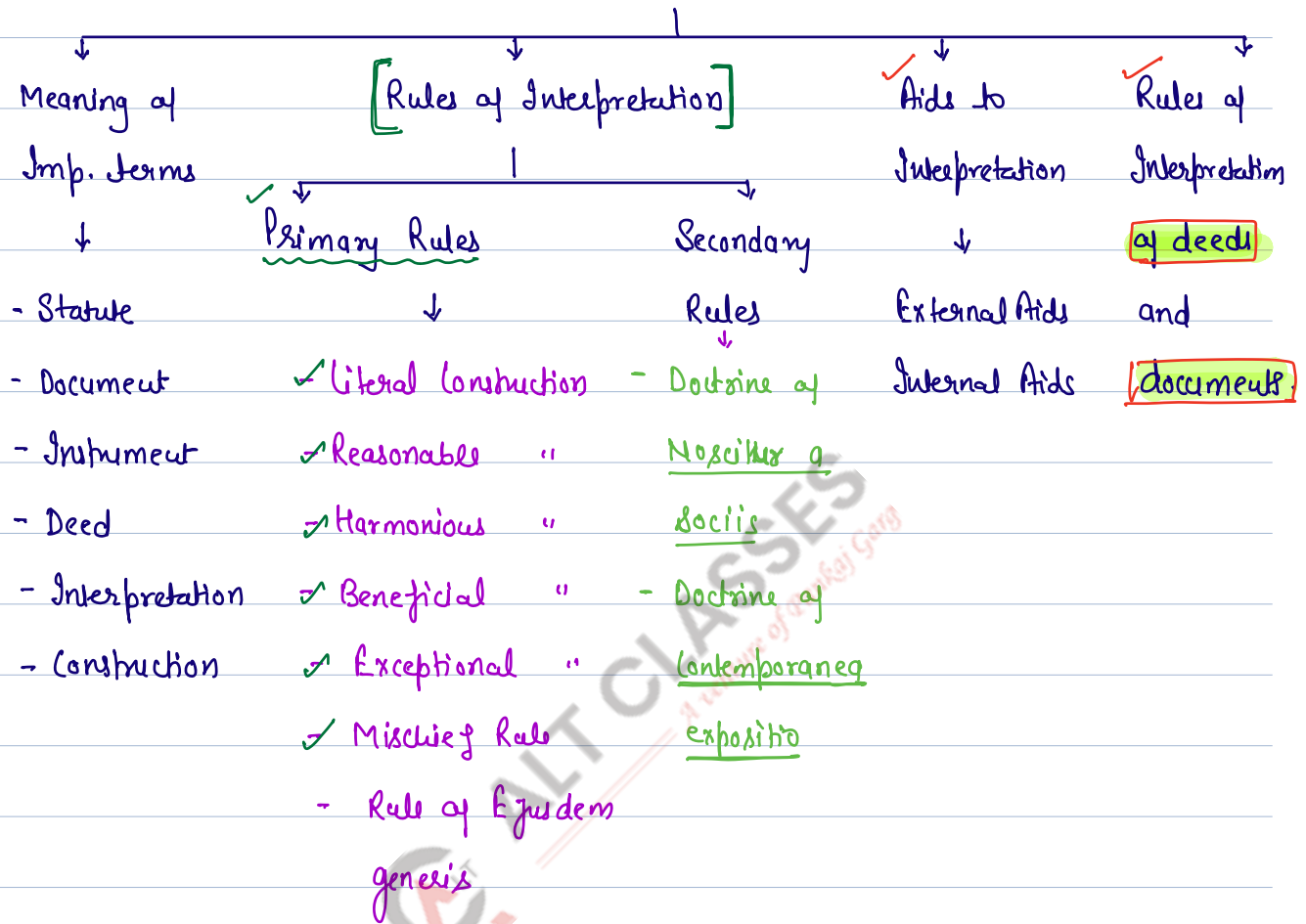


Chapter - 14 " Interpretation of Statutes "



(a) Meaning of Important Terms:

(i) Statute! Written law, established directly by the legislation.

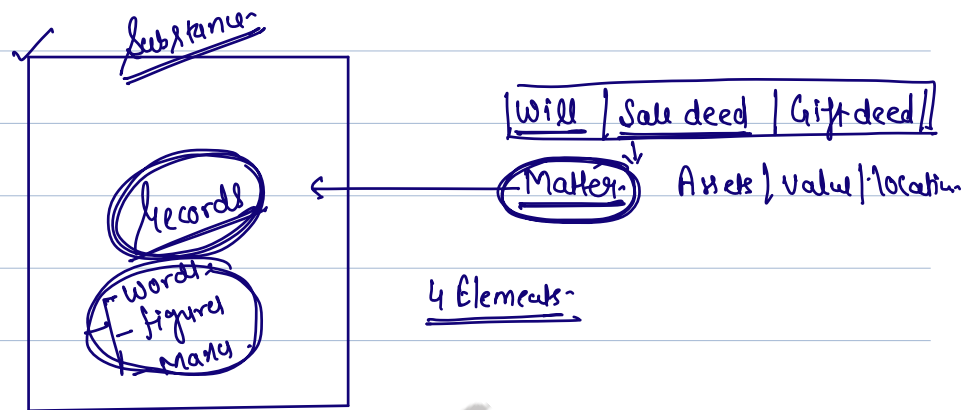
(ii) Document! Any ^① matter, expressed or described upon any ^② substance

↓ by means of

^③ letters, figures or marks or by more than one of those means

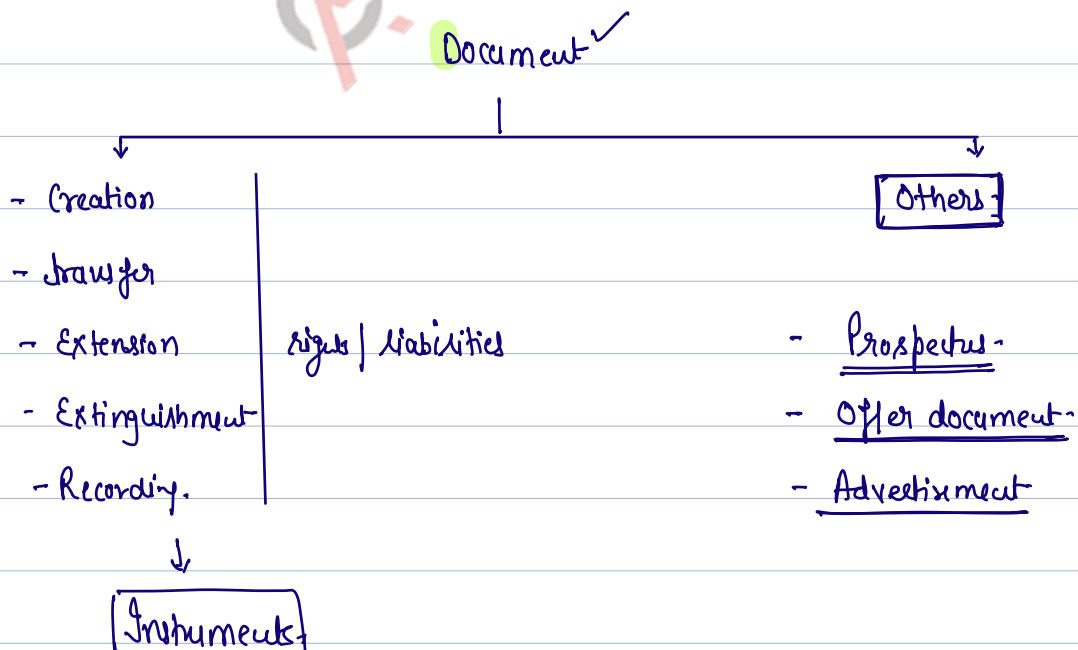
will

intended to be used or which may be used for the purposes of recording that matter.



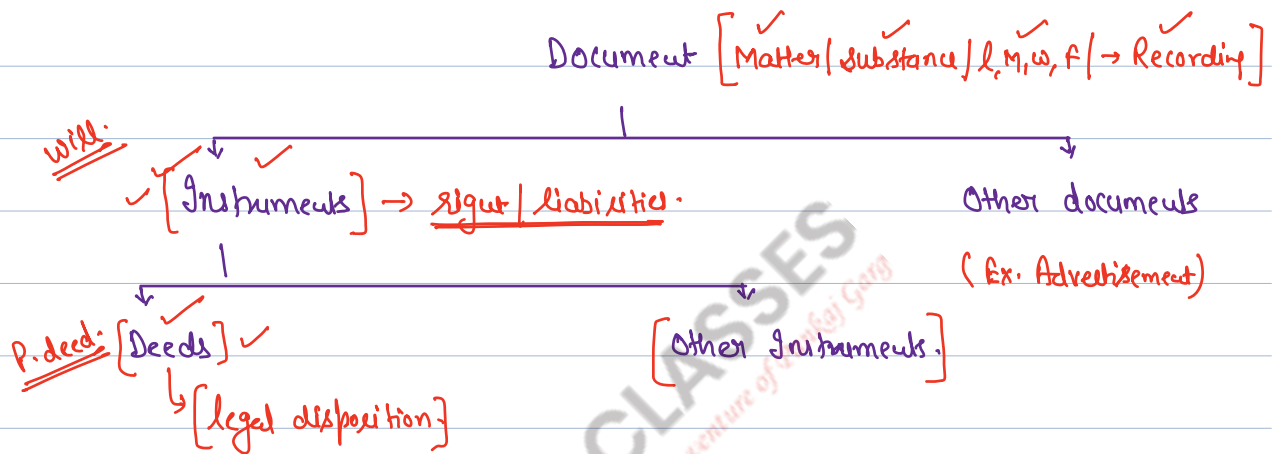
(iii) Instrument: Every document by which any right or liability is or purports to be created, transferred, extended, extinguished or recorded.

Ex. Partnership deed / Conveyance deed / Settlement deed



(iv) Deeds: Instrument in writing, purporting to effect some legal dispositions.

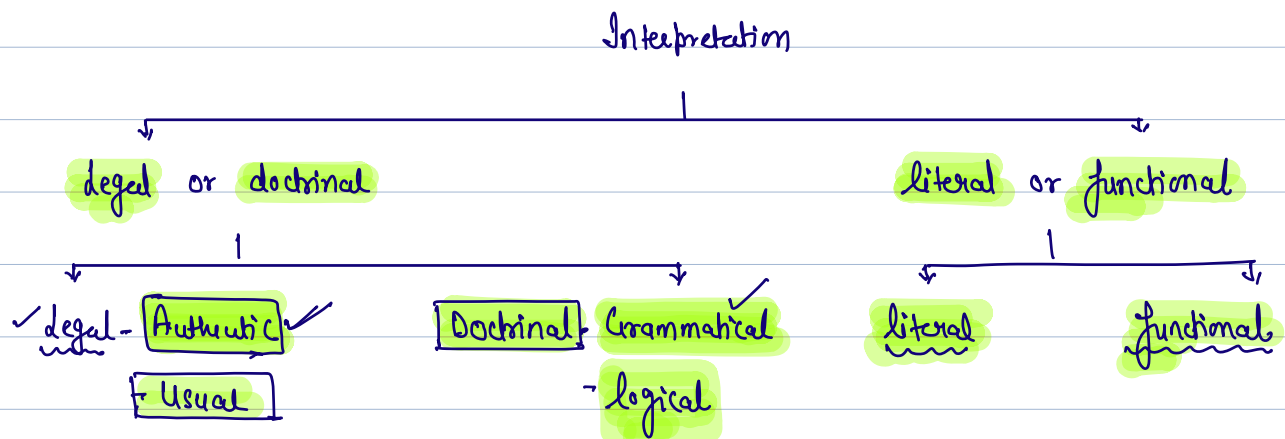
Note: All deeds are instruments, though all instruments may not be deeds.



✓ (v) Interpretation: Process by which the Courts seek to ascertain the meaning of the legislature

↓

through the medium of the words in which it is expressed.



(vii) Construction: Drawing conclusions beyond the actual expressions used in the text.

This is done by referring to other parts of the enactment and the context in which the law was made.

Note: Construction includes interpretation and the two terms are frequently used interchangeably.



(b) Primary Rules of Interpretation:

(i) Literal Construction: - Words, sentences and phrases of a statute should be read in their ordinary, natural and grammatical meaning so that they may have effect in their widest amplitude.

[Cardinal Rule of Construction]

- Words and phrases of technical nature should be used in their technical meaning.

(ii) Reasonable Construction: Words of a statute must be construed so as to lead to a sensible meaning.

(Golden Rule of Construction)

When grammatical interpretation leads to certain absurdity, it is permissible to depart therefrom, to the extent, it avoids such absurdity and no further.