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History of Interpretation of Statutes

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ABSTRACT

This project tells an interesting journey to interpret the statutes throughout history. Legal interpretation, which forms the basis of legal practice, has evolved over the centuries as a result of cultural, philosophical and legal influences. This study begins a comprehensive study of the historical trajectory of legal interpretation, highlighting key changes in methodology, ideology, and contextual factors that led to these changes.

The research begins with the study of ancient legal systems such as Mesopotamian, Roman and English law which shows how early societies interpreted legislative texts. It then examines the emergence of formal legislative bodies and their influence on the formation of legal interpretation in the medieval and early periods. Prominent jurists such as Coke and Blackstone are recognized as key figures who laid the foundations of modern interpretive approaches.

Interpretation saw a wave of rationalism and a move from strict textualism to a more objective interpretation of the law. These changes are examined along with the impact of legal positivism and natural law theory on interpretive methodology. The researcher also examines the nuances that emerge as a result of the rise of legal codes and their interaction with the evolving principles of interpretation.

In addition, the project explores the influence of legalistic approaches in the 20th century, challenging traditional approaches and introducing sociological and contextual considerations into translation. Current analysis is associated with the proliferation of specific rules and the proliferation of specific interpretation methods.

Through a comprehensive review of historical legal texts, major events, and scholarly discourse, this project explores the dynamic nature of legal interpretation. By tracing the evolution of methods and ideologies, it provides valuable insight into the complex interplay between the dynamics of law, society, and philosophy that contributed to the development of this important jurisprudence. As the legal system continues to adapt to the complexities of modern society, a thorough understanding of the historical basis of legal interpretation is essential for practitioners and scholars.

Keywords: History, Interpretation, Statutes, Law.

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I. INTRODUCTION

(A) Meaning and object of interpretation

Interpretation is the way to define the true meaning or meaning of a word. The art of determining the true meaning of a statute by assigning to the words of the charter their natural and ordinary meaning, instead of the ordinary meaning of English words.

The question of law is one of proper construction and the purpose of interpreting the provisions of a statute is to unlock the lock provided by the legislature. A key must be found to open such a lock. According to Gray, the judge interprets the words of the statutory book as the meaning that is believed or proposed by the legislature to be "interpretation". Therefore, this key can be called explanatory and interpretive principles.

On the other hand, Salmond defines:

Interpretation or construction as the process by which courts seek to ascertain the meaning of a statute through the authoritative form in which it is expressed.

The age-old process of applying the adopted law led to the formulation of certain rules of interpretation.

"Construal is the process by which courts determine the meaning of a statutory provision in order to apply it to a situation before them."

A certain amount of interpretation is often necessary for any court matter involving a legal statute. Sometimes the words of the law have a clear and straightforward meaning, while on the other hand there is some ambiguity or vagueness in the words of the law that needs to be resolved by legal experts. To find the meanings of statutes, judges use a variety of tools and methods of statutory interpretation, including traditional canons of statutory interpretation, legislative history, and purpose.

(A) Justice Chakravarti made two observations in *Badshah Mia v. Rajjab Ali*

The primary goal in interpreting statutes is always to discover the intent of the legislature and the United Kingdom, because the provisions developed here can help clarify the interpretation for those who are tasked with interpreting it. legislative language, constituting the language of this rule.

Since DPRD members interpret statutes in the same way as court interpreters, the application of those rules when analyzing statutes naturally reveals the intended meaning of a word or phrase. It is doubtful whether the same assumption can always be made, at least in the case of

modern Indian legislation, especially in the case of provincial legislation.

II. HISTORY OF THE RULES OF INTERPRETATION

This ancient process of applying common law has spread throughout the world where the law applies. Courts in Australia and the United States have consistently considered that the text of a statute takes precedence and is read as written, using the ordinary meaning of the words of the statute.

The French philosopher Montesquieu (1689-1755) believed that the court should act as the "mouthpiece of the law," but it soon became clear that some interpretations could be resisted. The German scientist Friedrich Karl von Savigny (1779-1861) later introduced four main methods of interpretation.

1. Grammatical interpretation:

Using the literal meaning of the statutory text.

2. Historical interpretation:

Use legislative history to discover the intent of the legislature.

3. Systematic interpretation:

Having regard to the context of the provision, even if only by recognizing in which chapter the provision appears.

4. Teleological interpretation:

Discussion of the intent of a statute is considered to originate from legislative history or other observations.

It would be arguable to say that there is a hierarchy among these four interpretation methods.

Blackstone's interpretation has a detailed approach to metaphor, and all judicial decisions have a relationship between law and justice. In the 19th century, technical skills were equated with the old rules of begging; Intuitive justice, modern law, and generous liberality. In the classical period of the late 19th and early 20th centuries, intent played a central role, and the early classical emphasis on legislative intent led to a growing tension between literal and figurative understandings.

This is how these 2 sets of principles for the interpretation of laws were created:

Ultimately, the intent, literal meaning, or "preferred rule" is defined based on the classic notion of legislative intent and the rule of ministerial interpretation in the tension between literal

interpretation.

As a general rule, the legislature must stand by what it says, and it is not the duty of the courts to assume that the legislature meant other than what it said. The words of the statute are first understood in their natural, common, or popular sense, and sentences and phrases are interpreted according to their grammatical meaning, unless this leads to an absurdity. The intention of the Legislature must always be gathered from the words which give it their plain, ordinary, grammatical meaning.

(A) Justice S.R. Das in Jugal Kishore Saraf Vs. Raw Cotton Co. Ltd

The basic rule of legal construction is to read the statute literally, that is, to give the ordinary, natural and grammatical meaning to the words used by the legislature. However, if such an interpretation leads to ambiguity and the words may have different meanings, the Court may take the same decision. However, if such an alternative construction is not possible, the Court must adopt the usual rules of interpretation.

Others use the pre-classical dichotomy of technicalism and liberalism and choose to interpret interpretive norms either strictly or liberally. Also known as the golden rule.

The golden rule is a direct variation of the rule. If there is an obvious anomaly in applying the law in its natural/grammatical sense, the court can interpret the law to remove the anomaly.

(B) Lord Wensleydale so named it and adopted it in the case of Gray v Pearson

The general rule, as in other written instruments, is that in drafting laws "the grammatical and ordinary meaning of words must be observed, unless they cause some absurdity, objection, or disagreement with the rest of the instrument, and avoid ambiguity and contradiction. ." it was built to be owned, but nothing else.

The Rule of Torts or Explanation 3 was introduced by Lord Coke in 1584 in the Haydon case. In general, courts should adopt a construction that minimizes distortion and expedites damages.

Another approach, purposive interpretation, is the codification of the tort rule, the plain meaning rule, and the tort rule intended to replace the golden rule. [16] Purposive interpretation is used when the court uses external materials from before the legislation came into effect, such as Hansard, committee reports and white papers.

If the language of the statute is clear, there is no need for rules of interpretation.

But in some cases, the same word or phrase can have more than one meaning. Statutory interpretation is necessary to determine the true intent of a statute. Rules only come into play when there is doubt about the language of expression used.

In the 20th century, a progressive approach to equity-based interpretation as a legal concept took place. The similarity is mediated between classical formalism and legislation.

Detailed rules of interpretation were also developed in the ancient period of Indian civilization. The rules given by Jaimini, the author of the Mimamsat sutras, which were originally meant for the srutis, are also used to interpret the smritis.

III. UNDERSTANDING THE PURPOSE AND CONCEPT OF INTERPRETATION

Interpretation is a function of the court because of its role in applying the law. But interpretation and application are two different exercises. Although the interpretation is always independent of the facts of the case, its application is always dependent on the facts of the case. If the language is clear and unambiguous, the court must obey because in that case the word reflects the intention of the legislature and the court must give a specific meaning.

The need for interpretation arises when:

- The meaning is not clear.
- Two different interpretations are possible, and the parties prefer the meaning that benefits their interests.
- Legislative language can be complicated for the layperson and therefore may require interpretation.

(A) Lord Denning v Seaford Court Estates Ltd. vs. Asher

Knowledge of English is not a tool for mathematical accuracy. If the laws of Parliament were framed with divine precision and accuracy, judges would be spared this problem. A judge without me cannot fold his hands and punish the plaintiff if only one fault is found.

It is impossible to predict the various permutations and combinations that may occur in the actual implementation of the law and determine the vague conditions for each. Legal interpretation is an ongoing exercise as new facts and circumstances arise.

The object of interpretation is stated in Halsbury's Laws of England:

The purpose of interpreting a written document is to discover the intent of the author and confirm the intent of the legislature. The intention must be as close as possible to the thoughts and intentions of the parties and permitted by law.

The court should avoid direct conflict between seemingly conflicting provisions and interpret the conflicting provisions to reconcile them. The provisions of one section cannot be used to override the provisions of another section unless the court, despite its best efforts, cannot find a

way to resolve the conflict. Harmonization does not mean eliminating or weakening all legal provisions.

IV. GENERAL RULES REGARDING INTERPRETATION

- Any question that arises when ascertaining and interpreting a certain provision, 3 rules must be applied:
- Ex Visceribus Actus, The statute must be read as a whole in its context.
- Ut res magis valeat quam pareat, The statute must be interpreted to make it effective and enforceable.
- Casus Omissus – A situation omitted or not provided for by statute or regulation and therefore governed by common law.

(A) Aids Used in The Interpreting Process

A number of tools are used which can be legal or illegal. Statutory instruments can be provided by the General Act 1897 and the Ordinance Interpretation Act 1957, and additional instruments can include general rules of interpretation (including certain presumptions of interpretation) and case law, and special definitions in individual statutes. legal interpretation.

V. AIDS CAN ALSO BE DIVIDED INTO 2 CATEGORIES

(A) Internal and external:

- Internal aids are those found within the law, such as:
- The long name of the statute
- Preamble to the Statute
- Headings of the chapters of the statute
- Marginal notes to each section of statute
- Punctuation
- Illustrations given under sections
- Definition
- Commission
- Explanation
- Deposit clauses and non-obstante clauses

External aids to interpretation are those not contained in the statute but found elsewhere, e.g.

- Historical background
- Statement of Objects and Reasons
- The original bill as drafted and introduced
- Debates in the legislature
- The state of affairs at the time the particular legislation was passed
- Judicial construction
- Legal dictionaries
- Common sense

The interpretation of international treaties is regulated by the Vienna Convention on the Law of Treaties, especially Articles 31 and 33. Some states (such as the United States) are not parties to this convention, but recognize the convention as an international codification of standards by law.

The text of the agreement must be decisive unless the provisions of the convention are ambiguous or ambiguous or lead to manifestly absurd or unreasonable conclusions. The use of "additional explanatory devices" is allowed only in cases where the preparatory work is called travaux preparation in French.

VI. CONCLUSION

According to Salmond: The essence of the law lies in its spirit, not its letter, because the letter is important only as an outward expression of the underlying intention. However, under normal circumstances, the court must accept the letter of the law as evidence separate and undisputed from the sententia law.

Ordinarily, we should not presume the intent or intent of the legislature. Ita scriptum est is the first principle of interpretation. Judges do not have the power to add to, delete, or change the letter of the law because they have reason to believe that the original sympathy does not fully or accurately reflect the law.

The fairest and wisest way to make a law is to "test the intention of the legislature by the words, context, object, effects and consequences, or the most natural and probable indications of spirit and reason."
