

INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 6 | Issue 5

2023

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An Overview on the Literal Rule of Interpretation of Statute

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ABSTRACT

Grammatical/Literal Rule of Interpretation is the primary rule of Interpretation, the first principle of interpretation is Literal or Grammatical Interpretation. The epithets 'natural', 'ordinary', 'literal', 'grammatical' and 'popular' are employed almost interchangeably. Literal Rule is where the Judges interpret the legislation that the Parliament has passed. This rule is the basis of all the Court decisions in relation to the Statutes. Here judges rely on the exact wording of the statute for the case. They don't interpret meaning. This research paper will deal with an overview role on Literal Rule of Interpretation of Statute. The research is divided into six parts, whereas it examines how the rule of literal rule is applied in statutory interpretation in India. As every coin has two side this research will further discuss the advantages and disadvantages of literal rule. Through an analysis of Indian legal case this research will light up the role of literal rule on interpretation of statute in India. In summary, the literal rule of interpretation involves interpreting statutory provisions based on their literal and grammatical meaning, prioritizing the exact meaning of the statute, law.

Keywords: *Literal Rule, Interpretation, Statutes, Statutory Interpretation.*

I. INTRODUCTION

"The essence of law lies in the spirit, not its letter, for the letter is significant only as being the external manifestation of the intention that underlies it"- salmond

The term "Interpretation" comes from the Latin word "interpretari", which means "to explain" or "to comprehend". Every law must be interpreted by the judge in the way that it was intended. The aim of interpretation is to determine what the statute stands for, what the flaw it seeks to correct, and what solution it seeks to promote. Interpretation of Statutes is a critical process in legal systems to understand and apply the meaning and intent behind laws enacted by legislatures. Statutory interpretation involves analyzing the language, structure, purpose and context of the statute to determine its intended meaning and effect.

The Primary Rule of Interpretation of Statute are Literal/Grammatical Rule, Golden Rule and

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Mischief Rule. Whereas, the fundamental rule in drafting laws is that the words must be read and interpreted in their literal context. The judges' first rule is the Literal Rule. Some jurists refer to the literal rule as the grammatical rule.

(A) Meaning of Literal Rule of Interpretation:

“In the construction of statutes their words must be interpreted in their ordinary grammatical sense unless there is something in the context or in the object of the statute in which they occur or in the circumstances in which they are used to show that they were used in a special sense different from their ordinary grammatical sense”. – *Lord Atkinson*

The Literal Rule of statutory interpretation is a fundamental principle used in legal system to interpret laws based in the literal, grammatical meaning of the words used in the statutes. This approach dictates that the precise wording of the statutes should be the primary guide in determining its meaning and application, judges following Literal Rule prioritize the ordinary meanings of the words and expressions, as found in the dictionaries and common linguistic usage, to understand the legislature's intent.

Under the Literal/Grammatical Rule, the code should give a Statute's word, their plain meaning/literal meaning regardless of whether the results are sensible or not, it is basically used because judges should not be creating a law as that role is of the legislature. This approach restricts a judge to the so called Black Letter of Law.

Literal or Grammatical means natural, plain, ordinary and usual or as suggested by grammar. When the words are absolutely clear there is no ambiguity and therefore no recourse is need to other principle. These words should be reasonably susceptible/falling to only one meaning.

II. CONDITIONS OF LITERAL RULE

The literal rule of interpretation of statutes is applied under specific conditions to ascertain the intention of the legislature based on the plain and ordinary meaning of the words used in the statutes. Here are the key conditions associated with the literal rule:

1. Clarity of Language: The literal rule is applied when the language of the statute is clear and unambiguous. If the words used in the statute have a plain and straightforward meaning, the literal rule suggests that the courts should interpret the statute based on that meaning.

2. No Ambiguity: The words on the statute should not be ambiguous or open to multiple interpretations. The literal rule assumes that the lawmakers carefully chose words to convey a precise meaning, and there is no need for further interpretation beyond the literal and grammatical sense of the words.

3. Grammatical and Ordinary Meaning: The literal rule emphasizes interpreting the statute according to the ordinary and grammatical meaning of the words, phrases, and sentences used. Judges follow the common and usual meanings of the words as found in dictionaries and linguistic norms.

4. Avoid Assumptions or Presumptions: The literal rule discourages the use of assumptions or presumptions regarding legislative intent or purposes that go beyond the explicit language of the statutes. It advocates sticking to what is expressly stated in the statute.

III. EIGHT RULES OF LITERAL RULE

Under literal/grammatical rule the Judge considers what the statute actually says, rather than what it might mean. The following “Eight Rule” are the heart or center of all the grammatical interpretation:

1. Define the terms or words being considered and then adhered to the defined meanings;
2. Do not add meaning to established words and terms. What was the common usage in the culture and time period when the passage was written;
3. Avoid using words or phrases out of context. Context must define terms and how words are used;
4. Do not separate interpretation and historical investigations;
5. Be certain that words as interpreted agree with the overall premise;
6. Use the known and commonly accepted meanings of the words, not obscure meanings for which there are no precedent;
7. Even though many documents may be used there must be a general unity among them;
8. Base conclusions on what is already known and established or can be reasonably from all known facts.

IV. ADVANTAGES AND DISADVANTAGES OF LITERAL RULE

(A) Advantages of this Rule:

1. Proponents believe that it prevents courts from taking sides in Legislative or Political issues.
2. Ordinary people do not have extensive exposure or access to secondary sources and thus depending on the ordinary meaning of the words is the safest route.
3. It encourages precision in drafting.

4. It respects Parliamentary supremacy and separation of powers between the legislative and judicial branches of the government. It avoids judicial overreach by not imposing the judges' own interpretations or policy preferences.

5. It allows judges and legal practitioners to apply the law consistently, as they focus on the plain and ordinary meaning of the words, reducing ambiguity in legal decisions.

6. It minimizes the use of the judicial discretion in interpreting statutes. This can be seen as an advantages in cases where neutrality and objectivity in decision-making are highly valued.

(B) Disadvantages of this Rule:

1. The rule is wrong in assuming that the words have a fixed meaning, words are imprecise leading.

2. Sometimes the use of the Literal Rule may defeat the intention of a Legislature.

3. In literal rule, the courts refer to the standard common law principles of statutory Interpretation. However, these principles may not be appropriate to constitutional interpretation which by its nature tends to lay down general principle

4. It may lead to interpretations that produce absurd or unjust outcomes when the literal meaning of the words doesn't align with the legislative intent or the broader context.

5. Overtime, languages evolves, and societal contexts change. The literal rule may not adapt well to these changes and might fail to address modern realities or emerging legal issues adequately.

6. The literal rule may lead to a rigid and narrow interpretation of the statute, disregarding broader purposes, objectives, or the spirit of the law. This could hinder flexibility needed in certain situations.

7. Statutes are not always perfectly clear, and the literal rule does not provide guidance on how to handle ambiguity or gaps in the law. It may be inadequate in resolving disputes when the wording is ambiguous.

8. In complex statutes where technical language is used, the literal rule might not be effective due to the specialized meanings of the terms. A more nuanced approach may be necessary.

In practice, judges often balance the literal rule with other interpretive methods, such as the purposive approach, contextual interpretation, and the golden rule, to ensure a fair and just application of the law, considering both the literal wording and the broader legislative intent.

V. WHEN LITERAL RULE IS APPLIED?

1. When the language of then statute is clear and does not present any ambiguity or uncertainty in meaning, the literal rule is often applied.

2. When the words used in the statute have a plain and ordinary meaning, the literal rule suggests interpreting the statute based on the straightforward meaning. Ordinary meaning to ordinary words unless the demand of the statute, it is important to avoid giving technical meaning to ordinary words (The meaning which comes out in the strict sense) while technical words have only technical meaning, ordinary words have both technical and ordinary meaning.

3. When the statute in question does not conflict with other laws or regulations, and its meaning is apparent from the wording itself, the literal rule is typically followed.

4. When the words used in statute are assumed to convey the precise legislative intent without requiring further interpretation or assumptions, the literal rule is applied.

5. When applying the literal rule does not lead to an absurd or unjust outcome, judges may prefer a literal interpretation that aligns with common understanding and expectations.

6. It is applied to avoid judicial activism and limit judicial discretion, ensuring that judges adhere closely to the text of the law rather than injecting their own interpretations.

7. Consequences should be ignored when by the use of clear and unequivocal language capable of only one meaning is enacted by legislature, it must be enforced however harsh or absurd or contrary to common sense the result maybe. The duty of the court is to expand the law as it stands and leave the remedy to others.

8. Every words should be given a meaning, the main part of the section must not be constructed in a way as to render a proviso to a section unused or redundant.

9. Statutes need to be read as a whole, strict meaning should be given because it is presumed that the words have been used correctly and exactly and not in a loose and distant manner. The plain meaning should be of primary rule of interpretation.

In case of **M/S. Motipur Zamindary Co. (P) Ltd vs The State of Bihar, 1962 AIR 660, 1962 SCR Supl. (1) 498** here under Section 6 of the Bihar Sales Tax Act, 1947, the Government issued a notification exempting certain goods from the payment of sales tax, including “Green vegetables other than potatoes, except when sold in sealed containers”. The appellant who was a producer of sugar cane was assessed to sales tax, he contended that sugar cane was a green vegetables and was exempted from tax and that he was not a dealer as defined in Section2(c) of the Act and could not be assessed to sales tax. Later, it was held that sugar cane was not a green vegetable and was not exempted under the notification. The word “vegetable” in taxing statutes

was to be understood as in common parlance i.e. denoting class of vegetables which were grown in a kitchen garden or in farm and were used for the table. The dictionaries defined sugar cane as a “Grass”.

In case of **Maqbool Hussain vs The State of Bombay, 1953 AIR 325, 1953 SCR 730** in this case Maqbool, an Indian citizen, upon returning from an international trip brought some gold with him. According to the Sea Customs Act, no Indian citizen was allowed to bring any valuables such as gold and hence, his gold was confiscated. He was then prosecuted under the Foreign Exchange Regulation Act, 1947. Maqbool contended that since the gold had already been confiscated, and that was a trial in itself. He cannot be prosecuted under FERA, 1947 as it would amount to double jeopardy. However, the Supreme Court held that confiscation of gold cannot be termed as prosecution and hence it was not a case of double jeopardy according to the strict and literal interpretation of Article 20(2).

VI. CONCLUSION

From the above discussion, it is clear that the literal rule of interpretation is the primary rule of interpretation under which courts interpret statutes and provisions in the literal and ordinary sense without adding any meaning to them and without modifying them. This rule is helpful in cases where there is no ambiguity.

Whereas primary rule is the literal rule of interpretation. Courts view statutes in a literal and ordinary way under this law of interpretation. They apply a universal interpretation of the statute's terms. The court is required to use the grammatical sense. The statutes should be interpreted as though there were no other interpretation than the literal meaning. It's an age-old and well-established law of interpretation. It is used not only in England, but also in India, where it originated. Courts must keep a few things in mind when interpreting statutes. It is unclear if the interpretation is susceptible to different interpretations in one context, but it is plain if it is susceptible to different meanings in different contexts.
