules · Secondary Rules · Constitutional Doctrines

20 slides · Heydon, noscitur, pith & substance, repugnancy

ROADMAP

What this unit covers

1. Primary vs secondary

2. Literal rule

3. Golden rule

4. Mischief / Heydon

5. Harmonious construction

6. Noscitur a sociis

7. Eiusdem generis

8. Reddendo singula

9. Constitutional approach

10. Pith and substance

11. Colourable legislation

12. Ancillary powers

13. Occupied field

14. Residuary power

15. Repugnancy Art. 254

16. Key cases I

17. Key cases II

18. Exam method

19. Takeaways

20. Close

Primary rules and secondary rules

Primary rules decide the basic approach to the whole text. Secondary (or linguistic) rules help when a word sits in a list or a cluster.

Primary

Literal (plain meaning), Golden (avoid absurdity), Mischief / Heydon (cure the defect).

Harmonious

Often listed with the primary rules in Indian papers – read the statute as one scheme.

Secondary

Noscitur a sociis, ejusdem generis, reddendo singula singulis.

Use together

A good answer applies a primary rule and, if needed, a linguistic canon.

Literal / plain-meaning rule

If the words are precise and unambiguous, they must be given their ordinary meaning. The court is not free to soften a hard result that the legislature has clearly enacted.

Classic statement

When the language is plain, the duty is to give effect to it (Sussex Peerage idea).

Strength

Respects parliamentary sovereignty and predictability.

Weakness

Can produce hardship or futility if used mechanically.

Indian practice

Starting point in every case; not always the ending point.

Golden rule

Begin with the ordinary meaning, but modify it enough to avoid an absurdity, inconsistency or virtual contradiction that the legislature cannot have meant.

Narrow golden rule

Correct a linguistic absurdity (Grey v. Pearson).

Wider use

Avoid a result that is so unreasonable that it defeats the Act.

Not rewriting

The court does not choose its preferred policy; it only bends the words to keep sense.

Example style

A provision that 'no person shall sell liquor on Sunday' is not read to punish a chemist handing medicine.

Mischief rule – Heydon's Case (1584)

The oldest structured method. The court asks four questions and construes the Act to suppress the mischief and advance the remedy.

1. Common law before

What was the law?

2. Mischief

What defect did that law not cover?

3. Remedy

What cure did Parliament provide?

4. True reason

Read the Act to achieve that cure and stop evasion.

Heydon in Indian courts

Objects & Reasons

The modern Indian substitute for 'what was the mischief'.

Bengal Immunity

Constitutional text read in the light of the defect it was meant to cure.

Smith v. Hughes analogue

Street-soliciting cases – purpose over a wooden place-test.

Welfare Acts

Mischief rule and beneficial construction often travel together.

Limit

Cannot invent a remedy the words will not bear.

Exam gold

Always write the four Heydon questions. Marks follow the structure.

Rule of harmonious construction

When two provisions of the same Act (or of the Constitution) appear to clash, they must be read so that both live. One is not destroyed to save the other unless there is no other way.

Same statute

Section A and section B are parts of one design.

Constitution

Fundamental rights and directive principles; different lists in the Seventh Schedule.

Special vs general

Generalia specialibus non derogant – the special provision usually governs its own field.

Cases

Venkataramana Devaru; Sankari Prasad / later constitutional harmony cases; CIT v. Hindustan Bulk Carriers.

Noscitur a sociis

Meaning

A word is known by the company it keeps.

Use

An open word in a list takes colour from its neighbours.

Example

‘House, office, room or place’ –
‘place’ is a place of the same kind.

Limit

Does not apply if the word is clearly wider, or if the list is of unlike things.

Close cousin

Works with ejusdem generis;
sometimes confused with it.

Case flavour

Rainbow Steels; later SC lists on
‘other documents’ / ‘other place’.

Ejusdem generis

When general words follow specific words of a single class, the general words are confined to that class.

Ingredients

An enumeration of specific items + a genus + general words
+ no contrary intention.

Example

'Dogs, cats, horses and other animals' does not easily
include snakes.

Failure of the rule

If the specific words have no common genus, the general
words keep their wide sense.

Case

Jage Ram; Amar Chandra; Siddeshwari Cotton on when the
genus is missing.

Reddendo singula singulis

Meaning

Render each to each – pair words with their proper partners.

Use

A sentence with two subjects and two objects is read distributively.

Example

‘Men and women may become members and secretaries’ can mean men→members, women→secretaries only if context so requires; usually both may hold both.

Care

Do not use the maxim to cut down a provision that was meant to be cross-cutting.

Related

Works with the idea that surplusage should be avoided.

Exam

One clean example is enough; do not over-work it.

Principles of constitutional interpretation

The Constitution is construed as a living organic instrument, but still a legal text. Ordinary canons apply with extra attention to structure, rights and federal design.

Organic / living

Words like 'life' and 'liberty' grow (Maneka; later privacy).

Harmonious + structure

Read Parts III, IV and the Lists as one document.

Purposive

Basic structure after Kesavananda limits even amendment.

Presumption of validity

A law is not struck down if a reasonable reading can save it.

Doctrine of pith and substance

To decide whether a law is on a permitted List entry, look at its true nature and character – the pith and substance – not at incidental trenches into another List.

Why needed

Every law has side-effects. A State sales tax will incidentally affect inter-State trade.

Test

What is the law really about? If that subject is in the enacting legislature's List, it stands.

Incidental encroach

Allowed. A colourable grab at another List is not.

Cases

Prafulla Kumar v. Bank of Commerce; State of Bombay v. F.N. Balsara; later GST-era restatements.

Colourable legislation

What cannot be done directly cannot be done indirectly. If the legislature lacks competence on a subject, it cannot reach that subject by dressing the law as something else.

Not motive

The court does not punish a bad motive. It examines competence and effect.

Link to pith

Colourable legislation is pith-and-substance analysis with a negative result.

Example style

A 'fee' that is in truth a tax on a Union field.

Case

K.C. Gajapati Narayan Deo; later competence cases on tax and acquisition.

Ancillary / incidental powers

Meaning

Power over a subject includes power over things reasonably needed to make that power effective.

Example

Power to legislate on 'banks' includes some regulation of negotiable instruments used by banks.

Limit

Ancillary power cannot swallow a subject expressly given to the other legislature.

United Provinces v. Atiqa Begum

Early statement of the idea.

With pith

Together they keep federal lists workable.

Delegated legislation

A different question – ancillary is about legislative competence, not ministerial rules.

Occupied field and residuary power

Two federal tools. Occupied field asks whether a Union law has covered the matter so that a State law cannot enter. Residuary (Art. 248 + List I Entry 97) catches subjects in no List.

Occupied field

If the Union has intended to cover the whole field of a Concurrent subject, inconsistent State law gives way.

Not every Union Act occupies

There must be an intent to cover the field exhaustively.

Residuary

Matters not enumerated go to Parliament (Art. 248).

Cases

State of T.N. v. Adhiyaman; later education and environmental occupation cases; Union residuary tax cases.

Doctrine of repugnancy – Art. 254

On the Concurrent List, if a State law is inconsistent with a Union law, the Union law prevails, and the State law is void to the extent of the repugnancy – subject to Presidential assent under Art. 254(2).

When

Direct collision, or occupied field, or obedience to one means disobedience to the other.

Art. 254(2)

Presidential assent can save the State law in that State, until Parliament legislates again.

Extent

Only the inconsistent part falls, if severable.

Cases

M. Karunanidhi; Hoechst; later farm-law / labour dual-legislation illustrations.

Primary and secondary rules – cases

Heydon's Case (1584)

Four questions – mischief and remedy.

Grey v. Pearson / Sussex Peerage

Golden and literal baselines.

CIT v. Hindustan Bulk Carriers (2003)

Harmonious construction restated.

Amar Chandra / Jage Ram

Ejusdem generis – need of a genus.

Sundaram Pillai (1985)

Proviso function – often taught with secondary rules.

K.P. Varghese (1981)

Purpose / mischief with Objects & Reasons.

Constitutional doctrines – cases

**Prafulla Kumar v. Bank of Commerce
(1947)**

Pith and substance – Privy Council, still cited.

K.C. Gajapati Narayan Deo (1953)

Colourable legislation explained.

M. Karunanidhi (1979)

Tests of repugnancy.

Hoechst Pharmaceuticals (1983)

Art. 254 and occupied field.

Atiqa Begum (1940)

Ancillary powers.

Kesavananda / Minerva Mill

Constitution as a structured whole; limits of amendment.

REVISION

Key takeaways

01 Start with the literal meaning; use Golden to avoid absurdity; use Heydon to cure the mischief.

02 Harmonious construction keeps both provisions alive.

03 Noscitur, ejusdem generis and reddendo are list-and-pairing tools.

04 Pith and substance + colourable legislation decide List competence.

05 Art. 254 + occupied field decide Union-State clash on the Concurrent List.

06 Must-cite: Heydon, Prafulla Kumar, Gajapati, Karunanidhi, Hindustan Bulk Carriers.

End of UNIT – III

Next: UNIT-IV • Presumptions in statutory interpretation

20 slides • Light academic edition