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Basic principles of interpretation of statutes slideshare

The Special Rules of Interpretation of Penal Statutes. There are certain well-established principles of Penal Law which guide courts from time to time. The major principle is—benefit of the doubt to the accused, the burden of proof over prosecution for proving the charge beyond doubt, a person should be considered innocent until proved guilty, etc. Those principles play an important part in the interpretation of words. These principles also clarify that the statutes in Criminal Cases should be construed in favour of the Accused. Seksaria Cotton Mill v/s State of Bombay (1954 1.C.A 299) – It was held that while interpreting the Penal Laws, the words should be construed widely and leniently so that interest of the innocent person is protected. Periswami v/s Emperor (A.I.R. 1931 Madras 177) Madras High Court said that where two reasonable constructions are possible, there that construction should be adopted which is in the interest of the accused. Penal Statutes should be construct by as possible, clear, ordinary and grammatical meaning. Sajjan Sing v/s State of Punjab (A I R 1964 S C 464) - The Supreme Court decided that where construction of a provisions, the Court should not try to add new words on its own, because this Increases the possibility of reducing the chance to materialise the intention of the legislature. Motibai v/s R. Prasad (1970 S.C.J 559) – It was stated that Court should not try to add new words on its own, while interpreting a Penal Statute. Courts are required to do Grammatical Interpretation of Penal Statutes. Seth Balakishan VIS Emperor (A.I.R 1928 Nagpur 219)— Nagpur High Court determined that where doubt arises during the interpretation of Penal Statutes, the construction should be In favour of accused. This case involved the interpretation of provisions of Arms Act. Above analysis makes it clear that Penal Statutes should be adopted which protects the interest of the accused person Strict Interpretation Penal Statutes are required to be strictly interpreted. Smith v/s Wood [(1889) 24 Q B D. 23]. Kamal Prasad v/s King-Emperor [(1947) 230 I. C. 160 Patnal¹, etc. also state that Penal Statute should be strictly construed. According to Maxwell—Criteria of strict construction shall depend upon the gravity of Penal Law. In a case, a constable was found roaming at a public place, with a revolver having drunk during the time of his official duty. He abused the doctor during a medical examination. It was concluded that constable was habitual of committing most due to his drinking. The Supreme Court considered it justifiable to penalise him for his misconduct. (State of Punjab v/s Ram Singh, A.I.R. 1922 S.C. 2188) Another similar case is Ranjit Odessey v/s State of Maharashtra (A.I.R. 1965 S.C. 881) Appellant convicted for the Sale of an obscene book 'Lady Chatterley's Lovers'. Appellant argued that he had neither the knowledge of the book before sale'. But, the Supreme Court applied a strict interpretation of Penal Statutes to state that question of men rea or Intention for the conviction of the accused in such matter is irrelevantRadhyshyam v/s Mewalal (A.I.R. 1929 Allahabad 210) Allahabad High Court held that the excise act should be interpreted strictly and should be construed liberally in the public interest. Similarly, Bakhtawar Singh v/s Balwant Singh (A.I.R. 1927 Allahabad High Court held that the excise act should be interpreted strictly and should be construed liberally in the public interest. Similarly, Bakhtawar Singh v/s Balwant Singh v/s Balwant Singh (A.I.R. 1927 Allahabad High Court held that the excise act should be interpreted strictly and should be interpreted strictly and should be interpreted strictly and should be construed liberally in the public interest. Similarly, Bakhtawar Singh v/s Balwant Singh v/s B provisions of any act, there it should be interpreted strictly. Retrospective Effect! is well established that Penal Statutes do not have Retrospective Effect. (Nag PO Nature v/s Emperor, J.C.R. 7 Rangoon 355). In other words, it could be said, that an accused can neither be convicted nor be penalised by applying any law retrospectively. But, Supreme Court did say in a case that if the retrospective effect of an act is in favour of the accused, then it can be done so. State of Bombay v/s Vishnu Ramchandra, A.I.R. 1961 S.C 307). Kedarnath v/s State of West Bengal (A.I.R. 1953 S C. 404) included a similar question. In this case, the accused was charged with such an offence for which he can be sentenced or penalised. Later, the amount of fine was increased by an amendment, Supreme Court held that the amended amount of fine can be applied with retrospective effect because it shall be violative of Article 20 (I) of the Constitution. The benefit snow a well-established rule of interpretation that if a subsequent law benefit snow a well-established rule of interpretation that if a subsequent law benefit snow a well-established rule of interpretation that if a subsequent law benefit snow a well-established rule of interpretation that if a subsequent law benefit snow a well-established rule of interpretation that if a subsequent law benefit snow a well-established rule of interpretation that if a subsequent law benefit snow a well-established rule of interpretation that if a subsequent law benefit snow a well-established rule of interpretation that if a subsequent law benefit snow a well-established rule of interpretation that if a subsequent law benefit snow a well-established rule of interpretation that if a subsequent law benefit snow a well-established rule of interpretation that if a subsequent law benefit snow a well-established rule of interpretation that if a subsequent law benefit snow a well-established rule of interpretation that if a subsequent law benefit snow a well-established rule of interpretation that if a subsequent law benefit snow a well-established rule of interpretation that if a subsequent law benefit snow a well-established rule of interpretation that if a subsequent law benefit snow a well-established rule of interpretation that if a subsequent law benefit snow a well-established rule of interpretation that if a subsequent law benefit snow a well-established rule of interpretation that if a subsequent law benefit snow a well-established rule of interpretation that if a subsequent law benefit snow a well-established rule of interpretation that if a subsequent law benefit snow a well-established rule of interpretation that it is a subsequent law benefit snow as a subsequent law benefit snow a (A.I.R 1965 S.C. 881) a good example in this respect. A 16-year boy found guilty of house trespass and breach of modesty of a 7-year girl. The trial court sentenced him for 6-month rigorous imprisonment and with a fine. Later. In 1958 the 'Probation of Offenders' Act, 1958 came into force which providing the benefit of probation. Interpretation of WordsIn Penal Statutes, words should be construed in their simple and natural sense. The Intention of Legislature should be considered while interpretation of WordsIn Penal Code, 1860 includes not only Indian Currency Notes but also the Currency Notes of all Countries. If only Indian Currency Notes were considered to have included then, it would have meant that forgery of Currency Notes of other countries is not an offence, which would never be the intention of the word -Paper and Exercise Book' used in sec 2 (a) (vii) of Essential Commodities Act, 1955. Supreme Court held including Exercise Book within the paper that the Exercise Book within the paper that the Exercise Book is a group of papers which has been stitched by a thread and bound by a pin. This is simple and natural meaning of paper that the Exercise Book is a group of paper that the Exercise Book is a group of paper that the Exercise Book within the paper that the Exercise Book is a group of paper. In all, it means that words of Penal Statute should be adopted their simple and natural meaning. Above analysis, following certain Principles of Interpretation Of penal Statutes are propounded—Penal Statutes are propounded—Penal Statutes are propounded which is for the benefit of accusedPenal Statutes should be construction should be adopted which is for the benefit of accusedPenal Statutes are propounded—Penal Statutes are propounde the accused. Any subsequent law can be applied retrospectively to give benefit to the accused. The court shall not add new on its own while interpretation of Penal Statute. Words should be adopted in their simple and natural meaning. Criminal men's rea is required for conviction in every matter. These are certain important principles of Interpretation of Penal Statutes. Maxwell says that—Interpretation of Penal Statute. Statutes is done more in accordance with the intention of the legislature, than in comparison to earlier. The modern decision shows the behaviour of strict and beneficial interpretation to reduce the difference between constructions (Maxwell Interpretation of Statutes). The Constitution....is a mere thing of wax in hands of the Judiciary, which they may twist and shape into any form they please. - Thomas Jefferson Abstract A written constitution is basically a form of statute and many of the principles of interpretation. The enactment of the plain meaning of the words. It is important for the Constitution has to be interpreted in a liberal and broad manner such that any law does not violate the basic structure of the Constitution. The constitution of India came into force 70 years ago and there have been different phases of constitutions. The first phase where it was interpreted literally; the second phase where the Courts began to scrutinize all possible methods of interpretation as a result of which the basic structure doctrine came into existence; the fourth phase is the current one where the court has begun to interpret the provision in a transformative manner. This article will discuss different approaches adopted by the Court while interpreting the Constitution of India. The approaches are: Doctrinal, Textualist and Purposive. At the heart of every constitution is the court's assessment of what the constitution means, why it exists in the shape and form that it does, and, above all, what injustices it is meant to remedy. There are a number of principles used by the courts while interpreting the constitution which will be discussed further in this article. The constitution of India as the preamble suggest is the constitution which the people have given to themselves who is the beneficiary of its provisions and as described by Churchill as: little man with a little bencil with a little ballot to vote should never be neglected. It is the responsibility of the judiciary to apply its mind in the interpreting any provision in question which affects the individual dignity in any manner. The interpretation by the Judges in an innovative manner has to be continued keeping in mind the historical growth of the legislature while enacting the provisions of law. It basically suggest the practice carried out by the legislature whereby it enacts a provision which at the face cannot be authorized by the constitute purpose which indirectly allows the original intention. This doctrine is based upon the legal maxim Quando aliquid prohibetur ex directo, prohibetur et per obliqum which means that what cannot be done directly, cannot be done indirectly. In a nutshell the purpose of this doctrine is to check that the legislature while framing the laws does not transgress the provisions enshrined under the Constitution of a State distributes the legislative spheres marked out by specific legislative entries or if there are limitations on the legislative authority in the shape of fundamental rights, questions do arise as to whether the legislature in a particular case in respect to the subject matter of the statute or in the method of enacting it, transgressed the limits of the constitutional power or not. Such transgression mat be patent, manifest and direct, but may also be distinguished, covered and indirect and it is the latter class of cases that the expression 'colourable legislation' has been applied in certain judicial pronouncements. In our Constitution, this doctrine is usually applied to Article 246 which separates the legislative competencies of the Parliament and the State legislative assemblies by stating the different subject under the different lists under Schedule VII upon which the respective legislature can draft the laws. This doctrine comes into the fore when the legislature drafts a law which it is not competent to draft and the fate of the same law is decided by the courts using the doctrine signifies that it is the real subject matter which is to be challenged and not its incidental effects on another field. The application of this doctrine can be illustrated through Article 246 which enumerates the legislative competency mentioned in the lists, but there might be incidental trespass by the legislature which ultimately result in the declaration of that specific law as ultra vires. The rationale behind this doctrine that the Central and State of Bombay v. F.N.Balsara. In brief the facts of the case being that the State of Maharashtra restricted the sale and possession of liquor by the provisions of the Bombay Prohibition Act and the same was challenged with the rationale that it was an interference on the act of importing and exporting of the liquor through it incidentally encroached the subject enumerated in List I. The rationale and the spirit behind being that every law will be declared invalid by citing the reason of it being in conflict with the subject matter mentioned in another list. The doctrine of eclipse suggests that when any law made by the Legislature is derogatory with Part III of the Constitution of India, then that law will be treated as invalid and inoperative to the extent to which the provisions are inconsistent to the Fundamental Rights. Article 13(1) emphasizes the fact that the State shall not make any law which will be inconsistent with the fundamental rights and any such law made will be void. The Apex court in the case of the Keshava Menon v. State of Bombay, the facts of the case being that the provisions mentioned under the Indian Press Act are violative of Article 19(1) (a) and are void to the extent there lies inconsistency. In I.C.Golaknath v. State of Punjab, it was held that the parliament had no power to dissect or break the fundamental rights and further the court negated with the absoluteness of Article 368 and concluded that the parliament had no power to dissect or break the fundamental rights and further the court negated with the absoluteness of Article 368 was eclipsed. However, the I.C.Golaknath was overruled by the Apex Court after the judgement pronounced in the famous case of Kesavananda Bharti v. State of kerela. This particular means where a particular provision which is not consistent can be separated and will be declared void by the Court as a result of which the rest provision remains consistent with the relevant provisions. While applying this doctrine, the court does not declare the whole statute or act as void but only the provision remains consistent with the rest of the provision or any part violative of the provision remains consistent with the relevant provisions. While applying this doctrine, the court does not declare the whole statute or act as void but only the provision remains consistent with the rest of the provision. The doctrine was applied by the Apex Court in the case of A.K.Gopalan v. State of Madras, where it was held that Section 14 of the Preventive Detention Act, 1950 was inconsistent with Article 22 of the Constitution only to the part which prohibited the person detained to make representation or even disclose the grounds to the court was ultra vires. Thus, only the repugnant part of the impugned act will be declared void and not the whole Act. Purposive Interpretation as the name suggests means that the court while interpreting the statute or the constitution looks into the purpose of the enactment in order to derive the correct interpretation such that it result in delivery of justice. The Supreme Court in the case of State (NCT of Delhi) v. Union of India held: Constitutional provisions are required to be understood and interpreted with an object-oriented approach and a Constitution must not be construed in a narrow and pedantic sense. The judiciary must interpret the Constitution having regard to the spirit and further by adopting a method of purposive interpretation. The courts take the aid of the committee reports, constituent assembly debates, early drafts or any materials from the pre-enactment phase. It is for us not to forget the dissenting judgement by Justice Vivian Bose in the case of State of West Bengal v. Anwar Ali Sarkar, where he stated that the provisions of the Constitute a framework of Government written for men of fundamentally differing opinions and written as much for the future as the present... they are not just dull lifeless words static hidebound as in some mummified manuscript, but living flames interpretation. The general rule of interpretation of statute is that the Court while interpreting the statute or any part of it would use literal rule of interpretation. Literal rule means adherence to the words mentioned in the act. Under this approach the court focuses on the literal meaning of the constitutional provisions. According to this rule, the words, pharases and sentences of a statute are ordinarily to be understood in their literal and grammatical meaning. In A.K.Gopalan: the Supreme Court gave a narrow and literal interpretation to Article 21 of the Constitution and refused to infuse the concept of procedure established by law with the principles of natural justice. Another area where the Supreme Court had used the textualist interpretation was in the interpretation of the word law under Article 13(2) vis-a-vis the Parliament's power to amend the Constitution under Article 368. The Constitution was indeed silent on whether this word under Article 13(2) includes a constitutional amendment or not. In 1951, the Supreme Court made a distinction between ordinary legislative power and the Constitution without any exception. However this judgement was overruled by 11 judge bench and held that the power under Article 368 could not abridge or take away the fundamental rights in Part III of the Constitution. Conclusion The courts interpret as to ascertain the mind of the legislature from the natural and grammatical meaning of the words or phrases used in the statute. The courts as seen above has adopted different approach to interpret the provisions of the Constitution in order the serve the provision. There have been landmark judgements where courts have used different doctrines apart from the primary method of literal interpretation adopted by the Supreme Courts have changed in these seven decades in order to be consistent with the political connotations and changed public policy. Constitution is perceived as the mother of all the laws and it is said that every law takes birth from the Constitution itself so it's the prime responsibility of the Judges' to maintain and preserve the sanctity of the mother document such that law of land at anytime is not found in a jeopardized state. 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 the legislature through the medium of the constitution is the longest constitution and it is evident that Courts have adopted different principles in interpreting the basic structure, equality, right to privacy etc. Thus, the courts have never bind themselves with the literal rule of interpretation only while decicion any matter pertaining to constitutional importance. In the modern times it is evidently seen that the Judges have started adopting the purposive method of interpretation in order to understand and implement the intention of the makers of the constitution. End-Notes: Gautam Bhatia, The Transformative Constitution: A Radical Biography of Nine Acts 11 (2019 K.C.Gajapati v State of Odisha, AIR 1953 SC 375(India). India Constitution Sch. VII. State of Bombay v. F.N.Balsara, AIR 1951 SC 318 (India). 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