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# Role of Judges in the Art of Interpretation of Statutes

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## ABSTRACT

*Statutory interpretation is a practice through which the courts break down the words of a legislation and give true intent to it. While the legislature makes the laws, the judiciary performs the art of interpretation to give meaning to the words of the law maker. However, the intent of the legislator is often not the same as that of the judiciary which sometimes leads to a conflict and raises questions as to the extent to which the judiciary can exercise their freedom of interpretation. Sir Benjamin Cardozo had early on recognized the conflict which he discussed in his lectures at Yale University. Of the lectures delivered, two came to be published as books known as 'The Nature of the Judicial Process' and 'The Growth of the Law'. In these, he talks about how sometimes, it becomes a role of the judge to fill gaps in the legislation in order to apply them in different situations. This 'filling of gaps', inevitably, leads to the creation of new laws through interpretation though this was done 'interstitially'. This proves the importance of interpretation of statutes by the judiciary as they unearth the real meaning and apply it by sometimes filling the gaps.*

*Through this paper, the authors seek to identify the principles defined by Cardozo and interpret the role played by the judges through various approaches of interpretation with the help of relevant case laws and examples in the Indian as well as international context.*

**Keywords:** *Interpretation of statutes; Judicial process; Benjamin Cardozo; Methods of interpretation.*

## I. INTRODUCTION

Black's Law Dictionary defines interpretation as "The art or process of discovering and expounding the meaning of a statute, will, contract, or other written document."<sup>3</sup> One of the main functions of the judiciary is the interpretation of statutes. Statutes refer to laws or rules enacted and passed by legislative bodies for the purpose of maintaining law and order and promote justice in the society. These statutes once passed by the legislature are left to be

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<sup>3</sup> Henry Campbell Black, Black's Law Dictionary, 4<sup>th</sup> Edition, (Sept. 29, 2020, 4:40 PM) <http://heimatundrec.ht.de/sites/default/files/dokumente/Black%27sLaw4th.pdf>.

interpreted by the judicial body for the benefit of the general public.

In the establishment of principles of interpretation, Benjamin Cardozo played an extremely important role. His contributions to the world of jurisprudence were not limited to the judgments that he passed during his tenure as a judge. No doubt, the judgments passed by him, including his dissents were impeccable, but it is his contribution to the philosophy of law that are of extreme relevance, even today. Of the four books written by Benjamin Cardozo, the opinion presented by him in 'The Nature of Judicial Process' reveals the mentality and the mindset of the judges while looking at a case and interpreting the laws applicable to it. While doing so, he talks about four judicial methods or processes relating to interpretation. According to his conception of law, he believes that while making a decision, the courts view law as authoritative instead of it being viewed as normative. The focus of Cardozo's judicial interpretation was not on the exploration of law but instead on modification of the law and the application of the same through the judicial process.<sup>4</sup> Several methods of interpretation have been laid down by Cardozo that shall be discussed in detail in the following sections of the paper.

#### **(A) Objectives and Research Issues**

The objective of this research is to holistically understand the importance of judiciary and the crucial role it plays in the interpretation of statutes through analyzation of the approaches taken by the judiciary.

The research issues include:

1. Whether or not the judiciary encroaches upon its powers while discharging their function of interpreting statutes?
2. Whether the methods of interpretation laid down by Cardozo are relevant and applied by the judiciary?

#### **(B) Scope of the paper**

The scope of research in this paper includes an in-depth analysis of the art of interpretation of statutes by the third organ of a democracy i.e. the judiciary. Furthermore, the paper focuses on the methods and rules laid down by Cardozo and their application. Majorly, four methods of interpretation based on logic, history, customs and sociology have been introduced and their effectiveness and relevance in various constitutional and penal cases shall be tested. The principles of statutory interpretation have been analytically studied.

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<sup>4</sup> Edwin W. Patterson, *Cardozo's Philosophy of Law*, University of Pennsylvania Law Review, November, (1939).

## II. THEORETICAL UNDERPINNINGS

Several theories revolve around the approaches that judges should undertake while deciding a case and interpreting statutes. Interpretation of statutes is an extremely important part of decision-making. Jurists such as Salmond, Coke and Blackstone had their own theories of interpretation like Cardozo.

'*Interpretation*' has been derived from the Latin word '*interpretari*'. This means explaining something or translating it. It is the method through which the judges derive the intention behind the making of such a law. In other words, they interpret the reasoning behind the drafted law.

To make the decision-making process uniform, various jurists laid down their own processes for interpreting statutes. For instance, Salmond defines interpretation as "*Interpretation or construction is the process by which the courts seek to ascertain the meaning of legislation through the medium of the authoritative form in which it is expressed.*"

In a commentary passed by Blackstone, he says that the most logical method to interpret the meaning laid down by the legislator is to understand the legislator's intentions at the time when the law was furnished, through signs. Signs here means subject matter, words, context, effect of the law and its consequences and the will of the legislator.<sup>5</sup> The signs laid down by Blackstone are relevant even today and have seen a shift from a stricter literal approach to a purposive one.

Thomas Jefferson, while talking about interpretation, said that the judges should be permitted pretorian discretion to wander off into its equity so that the whole legal system becomes uncertain. He was a believer of judges having discretion and freedom to interpret the laws.

Alexander Hamilton, one of the founding fathers of U.S., was fearful that the legislature would pass such statutes that would violate the fundamental laws and so he believed that the judiciary plays a crucial role and acts as a body that bridges the gap between the people and the legislators.<sup>6</sup>

Similarly, Cardozo had a different approach towards interpretation, and he did not simplify his meaning like other jurists. He instead went on to explain the process in his book where he began by explaining the method through which the judges give their judgement. He then

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<sup>5</sup> William S. Blatt, *The History of Statutory Interpretation: A Study in Form and Substance*, 6 *Cardozo L. Rev.* 799 (1985).

<sup>6</sup> John Choon Yoo, *Marshall's Plan: The Early Supreme Court and Statutory Interpretation*, *Yale Law Journal*, Volume 101, Pg. 1607, (1992).

explained how a judge is influenced by a few conscious and sub-conscious factors which led to the discovery of the four methods of interpretation namely, method of logic, method of history, method of custom and method of sociology. Using this as the background, the researchers have extensively analyzed the role of the judiciary in interpretation in consonance with the methods laid down by Cardozo.

### III. ANALYSIS OF THE JUDICIAL APPROACHES

It is the duty of the Parliament to make a legislation but the role of interpretation of the words written by the Parliament lies with the judiciary. They use their discretion and creativity while applying certain rules through which they interpret the statute. The words written in the statute can be interpreted in more than one way. Due to lack of the clear intent of the application of the statutes laid down by the legislation, it becomes the duty of the judiciary to give it clear meaning. It has been seen in the past that due to the application of the legislation or the statute in different circumstances, the role of the judiciary becomes even more prominent. In these cases, it becomes imperative for the judiciary to use different judicial approaches in giving meaning to the rule at hand. There are two approaches, and these are as follow:

#### 1. Literal Approach

One of the approaches used by the judiciary to interpret statutes is the literal approach. The literal approach of interpretation is also known as 'Literal Construction' or 'Plain Rule of Interpretation'. Using the literal approach, the words used in the legislation are applied in consonance with their literal meaning as intended to be used by the law maker.<sup>7</sup> In this rule, the context behind the legislation is often ignored and the legislation, on the face of it, is adopted which is why certain jurists like Lord Scarman criticized this oversimple rule and said that the same should be done away with. Along with M. Zander, he was of the belief that the rule is based on a wrong premise that the words had a simple and ordinary meaning and there was no need of a context.<sup>8</sup> Various cases in the past have supported this stance, for example, in the case of *Stock v. Frank Jones (Tipton) Ltd.*<sup>9</sup> Lord Simon of Glaisdale said that now, meaning should be added to the natural or ordinary meaning according to the context. Nevertheless, history has witnessed various judicial statements using this approach of literal interpretation despite being criticized.

#### 2. Purposive Approach

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<sup>7</sup> Alekhya Reddy T., *Literally Interpreting the Law- A Appraisal of the Literal Rule of Interpretation in India*, Manupatra.

<sup>8</sup> Farrar, A. A. *Judicial Approaches to Meaning in Interpretation of Statutes*, U.C. Research Repository, (1982).

<sup>9</sup> *Stock v. Frank Jones (Tipton) Ltd . (1978) 1 ALL E.R. 948.*

As opposed to the literal style of interpretation, the purposive approach is one advocated by many judges. The literal approach was of dominance after which the judges began considering the purposive approach which suggests that the court need not interpret a statute on the basis of its plain language alone.<sup>10</sup> When there exists a gap in the explanation provided by the legislature, it is the judiciary that is required to fill this gap using the purposive approach of interpretation of statutes. In this rule, the context of writing plays a very important role as the court has to interpret, keeping in mind, the intention of the draftsman. This is a rather modern approach as compared to the literal approach which is traditional in nature. This not only widens the scope of interpretation but also puts the onus on the judiciary to use their prudence while keeping in mind the judicial precedents.

Theoretically, there are two limitations to the purposive approach; (i) This approach should only be used in cases wherein the words of the statute are uncertain and (ii) it should be used to give meaning to words that have not been defined by the statute. This approach should not be used when the Parliament has failed to deliver its intention through the statute as then, the judges would go beyond their powers. Doing so would make them shift from interpreters of the law to makers of the law.<sup>11</sup>

Apart from these two approaches mentioned above, there are two rules of interpretation namely, the golden rule and mischief rule. The golden rule contains aspects of both the literal and purposive approaches but is more inclined towards a literalist approach.<sup>12</sup> The mischief rule determines the intention of the legislator and interprets the statute based on that intention. However, there is a modern judicial trend that inclines towards the use of the purposive approach of interpretation. In various countries, like New Zealand, the purposive approach has been recognized statutorily in the year 1888, which only goes to prove that if the purposive approach is used keeping the limitations in mind, it is a far more competent form of interpretation.<sup>13</sup>

#### IV. METHODS OF INTERPRETATION

Everyday, hundreds of cases are decided by judges across hundreds of courtrooms. It might seem that because the process is performed again and again, it has become easy for the judges to decide cases. But this is far from the truth. Every day, several questions rise before the court

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<sup>10</sup> Donald G. Gifford, William L. Reynolds & Andrew M. Murad, *A Case Study in the Superiority of the Purposive Approach to Statutory Interpretation: Bruesewitz V Wyeth*, 64 S. C. L. Rev. 221 (2012).

<sup>11</sup> Kate Tokeley, *Interpretation of Legislation: Trends in Statutory Interpretation and The Judicial Process*, 33 VUWLR (2002).

<sup>12</sup> Farrar, A. A., *supra* note 6.

<sup>13</sup> *Id.*

such as ‘Whether or not a precedent is applicable in the current case and if it is, how long is it feasible to hold the precedent applicable?’ and ‘If in a case, the precedent is inapplicable, what should be the approach of the judge to make a rule applicable?’. As simple as these questions seem, they pose a lot of challenges to the court which now has the onus to interpret the rule and ensure justice.<sup>14</sup>

Benjamin Cardozo was an American jurist who spent several years tenured as the judge at the New York Court of Appeals. Later, he also served as an Associate Justice of the Supreme Court. He has worked significantly in developing the American common law and has delivered various landmark judgments during the course of his tenure. The book written by him ‘The Nature of the Judicial Process’ is one of his works which has an everlasting impact on the principles of interpretation. He begins the book by discussing the process through which a judge decides a case. In his book, he discusses how some conscious and sub-conscious principles that are revolving in the minds of the judges play a vital role in the decision-making process. He believes that the role of the judge in interpretation is secondary if the statute has a clear bearing. However, in cases where the draftsman leaves gaps in the writings, the role of the judge extends to applying his mind to interpret and decide the same.<sup>15</sup>

Through the book written by Benjamin Cardozo, he explains the conscious and sub-conscious principles that influence the decision-making process and extracts four methods of interpretation which are:

### **1. Method of Logic/Philosophy**

As per Cardozo, the method of philosophy is also commonly known as the method of logic. Through this method, the judges are expected to follow a line of logical progression and the interpretation of the statute should preserve legal and logical consistencies.

### **2. Method of History/Evolution**

As per Cardozo, the method of history or evolution relates to the interpretation of a statute based on the historical origin of that rule. The emphasis in this method of interpretation lies on how a rule or statute came into being and what was the corresponding intention behind the evolution.<sup>16</sup>

### **3. Method of Custom/Tradition**

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<sup>14</sup> BENJAMIN N. CARDOZO, *THE NATURE OF THE JUDICIAL PROCESS*, Yale University Press London, (1921).

<sup>15</sup> Joel K. Goldstein, *The Nature of Judicial Process: The Enduring Significance of a Legal Classic*, Touro Law Review, Volume 34, No. 1, Article 12, (2018).

<sup>16</sup> Cardozo, *supra* note 12.

As per Cardozo, customs and traditions subconsciously have an impact on the thinking of the judges and inadvertently have an impact on the decision making. Therefore, it is safe to say that the same should be used as a backdrop in decision making as they rightly denote community values.<sup>17</sup>

#### **4. Method of Sociology**

As per this method, Cardozo states that while interpreting statutes, importance should be given to social welfare and justice.<sup>18</sup>

### **V. ANALYSIS OF METHODS OF INTERPRETATION**

#### **(A) Method of Logic/Philosophy**

Cardozo, in his book, talks about four methods of interpretation out of which the first one that he mentions is the method of logic or philosophy which he also calls the rule of analogy. Even though this is the first method he talks about, it is not most important out of the four. According to Cardozo, this method, in fact, is compromised or sacrificed to others. The sole reason behind him talking about it before the others is because logic has certain presumption in its favour.<sup>19</sup> He said that in a case until there is a sufficient reason to not use this method of logic/philosophy should be used. It may seem as though logic is philosophy due to the fact that they are used interchangeably as he believes that philosophy is simply using one's logic. Under this method, the use of logic and philosophy in deciding cases provides stability in decision-making and help in foregoing any other logical means. However, it is also true that logical consistency is not the supreme good but instead it ensures that the same case or the same question in two cases are decided in the same manner and not differently. In such cases, adhering to the precedents must be treated as a rule to ensure justice and belief in the court of law. In doing so, the judge often helps in molding the rule by using the method of logic and he keeps the law in symmetry of form.<sup>20</sup>

This principle might seem vague on the on-set, however, Cardozo only aimed to sketch out a broad outline as to how the choice of method should be made. It is difficult to create a precise catalogue when it comes to interpreting and choosing its mode. The precision in choosing and making the right choice is an art which can only be enhanced by practice.

To explain the method of philosophy/logic, Cardozo took the help of a few conflicting case

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<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> William Charles Cunningham, *Cardozo's Philosophy of Law: His Concept of Judicial Process*, 1557, (1960).

<sup>20</sup> BENJAMIN N. CARDOZO, *THE NATURE OF THE JUDICIAL PROCESS*, Yale University Press London, Pg.29-32, (1921).



laws. In a case where B agrees to buy a chattel from A, and the chattel gets destroyed before the passing of the title, the loss of the same would fall on the seller who has actually sued the buyer for the price.<sup>21</sup> Whereas, in another case<sup>22</sup> wherein a house was destroyed before the passing of the title and the seller sued for remedy under specific performance, the buyer had to bear the loss. When two logical progressions stemming from established legal principles converge, the judge uses history, custom or social utility to take a decision in the case.

### **(B) Method of History/Evolution**

As per Cardozo, the method of history and evolution investigates the origins of statute as opposed to the method of philosophy which uses logic. However, it is also important to note that the two methods are not always in opposition to each other and sometimes, if used together, help in getting a better outcome. The method of history is limited to clarifying the problem in law and creates a pathway which leads to a better logic. Though Cardozo believes in the utilization of the method of history, his sympathy does not lie with it.<sup>23</sup> He believed that while illuminating the past, history as a consequence illuminates the present as well as the future.

A very prominent example of the same is that of real property laws and supplies. History played a very important role in conceiving code of laws and built a system of the feudal tenures. The point being that certain laws and conceptions of them do not come from within but from without, thereby reinstating the importance of history and evolution in interpretation of statutes.

### **(C) Method of Custom/Tradition**

The third method of interpretation that can be used by a judge, as per Cardozo, is the method of custom or tradition. Jurists such as Coke and Blackstone had theories wherein custom would prevail all other laws. The view taken by Cardozo in this regard is more modern. He believes that custom or tradition is turned to, not for the purpose of creating new laws but to test the how rules that are established should be applied. Customs do not make new rules and Cardozo says that if customs are to gain the status of positive human law, it should do so through a legislation.

This method of interpretation is creative in nature and converges with the sociological method of interpretation of statutes.<sup>24</sup>

### **(D) Method of Sociology**

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<sup>21</sup> Higgins v. Murray, 73 NY 252, 254.

<sup>22</sup> Paine v. Meller, 6 Ves. 349 & 352.

<sup>23</sup> Cunningham, *supra* note 17.

<sup>24</sup> *Id.*

According to Cardozo, all the methods of interpretation have traces of each other, and no method is exclusive. The same is the case for the method of philosophy which contains traces of all the methods in itself. For social needs to prevail, at times, logic, history and customs need to be twisted so that social needs are pursued. This is because the welfare and needs of the society dominate other methods, but the use of this method must be controlled. This method is the perfect example of the gaps that have to be filled by judges. Although, this discretion given to judges has to be restricted. Cardozo is not concerned with the extent to which the judge goes to fill a gap but rather the method through he fills the gap. The principle of sociology is broad in nature and its scope is extremely wide. This is because social welfare can mean multiple things. It does not only mean public policy or morals of the society, but it also means religion and ethics. The concept of morality in consonance with social justice was of great importance to Cardozo.

Constitutional Law and Private Law are excellent examples wherein the method of sociology is used. This is because the Constitution is much larger than just the rules and law under it. This is why the interpretation in these matters has to be done more generally. In cases relating to the constitution where the violative nature of rules and regulations have to be judged, liberty has to be given to judges to set limitations cases. In short, he seeks to allow free decision-making to the judges but at the same time, there should be a restriction against extreme subjectivity thereby maintaining a moderate stance.

## VI. CASE LAWS

In the case of *Riggs v. Palmer*<sup>25</sup>, a will was made in favour of the legatee by the testator. As it turned out, the testator was murdered by the legatee. The binding force of the will was in question in front of the court and the court, *using the method of logic*, came to a decision that no one should benefit from their wrong-doing and the criminal was refused the will. The court concluded that the crime done by the legatee is much greater than the enforcement of his legal right on the will.

In a case in front of the Indian courts, *Bangalore Water Supply & Sewage Board v. R. Rajappa & Others*<sup>26</sup>, the court *applying the principle of logic*, and thereby filling the gaps, held that the Bangalore water supply and sewage board would fall under the definition of industry under the Industrial Disputes Act, 1947 and also, specifically said that a “*member club would be industry*”.

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<sup>25</sup> *Riggs v. Palmer*, 115 N.Y. 506.

<sup>26</sup> *Bangalore Water Supply & Sewage Board v. R. Rajappa & Others*, 1978 AIR 548 (India).

In the case of *MacPherson v. Buick Motor Co.*,<sup>27</sup> the defendant was a manufacturer of automobiles. He sold one of his automobiles to a middleman who sold it to the plaintiff. Due to a defective wheel in the automobile, the defendant was injured. The plaintiff sued Buick Motor Company for the injuries, and he recovered even though the defective wheel was purchased from another manufacturer. In the year 1842, an English Court decided the case of *Winterbottom v. Wright*. The judgement passed in this case was followed until *MacPherson* was decided. In the case of *Winterbottom v. Wright*<sup>28</sup>, a contractor furnished a mail coach which collapsed and injured the driver of the coach. The driver sued the contractor for damages. The court in this case held that there was no relation between the driver and the contractor, and the duty had passed on to the postmaster as the coach was furnished for him. While deciding the *MacPherson* case, Cardozo demonstrated that this is the method of history used for interpretation as the law grows to meet changed conditions and circumstances.

In the case of *Subramanian Chettiar v. Kumarappa Chettiar*<sup>29</sup>, customs have been defined as rules which exist since time immemorial and have obtained a force of law. In *Hur Prasad v. Sheo Dayal*<sup>30</sup>, custom is defined as a rule in a family, district, sect, class or tribe which has existed and been used for a long time and has obtained the force of law.

In the case of the *M.C. Mehta v. State of Tamil Nadu*<sup>31</sup>, the *social welfare* was kept in mind while deciding the case and it was held that with respect to Article 39, children working in match factories could only be employed for packing of matches and the only condition set to this was that the place of packaging should be away from the place of manufacture. In cases where the method of sociology is applied, there also exist mild traces of logic, history and custom.

## VII. CRITICAL ANALYSIS

The process of interpretation can generally be divided into two distinct stages: interpretation and application. It is the duty of the judge to first determine the characteristics of the class or the statutes. For example, while deciding a case about an industrial dispute, the judge must interpret and classify whether 'A' falls under the definition of employer as provided under the Industrial Disputes Act of 1947. While doing so, the court could take the help of certain linguistic principles that help in interpreting the same, for example, the usage of the principle

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<sup>27</sup> *MacPherson v. Buick Motor Co.*, 217 N.Y. 382.

<sup>28</sup> *Winterbottom v. Wright*, 10 M. & W. 109.

<sup>29</sup> *Subramanian Chettiar v. Kumarappa Chettiar*, AIR 1955 Mad 144 (India).

<sup>30</sup> *Hur Prasad v. Sheo Dayal*, 26 W.R. 55 (P.C.) (India).

<sup>31</sup> *M.C. Mehta v. State of Tamil Nadu*, 1991 (1) SCC 283 (India).

'ejusdem generis'. However, this rule has garnered a lot of criticism and is not foolproof. There are several rules and methods of interpretation of statutes that judges use to decide a case. Golden rule, mischief rule, literal rule are only a few rules laid down for interpretation of statutes. Several jurists have written different rules for interpretation and Benjamin Cardozo is one of them. The judgments passed by Benjamin Cardozo are a testament to prove this fact. They are truly a valuable read for everyone in the legal profession.

While following rules of interpretation might make it easier to decide a case, this is not what practically happens in the court of law. Liberty is necessary for a judge to decide a case but too much liberty might pose to be a problem as this would give the judge the power to go beyond the law. Free decision-making is a part of the judicial process in cases where there is absence of a statute or a rule. Therefore, the onus lies on the judges to fill that gap and gives birth to the judge-made law. Since a judicial process is both an art as well as a science, it has to walk hand in hand with both the rules as well as the law of practice. Cardozo's principles pay more reliance on the law of practice and partially on the science aspect of it. Judicial process aims at the application of a principle or rule after the usage of one or more of Cardozo's methods. However, while doing so, the judiciary overrides its power and becomes a law maker. Another rule that exists in jurisprudence is that of separation of powers which is pertinent to interpretation of statutes as well.

Finally, it can be understood that Cardozo was a judge and an excellent jurist, but he was not a philosopher. Though, philosophy was a part of his methods of interpretation, he stressed that this should be used as an aid to judges to reach the ends of justice.

## **VIII. RECOMMENDATIONS AND CONCLUSION**

The books, judgements and wordings of Justice Cardozo are exceptional. His wordings are a work of art. His work as a judicial officer as well as the author of *The Nature of the Judicial Process* is enlightening and remarkable. He distinguishes conscious and sub-conscious forces that influence the mind of a judge while giving a decision or interpreting a statute. The judges often ignore the sub-conscious forces and do not discuss them. They are of the belief that if they discuss these limitations, they will lose their respect and people might question their impartiality. However, these sub-conscious forces do not act as limitations in all cases as some people might have the power to forego these forces. To simplify, he ended up creating four methods of interpretation which proved to be fruitful and continue to be relevant. The same have been explained and critically analyzed extensively in the paper. Interpretation of statute is an indispensable function of the judiciary. Sometimes, the judiciary overrides their power

and becomes the law maker, thereby creating a conflict in the power of the judiciary and the legislature, even though, this is done for the purpose of ensuring justice. This is where jurists like Cardozo step in to help specify the role and making interpretation definitive.

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**IX. REFERENCES****(A) Books**

1. The Nature Of The Judicial Process by Benjamin Cardozo.
2. The Growth Of Law by Benjamin Cardozo.
3. Industrial Disputes Act, 1947 Bare Act.

**(B) Articles**

1. The History of Statutory Interpretation: A Study in Form and Substance by William S. Blatt
2. Marshall's Plan: The Early Supreme Court and Statutory Interpretation by John Choon Yoo
3. Literally Interpreting the Law- A Appraisal of the Literal Rule of Interpretation in India by Alekhya Reddy T
4. Judicial Approaches to Meaning in Interpretation of Statutes by Farrar, A. A
5. A Case Study in the Superiority of the Purposive Approach to Statutory Interpretation: Bruesewitz V Wyeth by Donald G. Gifford, William L. Reynolds & Andrew M. Murad
6. Interpretation of Legislation: Trends in Statutory Interpretation and The Judicial Process by Kate Tokeley
7. The Nature of Judicial Process: The Enduring Significance of a Legal Classic by Joel K. Goldstein
8. Cardozo's Philosophy of Law: His Concept of Judicial Process by William Charles Cunningham

**(C) Case Laws**

1. Stock v. Frank Jones (Tipton) Ltd. ((1978) 1 ALL E.R. 948)
2. Higgins v. Murray (73 NY 252, 254)
3. Paine v. Meller, (6 Ves. 349 & 352)
4. Riggs v. Palmer (115 N.Y. 506)
5. Bangalore Water Supply & Sewage Board v. R. Rajappa & Others ((1978) AIR 548)
6. MacPherson v. Buick Motor Co )217 N.Y. 382)
7. Winterbottom v. Wright (10 M. & W. 109)
8. Subramanian Chettiar v. Kumarappa Chettiar (AIR (1955) Mad 144)

9. Hur Prasad v. Sheo Dayal (26 W.R. 55 (P.C.))

10. M.C. Mehta v. State of Tamil Nadu ((1991) (1) SCC 283)

**(D) Websites**

1. JSTOR
2. Manupatra
3. HeinOnline

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