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An Overview on Rules of Interpretation with special reference to Golden Rule

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ABSTRACT

The golden rule of interpretation is a variation of the literal rule of interpretation. While the literal rule focuses on the exact meaning of the words in legal language, the golden rule interprets the words to avoid absurdities and inconsistencies that may arise from a literal interpretation. The golden rule alters both the language and grammar of the words used in statutes and other interpretative documents, thereby giving the intended meaning of the words. This paper will deal with critically analyzation of the golden rule of Interpretation. The paper is divided into five parts. In Part I, this paper deal with a brief introduction of the golden rule. Part II proceeds with the history and evolution of the golden rule and in Part III this paper will discuss the advantage and disadvantage of golden rule. In Part IV it throws light on the application of golden rule of interpretation of statute in India and in Part V, this paper will talk about the Criticism of the Golden Rule of Interpretation of Statutes.

Keywords: *Golden rule, Ambiguity, statute, interpretation, statutory interpretation.*

I. INTRODUCTION

The process of interpreting and applying legislation to decide cases is known as statutory interpretation. When the case involves delicate or unclear provisions of a statute, interpretation is required. In general, the terms of a statute have a clear and unambiguous meaning. However, there may be ambiguity or vagueness in the statute's terms in some situations, which must be addressed by the judge. The inherent character of language is the source of ambiguity or vagueness in legislation. It is not always possible to exactly translate the legislative intent into written terms.

G.W. Paton in his "Text book of jurisprudence" state that there are three fundamental rules suggested in the English cases: Firstly, the 'literal rule' that, if the meaning of a section is plain, it is to be applied whatever the result; secondly, the 'Golden rule' that the words should be given their ordinary sense unless that would lead to some absurdity or inconsistency with the rest of the instrument; and thirdly, the 'Mischief rule' which

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emphasizes the general policy of the statute and the evil.

II. ORIGIN OF GOLDEN RULE

In *Grey vs. Pearson*, Lord Wensleydale articulated the golden rule of interpretation for the first time in 1857. Following that, this rule became known as Wensleydale's Golden Rule.

(A) Meaning of Golden Rules of Statutory Interpretation

The golden rule of interpretation is an expansion or extension of the literal rule that allows judges to vary from the strict literal meaning of words to avoid ludicrous results.

When interpreting a statute, the Court must generally adhere to the ordinary sense of the words employed, according to the golden rule.

According to Maxwell, *“The golden rule is that words of Institute must prima facie be given their ordinary meaning”*.

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 words of a statute book, a meaning which he either believes to be that of the legislature, or which he proposes to attribute to it, is called interpretation”*.

(B) History and Evolution of Golden Rule

The golden rule is usually based on part of *Becke v. Smith* [(1836) 2 M&W 195] in which Justice Parke B stated: “If the precise words used are plain and unambiguous, in our judgment, we are bound to construe them in their ordinary sense, even though it does lead, in our view of the case, to an absurdity or manifest injustice. Words may be modified or varied where their import is doubtful or obscure, but we assume the function of legislators. When we depart from the ordinary meaning of the precise words used merely because we see, or fancy we see, an absurdity of manifest injustice from an adherence to their literal meaning.

He further said, "It is very useful rule in the construction of a statute to adhere to the ordinary meaning of the words used and to the grammatical construction, unless that is at variance with the intention of the legislature to be collected from the Statute itself, or leads to any manifest absurdity or repugnance, in which case the language may be varied or modified so as to avoid such inconvenience but no further."

The term 'golden rule' seems to have originated in an 1854 Court ruling *Jervis, CJ.* used the 'golden rule' in *Matterson v. Hart*, [(1854) 23 LJCP 108 at p. 144]: "We must, therefore, in this case have recourse to what is called the golden rule of construction, as applied to Acts of

Parliament, viz., to give to the words used by the Legislature their plain and natural meaning, unless it is manifest, from the general scope and intention of the Statute, injustice and absurdity would result from so construing them.

Twenty years later, Lord Wensleydale restated the golden rule in different known as Lord 'Wensleydale's Golden Rule'. His Lordship expressed himself words in Grey v. Pearson, [(1857) 6 HL case 61, 106] and thereafter it is thus:

"I have been long and deeply impressed with the wisdom of the rule, now I believe universally adopted at least in the Courts of law in Westminster Hall that in construing wills, and indeed statutes and all written instruments, the grammatical and ordinary sense of the words is to be adhered to, unless that would lead to some absurdity or some repugnance or inconsistency with the rest of the instrument, in which case the grammatical and ordinary sense of the words may be modified, so as to avoid that absurdity and inconsistency, but no further."

On the face of it, this rule solves all problems and is therefore known as the 'golden rule'. Lord Granworth L.C. commended the golden rule and said it is a 'cardinal rule'.

With time, the golden rule continues to become more refined and therefore to be a more precise and effective tool for the Courts. More than a century after Grey v. Pearson, (1857) Court added this caveat: "Nowadays we should add to 'natural and ordinary meaning' the words "in their context and according to the appropriate linguistic register".

(C) Advantage of golden rule

1. It permits the judge to select the most logical meaning when the terms in the Act or Statute have more than one meaning.
2. The golden rule is that it honours the words of the parliament save in certain circumstances.
3. When there is an issue with using the literal meaning, provides an escape path.
4. It can also provide fair choices in cases where the literal rule would result in repugnant situations (this also applies to the larger sense) - as in the Re Sigsworth case, where allowing the son to benefit from his crime would have been unjust.
5. The Golden Rule has a significant advantage in that a judge can potentially amend the law by changing the meaning of words in statutes. They can, potentially violating the separation of powers between the judiciary and the legislative.

6. Another significant advantage of the Golden Rule is that status writing errors may be remedied promptly. This is seen in the *R V Allen (1872)* case, when the loopholes were closed, the judgement was consistent with Parliament's intentions, and the conclusion was more just.

(D) Disadvantage of golden rule

1. There are no specific standards for when it can be utilised.
2. It has a very limited application and is only utilised on rare occasions.
3. It is not always easy to predict whether courts would use the golden rule, which makes it difficult for lawyers and others who advise their clients.
4. What appears ludicrous to one judge may not appear so to another, implying that a case's conclusion is determined by the judge rather than the law.
5. The Golden Rule will not help if the statute is not ludicrous. For example, in the case of *London and North Eastern Railway v. Berriman [1946] AC 278*, the widow was denied compensation due to the wording of the contract.

III. APPLICATION OF GOLDEN RULE OF INTERPRETATION OF STATUTE

Although the Golden Rule points to a kind of middle ground between the plain meaning (or literal) rule and the mischief rule, it is not, in a strict sense, a compromise between them. Like the plain meaning rule, the golden rule gives the words of a statute their plain, ordinary meaning. However, when this may lead to an irrational result that is unlikely to be the legislature's intention, the golden rule dictates that a Judge can depart from this meaning. In the case of homographs, where a word can have more than one meaning, the Judge can choose the preferred meaning: if the word only has one meaning, but applying the word lead to a bad decision, the Judge can apply a completely different meaning.

The rule may be used in two ways. It is applied most frequently in a narrower sense where there is some ambiguity or absurdity in the words themselves. For example, imagine there may be a sign saying "Do not use lifts in case of fire". Under the literal interpretation of this sign, people must never use the lifts, in case there is a fire. However, this would be an absurd result, as the intention of the person who made the sign is obviously to prevent people from using the lifts only if there is currently a fire nearby

The second use of golden rule is in a wider sense, to avoid a result that is obnoxious to principles of public policy, even where words have only one meaning.

The rule was applied in this second sense in *Sigsworth, Re Bedford v. Bedford*, [(1935) Ch. 89] Here the Court applied the rule to Section 46 of the Administration of Estates Act, 1925 which provides that the estate would be inherited by next kin. This statute required that the Court should 'issue someone's inheritance in certain circumstances. The Court held that no one should profit from a crime, and so used the golden rule to prevent an undesirable result, even though there was only one meaning of the word "issue". A son murdered his mother and then committed suicide. The Courts were required rule on who then inherited the estate; the mother's family, or the son descendants. There was never a question of the son profiting from his crime, but as the outcome would have been binding on lower courts in the future, the court found in favor of the mother's family.

In **Lee v. Knapp**, [(1967) 2 QB 442], the question arised is 'within how many seconds or minutes' the driver should stop the vehicle if any accident occurs under Section 77(1) of the Road Traffic Act, 1960 (England). Winn LJ applied the golden rule and interpreted the term 'shall stop' as follows:- "The phrase 'the driver of the motor vehicle shall stop' is properly to be construed as meaning the driver of the motor vehicle shall stop it and remain where he has stopped it for such a period of time as in the prevailing circumstances, having regard in particular to the character of the road or place in which the accident happened will provide a sufficient period to enable persons who have a right so to do, and reasonable ground for so doing, to require of him direct and personally the information which may be required under the section."

IV. INDIAN CASE LAW

There are several good examples in India of the Supreme Court or High Courts applying the Golden Construction of Statutes. There may be some misunderstanding when it appears that even for literal rules, this rule is mentioned. The golden rule begins with a search for the provision's literal meaning, and if there is an unmistakable meaning, plain and natural, and no repugnancy, doubt, or absurdity occurs, apply the meaning. However, when there is the possibility of more than one meaning, we must go farther to avoid inconvenience by even amending the language by adding, rejecting, or substituting terms to make meaning correct expounding of the legislature's aim.

In **Navinchandra Mafatlal v. CIT. Bombay**, [(1955) 1 SCR 829, 836-7]. it was observed by Hon'ble Supreme Court that: "The golden rule of interpretation is that words should be read in

their ordinary, natural and grammatical meaning subject to the rider that in constructing words in a Constitution conferring legislative power the most liberal construction, should be put upon the words so that they may have effect in their widest amplitude.”

V. CRITICISM

- The relatively limited scope for judges to interpret is one of the most significant criticisms levelled regarding the Golden Rule of Interpretation. The golden rule, like the literal rule, states that initial priority must always be given to the natural sense of the statute, and judges do not have much discretion or latitude in analysing the meaning of provisions.
- The word "absurdity" in the golden rule is ambiguous and subjective, resulting in a lack of consistency in its implementation.
- Each court reads the regulation differently, resulting in inconsistencies and weakening the rule's original purpose.
- The literal, golden, and mischief rules differ from traditional norms in that they rely on the discretion of judges and lack independent power.
- There must be a clear guideline for when the golden rule should be applied, which adds confusion for lawyers and consultants.
- The golden rule allows judges to diverge from the standards and include their own biases and personal beliefs into the interpretation of the law.
- The application of the golden rule is contingent on the intelligence and integrity of the judges, which can vary and result in potential injustices.

VI. CONCLUSION

If the Statute's wording is obvious, unambiguous, and ordinary, then its meaning should be consistent with that. Statutes should be construed so that the legislature's goal is realised. Words with several meanings should always be understood in their balanced and discretionary sense. Should avoid or mitigate inconsistent or uncomfortable outcomes. Such interpretations should be avoided since they directly cause unfairness. Interpretation that is meaningless and illogical should not be accepted.

If the language of a statute is unclear, leads to multiple interpretations, or fails to convey the legislature's goal, the language of the statute can be modified, and other rules of interpretation

can be employed to assist. This is known as the Golden Rule.
