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Internal Aids to Construct a Statute

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ABSTRACT

This article examines the internal aids of interpretation used in the analysis of statutes. Internal aids include internal elements of a law, such as its title, preamble, headings, punctuation, and definitions. Through a comprehensive examination of legal precedents, theoretical frameworks, and practical examples, this study examines how courts use these internal aids to decipher legislative intent and clarify ambiguities within statutes. By shedding light on the complex interplay between statutory language and contextual cues, this research contributes to a deeper understanding of the interpretive process and its impact on legal outcomes. This research paper delves into the critical area of statutory interpretation by focusing on the internal aids available to lawyers and courts. Statutory interpretation forms the basis of legal analysis, determining the intended scope and applicability of laws. Among the various instruments used in this process, internal aids stand out as internal elements enshrined in the text of the statutes. This study aims to provide a comprehensive survey of how these devices, including titles, preambles, headings, punctuation, and definitions, assist in revealing legislative intent and resolving ambiguity. Drawing on a wide range of legal precedents, theoretical frameworks and practical case studies, this research illuminates the multifaceted nature of internal remedies. Through an analysis of how courts navigated complex textual nuances, the paper sheds light on the delicate balance between literal interpretation and contextual analysis. It further examines the hierarchy of these supports and their varying degrees of influence in different jurisdictions.

I. INTRODUCTION

In the complex domain of legal interpretation, the understanding and application of laws plays a key role in shaping legal outcomes. Statutes, as a written embodiment of legislative will, govern the behaviour and rights of individuals within a legal framework. However, the inherent complexity of statutory language often presents problems in determining legislative intent. This is where the concept of indoor aids comes into play.

Internal aids refer to the internal parts of a law that are used to reveal its intended meaning and purpose. These aids are integral to the statute itself, providing contextual clues that help resolve

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ambiguities, clarify language, and arrive at a more accurate interpretation. In the field of legal interpretation, internal aids serve as invaluable tools that help bridge the gap between the statutory text and the legislator's intent.

Although there are different forms of internal aids, they all share a common goal: to facilitate a deeper understanding of the statute by looking at its own boundaries. These aids include titles, preambles, headings, punctuation, and definitions that are part of the statute. Their importance lies in their potential to illuminate the wider context and purpose of the law, thereby helping to decipher the legislature's intent.

In the age of digital technologies and legal research conducted through information operating systems (IOS), the use of in-house tools takes on a new dimension. With statutes and legal resources at your fingertips, IOS platforms offer an efficient means of navigating and cross-referencing internal aids. This presents an opportunity to streamline the interpretation process and increase the accuracy and reliability of legal analyses.

This paper delves into the area of internal aids in the IOS context and examines how these aids are used to reveal legislative intent within statutes. By examining the evolving role of in-house tools in the digital age, this research sheds light on how technology is intertwining with traditional legal methodologies. Through the examination of real-world examples and case studies, this study aims to contribute to a comprehensive understanding of the symbiotic relationship between statutory interpretation, internal aids and the dynamic environment of IOS platforms.

II. MEANING OF INTERNAL AID

Internal aids to statutory interpretation refer to internal elements or parts of the statute itself that are used to understand and clarify the intended meaning of the statute. These aids are part of the text and structure of the law and are used by lawyers, judges and scholars to help determine the legislative intent of the law. Internal aids may include titles, preambles, headings, punctuation, and definitions contained in the bylaws. By analysing these elements in the context of the law, interpreters seek to uncover the broader context and purpose of the law and resolve any ambiguities or uncertainties that may arise from the language used in the text.

"Aid" is a device that helps or assists. In performing the function of interpretation of the provisions of the law, the court can take help from the law or even outside it.

The first of these is called "internal aids" and the second is called "external aids".

Internal aid includes:

1. TITLE:

In the context of internal aids to statutory interpretation, "title" refers to the heading or label that appears at the beginning of a section or part of a statute. The title provides a brief description of the subject or content that follows in that particular section. It serves as a helpful guide to the general theme or purpose of a statutory provision.

While the titles are not legally binding and cannot override the actual wording of the bylaws, they are considered a valuable internal aid that offers context and a preliminary understanding of the content found in that section. Interpreters may refer to the title to gain insight into the legislative intent or overarching theme of a statutory provision.

Short Title: A short title is the catchy name of the law, usually placed at the beginning of the law. It serves as a convenient and easily recognisable reference to the law. The short title is designed to provide a quick identifier of the law and is often used in legal citations and references. It may reflect the main focus or purpose of the statute.

It is merely a name given for identification of the Act and not for description and generally ends with the year of passing of the Act, such as the Indian Contract Act, 1872, the Indian Penal Code, 1860, the Indian Evidence Act, 1872.²

Long title: The long title is a more comprehensive description of the content and objectives of the statute. It is located at the beginning of the Act and provides a detailed overview of the scope and purpose of the Act. The long title aims to give readers a clear idea of what the law is trying to achieve and may include a wider range of topics covered by the law.

Both the short name and the long name serve as internal aids that provide contextual information about the status. The short title offers a concise way to refer to the law, while the long title provides a more detailed view of its intended purpose and scope. Lawyers and interpreters often refer to both the short and long titles to get an overview of the legislative intent and overall content of the law.

For instance, the long title of the Code of Criminal Procedure, 1973 says: An Act to consolidate and amend the law relating to criminal procedure, and that of the Prevention of Corruption Act, 1988 says: 'An Act to consolidate and amend the law relating to the prevention of corruption and matters connected therewith'.³

² Shiva Satya, 'Internal Aids to Construction' (IPLeaders Blog, 15 March 2023) <https://blog.ipleaders.in/internal-aids-to-construction/> accessed 29 August 2023.

³ Shiva Satya, 'Internal Aids to Construction' (IPLeaders Blog, 15 March 2023) <https://blog.ipleaders.in/internal-aids-to-construction/> accessed 29 August 2023.

2. PREAMBLE

The preamble of the Act contains the aims and objectives to be achieved and thus forms part of the Act. It is the key to unlocking the mind of legislators.

Definitely! The "preamble" of a statute is an essential internal aid used in the interpretation of statutes. A preamble is an introductory sentence or passage that precedes the main body of a statute. It usually provides the context, background and purpose or objective for which the law is enacted.

In the context of the interpretation of laws, the preamble offers valuable insights into the legislative intent of the law. It helps clarify the reasons for passing the law and the problems it seeks to address. Interpreters can analyze the language and content of the preamble to understand the broader social or legal context that led to the creation of the law.

For example, if a statute is enacted with a preamble that refers to public safety and environmental concerns, those references may guide the interpretation of the statute's provisions. The preamble serves as a tool for aligning the interpretation with the underlying policy goals of the legislation.

However, it is important to note that although the preamble is an important internal aid, it is not always present in every law. Moreover, not all preambles are equally detailed or exhaustive. Therefore, its use in interpretation should be balanced with other internal and external aids to achieve a comprehensive understanding of the intent and scope of the law.

Thus, in case of ambiguity or ambiguity, the preamble may be used by the courts to interpret any provision of this Act. But caution is in order here. The Supreme Court ruled in **Maharishi Mahesh Yogi Vedic Vishwavidyalaya v. State of M.P. AIR (2013) 15 SCC 677** – court cannot resort to preamble when language of statute is clear and unambiguous.

In the case of A.C. Sharma v. Delhi Administration AIR 1973 SC 913

In this case, the petitioner challenged his conviction under Section 5 of the Prevention of Corruption Act, 1947.

His main reason was that after the establishment of the Delhi Special Police, the Anti-Corruption Branch of the Delhi Police ceased to have the power to investigate cases of bribery, as the preamble to the Delhi Special Police Act, 1946 pointed out.

However, the court ruled that no preamble could interfere with the clear and unambiguous words of the statute.

Section 3 of the Delhi Special Police Ordinance, 1946 empowered the Delhi Special Police to

investigate such cases as well.

3. HEADINGS

Another important internal aid used in the interpretation of statutes is "headings". Headings are names or labels that appear above sections or subsections within a statute. They provide a brief description of the content that follows in that particular section of the Act.

In the context of statutory interpretation, headings serve as useful guides that offer a preliminary understanding of the subject matter of a particular section. They can help lawyers, judges, and scholars quickly identify the general theme or theme of a provision within a statute.

For example, if a statute is headed "Employers' Responsibilities," this indicates that the upcoming section or provision is likely to be about employers' legal obligations. Interpreters can use the headings to navigate the structure of the statute and anticipate the content that will be discussed in each section.

However, it is important to note that while headings provide contextual information, they do not carry the same legal weight as the actual text of the law. Interpretation should not rely solely on headings, as they may not always fully capture the complexity of the content in the sections. It is recommended that the headings be considered alongside other internal and external aids to achieve a comprehensive and accurate interpretation of the law.

For example, the heading of Section 437 of the Code of Criminal Procedure, 1973 is "When bail may be taken in case of non-bailable offence".

The case of Tolley v. Gildings concerned the interpretation of Section 217 of the Road Traffic Act. The heading of the provision was "Miscellaneous and general" with the subtitle "Penalty for unauthorised taking of a motor vehicle". The court held that the headings clearly explained the legislature's intent and therefore the passenger could be held liable for the trespass.

4. MARGINAL NOTES

Marginal notes or marginal notes are brief explanations placed to the side of sections within a statute. They express the effect of the section but are not part of the statute. Drafters, rather than legislators, usually insert notes in the margin.

In the past, marginal notes were sometimes considered in interpretation when the clear meaning of a provision was uncertain. However, in the modern view of the court, marginal notes do not play a significant role because they are not inserted by the legislatures or are not part of the law itself. Nevertheless, marginal notes are sometimes referred to when interpreting the Constitution because they are created by the Constituent Assembly.

5. ILLUSTRATION

Illustrations are sometimes attached to a section of the Act to illustrate the provisions of the Act explained therein. A large number of Indian Acts have illustrations attached to various sections.

As they are an expression of the mind of the Legislature, they are a good guide to ascertain the intention of the framers. But an otherwise clear statute cannot be given an expanded or restricted meaning based on the representations attached to it.

The Supreme Court in *Mahesh Chand Sharma v. Raj Kumari Sharma* observed that the illustration is part of the section and helps clarify the principle of the section.

However, the illustration cannot be used to repeal the provision or change the language of the section. This is reflected in the legal principle which means that examples only illustrate but do not narrow the scope of the rule of law.

In *Muddily Chatterjee v. International Film Co.* it has been observed that illustrations cannot be ignored or pushed aside when building a section

6. PUNCTUATION

In ancient times, laws were passed without punctuation, and therefore the courts naturally did not concern themselves with examining punctuation.

But in modern times, laws include punctuation. Thus, whenever a matter comes before the courts for interpretation, the courts will first look at the provision as it is punctuated, and if they believe that there is no ambiguity in the interpretation of the punctuated provision, they will construe it.

In interpreting a provision in punctuated form, however, if the court feels objection or ambiguity, the court will read the entire provision without punctuation, and if the meaning is clear, it will so interpret it without attaching any meaning to the punctuation.

7. DEFINITION & INTERPRETATION CLAUSE

Definitions or interpretation clauses in statutes define certain words used in statutes to avoid the need to repeat descriptions and to expand the natural meaning of certain words as intended by the statute. These clauses also clarify the legislature's intent regarding the use of specific words in the statute and help avoid ambiguity.

The rule of interpretation for definition clauses is that when the words "means" or "means and includes" are used, the definition is exhaustive and does not allow for wider interpretation.

However, when the word "includes" is used, it gives the broadest possible interpretation or extends the ordinary meaning of the word.

However, if the use of a definition clause would lead to an absurd result, the court will not use such definitions

In the case of Mahalaxmi Oils Mills v. State of A.P., the interpretation of the word "tobacco" was in question. The definition states that tobacco includes any form of tobacco, whether cured or uncured, manufactured or not, and leaf stalks and stems of the tobacco plant. The Supreme Court held that the definition was exhaustive and refused to include tobacco seeds within the definition of tobacco.⁴

8. EXPLANATORY NOTES

Explanations are inserted to explain the meaning of a particular provision and to remove doubts that might creep in if the explanation were not inserted.

It does not expand the meaning of the provision to which it is added, but merely combines to remove possible confusion in the understanding of the real meaning of the legislation.

A large number of Indian laws have explanations attached to various sections. For example, Section 108 of the Indian Penal Code, which defines the word "swindler", has five explanations. Sometimes the clarifications are inserted not at the time of adoption of the law but at a later stage. For example, two explanations to section 405 of the Indian Penal Code, which defines the crime of "criminal breach of trust", were inserted in 1973 and 1975.

There may be a case where inspite of many clauses in the section only one explanation is attached to the section as in the case of proviso to Section 20 of the Code of Civil Procedure 1908. In such a case it is necessary to see which clause of explanation is attached to – *Patel Roadways limited v. Prasad Trading Company*.

9. SCHEDULES

"schedule" means an appendix or appendix to a law, statute or regulation that provides additional information or details related to the main text. Schedules may contain various kinds of information such as lists, tables, forms, classifications, charges or any supplementary provisions that are relevant to the interpretation and application of the principal Act.

For example, Article 1 of the constitution states that India shall be a union of states, and

⁴ Law Bhoomi, 'Internal Aids to Interpretation of Statutes' (<https://lawbhoomi.com/internal-aids-to-interpretation-of-statutes/#Headings> ,accessed August 29, 2023).

Schedule 1 contains the names of the states along with their territories.⁵

In *M/s. In Aphali Pharmaceuticals Limited v. State of Maharashtra*, the Supreme Court held that in case of conflict between the plan and the main part of the Act, the main part prevails and the plan has to be rejected.

10. PROVISIO

In some parts of the law, a sentence with the introductory words "if..." is added after the main provision.

The part of the section beginning with the words "**Provided that...**" is called the Proviso.

A proviso is a clause added to a law to adopt something from the provisions of a provision or to limit its applicability. As such, the function of a proviso is to qualify or exclude something from what is stated in an enactment which, without the proviso, would be within the scope of the enactment. The general rule on the interpretation of a proviso is that a proviso is not to be taken absolutely in its strict literal sense, but is necessarily limited to the ambit of the section which it qualifies. The court is not authorised to add words to the proviso in order to expand its scope. This proviso must be adequately expressed by the words used therein.

If the proviso is directly against a section, the proviso will apply and the cancellation of the section will take place, because the proviso speaks of the second intention of the creators.

In *State of Punjab v. Kailash Nath*, the Supreme Court held that the proviso must be read as an exception to the main provision of the section. Sometimes multiple caveats are attached to a section. If there is any conflict between the two reservations, the latter shall prevail.

11. EXCEPTION AND SAVING CLAUSE

Exceptions are generally added to a piece of legislation to take out something that would otherwise fall within the scope of the main provision.

For example, ten exceptions are attached to Section 499 of the IPC, which defines "defamation". These ten exceptions are cases that do not constitute defamation.

Similarly, there are five exceptions attached to Section 300 of the Indian Penal Code which defines "murder". The five exceptions are cases that are not murders, but culpable homicide not amounting to murder.

The exception confirms that things that are not exempted are covered by the main provision. In

⁵ Law Bhoomi, 'Internal Aids to Interpretation of Statutes' (<https://lawbhoomi.com/internal-aids-to-interpretation-of-statutes/#Headings>, accessed August 29, 2023).

the event of a conflict between a statement and an exception, the statement must be relied upon. However, some decisions have been issued based on the principle that the exception, which is the latter will of the legislature, must prevail over the substantive part of the legislation.

III. SIGNIFICANCE OF INTERNAL AID

Internal aids are important in legal interpretation because they provide basic context, clarity, and guidance for understanding the meaning and intent of laws or statutes. Here's why indoor aids are important:

- **Contextual Understanding:** Internal aids such as headings, headings, preambles, and cross-references provide insight into the structure and organisation of a legal document. They help readers understand the interrelationship of various sections and the overarching purpose of the Act.
- **Clarity and Definitions:** Definitions and interpretation clauses define key terms used in the statute, avoid ambiguity, and ensure consistent understanding of terminology among readers.
- **Legislative intent:** Internal aids offer a window into the intent of legislators when creating a law. By examining titles, preambles, and other contextual elements, interpreters can better understand why a law was enacted and how it should be applied.
- **Avoiding ambiguity:** Internal aids can help resolve ambiguities or contradictions in the text itself. By considering headings, cross-references, and definitions, interpreters can determine intended meaning and reconcile inconsistencies.
- **Effective application:** Schedules, tables, and annexes provide specific details, examples, or classifications that assist in the accurate application of the law. They save time and effort by offering practical advice.
- **Quick Reference:** Marginal notes and headings serve as quick references that allow readers to identify the contents of sections at a glance. This facilitates efficient navigation in the legal document.
- **Consistency:** Internal aids help maintain consistency within the Act by determining how the various sections should be interpreted in relation to each other. They contribute to a coherent and unified understanding of law.

IV. DRAWBACKS OF INTERNAL AID

Although internal aids are valuable tools of legal interpretation, they also have some

disadvantages that can affect their effectiveness. Here are some disadvantages to consider:

- **Ambiguity:** Internal aids such as headings and titles can sometimes contribute to ambiguity rather than clarity. The heading may not accurately reflect the content of the section, which may lead to confusion or misinterpretation.
- **Imprecise or Outdated Terminology:** Definitions and interpretation clauses may define terms based on the language used at the time of writing. As the language evolves, these definitions may become outdated or may not fully capture the intended meaning.
- **Over-reliance:** Relying only on internal aids can lead to an incomplete understanding of the law. Internal aids should be used in conjunction with other methods of interpretation to provide a comprehensive analysis.
- **Misleading marginal notes:** Marginal notes may not accurately reflect the content of the corresponding sections, which may lead the reader to misunderstand the law.
- **Complexity and length:** Some laws contain extensive internal aids, schedules and annexes that are complex and lengthy. This can overwhelm the reader and make it difficult to navigate the legal document.
- **Inconsistent Updates:** Schedules and Appendices may not be updated as the law changes over time, leading to inconsistencies between the main text of the statute and supplemental information.⁶

V. CASE LAW

One of the key cases in India highlighting the use of internal aid in legal interpretation is **West Bengal v. Subbed Gopal Bose (AIR 1954 SC 92)**. In this case, the Supreme Court of India considered the interpretation of the term "tax" under the Calcutta Municipal Act, 1923.

The issue was whether the fee charged by the municipality for dog registration could be considered a "tax" under the law. The interpretation depended on whether the term "tax" included a charge or not.

While construing the term "tax", the Supreme Court referred to internal aids such as the definition section in the statute, which provides definitions of various terms used in the statute. The Court emphasised that while the literal meaning of the term "tax" is important, it must consider counter-subsidy to confirm legislative intent.

⁶ Get Revising, 'Advantages and Disadvantages of Internal Aids' (https://getrevising.co.uk/grids/advantages_and_disadvantages_of_internal_aid , , accessed August 29, 2023).

Finally, the Supreme Court ruled that the term "tax" as used in the Act is not limited to taxes levied for revenue purposes, but also includes expenses. The court's reliance on internal aids such as definitions in statutes demonstrates its importance in understanding the scope and purpose of the statutory text.

This case emphasised the importance of using internal aids such as definitions and interpretation clauses in the statute itself to arrive at a comprehensive interpretation of Indian legislative language.

VI. CONCLUSION

In conclusion, internal aids play a vital role in the interpretation of laws and statutes, providing essential context, clarity and guidance for understanding legislative intent. While they offer valuable benefits, it's important to approach them with an awareness of their limitations. Internal aids, including headings, titles, preambles, definition clauses, cross-references and lists, help to achieve a comprehensive understanding of legal texts. They help ensure consistency, facilitate effective application and help avoid ambiguity.

However, internal aids are not without disadvantages. Sometimes they can lead to confusion or misinterpretation due to ambiguity, subjective judgment or outdated terminology. Over-reliance on them can lead to an incomplete understanding of the law, and inconsistencies in their application across different statutes can challenge a uniform approach to interpretation.

Lawyers must strike a balance between using internal aids as valuable tools and considering them in conjunction with other methods of interpretation. The combination of internal aids with legislative history, precedents and a broader understanding of legal principles ensures a comprehensive interpretation that is consistent with the original intent of the legislators and the evolving needs of society.

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