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The Role of Eiusdem Generis in Legal Interpretation

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ABSTRACT

The principle of Eiusdem Generis is one from the general principles of interpretation introduced to interpret loosely written statutes. There is ambiguous language in statutes, and other legal documents which cannot be encoded, this research paper explores the foundational principle of “eiusdem generis” in the field of legal interpretation. The study beings by delving into the historical development of eiusdem generis, tracing its origins in ancient to its integration into modern legal systems. It examines how eiusdem generis contributes to decipher ambiguity in legal language, ultimately enhancing the clarity and effectiveness of statutes. Through an analysis of notable legal cases, this research illuminates the pivotal role eiusdem generis plays in maintaining legislative intent. To boot, this paper examines the nuanced, applications of eiusdem generis across diverse legal domains. In an era characterized by evolving jurisprudence and complex legislation, understanding the intricacies of eiusdem generis is essential for legal scholars, practitioners, and policymakers alike. This research paper contributes to the ongoing discourse on statutory interpretation by shedding light on the multifaceted dimensions of eiusdem generis.

Keywords: *Legal interpretation, Ambiguity, Statutory Construction, Precedent Application.*

I. INTRODUCTION

The rule of “eiusdem generis” has a long history that can be traced back to ancient Rome. Its evolution spans centuries and has had a significant impact on the development of modern legal interpretation. The concept of eiusdem generis has its origin in Roman law. In Roman legal practice, the principle was used to interpret statutes. The Roman jurists employed it to determine the scope of general terms in statues. The principle was also incorporated into various European legal traditions during the Middle Ages and the early modern period. The principle of eiusdem generis was adopted and adapted by the English common law system. It became a fundamental component of statutory interpretation in English law. English courts and legal scholars began to apply it systematically to resolve ambiguity in statutes. Later, As the United States adopted English common law principles, eiusdem generis became a part of American legal

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jurisprudence. American courts and legal scholars recognized its utility in interpreting statutes and contracts, and it became a fundamental aspect of American legal practice. Over time, ejusdem generis has evolved alongside changes in legal theory and practice. Courts have refined its application through precedential decisions, further shaping the principle's role in modern statutory interpretation. Today, ejusdem generis remains a crucial tool in legal interpretation. It is widely recognized and employed in various legal systems worldwide to resolve ambiguities and ensure that the intent of lawmakers or parties to a contract is upheld.

The statutory interpretation is done by the court of law. There are certain rules or principles for the interpretation of statutes, one of which is Ejusdem Generis. Ejusdem Generis is a Latin phrase which means “of the same meaning”. It serves as a guiding light for courts, legal professionals and scholars when faced with ambiguous language in the statutes, contracts or any other legal documents. This rule provides a structured method for determining the scope and meaning of general words that follow a list of specific terms within a text. While taking an example where a statute mentions a list of specific items, such as vehicles like cars, motorcycles and bicycles, followed by the general term “transportation devices”. At first glance, the term “transportation devices” might seem to encompass anything used for transport, from scooters to skateboards. However, ejusdem generis steps into providing a structured framework for interpretation. It suggests that “transportation devices” should be understood in the context of the specific terms that precede it, thus narrowing the scope to items of the same kind or nature as those mentioned in this case, motorized vehicles.

While studying about ejusdem generis, we embark on a journey to explore the intricacies, origins, and practical applications of this essential legal principle. We delve into its historical development, theoretical foundations, and its role in maintaining the precision and consistency of legal interpretation. By examining landmark cases, jurisdictional variations, and the ongoing debates surrounding its application, we aim to shed light on how ejusdem generis continues to shape the legal landscape.

Ejusdem generis offers a principled approach to disentangle ambiguous language within legal texts, ultimately striving to honour the intent of lawmakers and preserve the consistency of legal interpretation. Yet, like any legal doctrine, its application can be both a boon and a challenge.

II. PURPOSE OF THE RULE

The primary purpose of the ejusdem generis rule is to aid in the interpretation of statutes, contracts, and legal documents. It serves several important functions:

1. **Avoiding Ambiguity:** legal documents often use a mix of specific and general terms.

This can lead to ambiguity when interpreting the scope of the general terms. Eiusdem generis helps avoid such ambiguity by guiding how to interpret the general terms in relation to the specific terms.

2. **Preserving Legislative or Contractual Intent:** When lawmakers draft statutes or parties create contracts, they may instead to provide specific protections or requirements for certain items, persons, or situations. Eiusdem generis ensures that the specific items or categories mentioned are not rendered meaningless by overly broad interpretations of general terms.
3. **Promoting Consistency:** By narrowing the scope of general terms to items or categories of the same kind as the specific terms, the ejusdem generis rule promotes consistency and predictability in legal interpretation. It helps ensure that similar situations are treated similarly.
4. **Balancing Flexibility and Precision:** Legal language must balance flexibility to accommodate changing circumstances with the precision required for enforcement. Eiusdem generis strikes a balance by allowing for flexibility while maintain a degree of precision in interpretation.
5. **Resolving Disputes:** When disputes arise over the meaning of terms in legal documents, courts often rely on established principles like ejusdem generis to reach a resolution. It provides a framework for judges to apply consistent rules in interpreting the law.

In essence, ejusdem generis is a tool that helps ensure that the intentions of lawmakers or parties to a contract are accurately reflected in the interpretation of their words. It aims to maintain clarity and fairness in legal language and its application, reducing the potential for disputes and ensuring that legal documents are effective in achieving their intended purposes.

III. EXPLANATION OF APPLICATION OF THE RULE WITH CASE LAWS

In an enumeration of different subjects in an Act, general words following specific words may be construed with reference to the antecedent matters, and the construction may be narrowed down by treating them as applying to things of the same kind as those previously mentioned, unless of course, there is something to show that a wider sense was intended. If the particular words exhaust the whole genus, then the general words are construed as embracing a larger genus. The rule of ejusdem generis must be applied with great caution, because, it implies a departure from the natural meaning of words, in order to give them a meaning on a supposed intention of the legislature. The rule must be controlled by the fundamental rule that statutes

must be construed so as to carry out the object sought to be accomplished. The rule requires that the specific words are all of one genus. For example, the words “or otherwise” are generally used as ancillary to the specific proposition which precedes them.

When particular words pertaining to a class, category or genus are followed by general words, the general words are construed as limited to things of the same kind as those specified. This rule which is known as the rule of *eiusdem generis* reflects an attempt “to reconcile incompatibility between the specific and general words in view of the other rules of interpretation that all words in a statute are given effect if possible, that a statute is to be construed as a whole and that no words in a statute are presumed to be superfluous”. The rule applies when:

- a. the statute contains an enumeration of specific words;
- b. the subjects of enumeration constitute a class or category;
- c. the class or category is not exhausted by the enumeration;
- d. the general terms follow enumeration; and
- e. there is no indication of a different legislation intent.

If the subjects of enumeration belong to a broad-based genus as also to a narrower genus, there is no principle that the general words should be confined to the narrower genus.

By application of this rule the words “any other goods” occurring in section 43 of the customs (consolidation) Act, 1876 (UK) which empowered His Majesty by order in Council to prohibit the importation of “arms, ammunition, or gun powder or any other goods” were construed as referring to goods similar to “arms, ammunition or gun powder”.

In *Siddeshwari Cotton Mills (Pvt) Ltd v UOI*, the rule was applied in construing the words “any other process” in section 2(f)(v) of the Central Excises and Salt Act, 1944 which defines “manufacture” in relation to goods in Item no. 19-1 of the Schedule to the Central Excise Tariff Act, 1985 to include “bleaching mercerising, dyeing, printing, water-proofing, rubberising, shrink- proofing, organdie Processing or any other process –”. The Supreme Court held that the processes enumerated contemplate processes which import change of a lasting character to the fabric by either the addition of some chemical into the fabric or otherwise and “any other process” in the section must share one or other of these incidents which constitute manufacture in the extended sense.

In *Nirma Industries Ltd. V. SEBI*, the principle of *eiusdem generis* was applied in interpreting the words “such circumstances” in Regulation 27(1)(d) of the SEBI (Substantial Acquisition of

Shares and Takeovers) Regulations, 1997. Regulations 27(1) provides that no public offer, once made, shall be withdrawn except under the following circumstances: (a); (b) the statutory approval (s) required have been refused: (c) the sole acquirer, being a natural person, has died; (d) such circumstances as in the opinion of the Board merits withdrawal. Clauses (b) and (c) were held to refer to circumstances that pertain to a class, category or genus, with common thread running through them being the impossibility of carrying out the public offer. Therefore, the words “such circumstances” in clause (d) would also be restricted to situations which would make it impossible for the acquirer to perform the public offer, and SEBI was required to exercise its discretion accordingly.

The Privy Council, on the same principle, in *Chajju Ram v. Neki*, held that the words “any other sufficient reason” occurring in rule 1 of OXLVII, the CPC, must be taken as meaning a reason sufficient on the grounds at least analogous to those specified immediately previously, and similarly, in *Abdul Rahim v. Syed Abu Mohamed Barkat Ali Shah*, the phrase “further and other relief” occurring in section 92(1)(h) of the Code was held by the Privy Council to mean relief of the same nature as specified in clauses (a) to (g) of the same section.

The introduction of the words “whatsoever” after the general words following particular instances of a genus does not exclude the application of *eiusdem generis* principle. The Privy Council construed the words “any other person or persons whatsoever” by this rule and restricted their meaning to officers of similar kind as specified before there general words.

The rules specifically mentioned in the section have a narrower genus of being applicable to Government Servants only; they have also a broader genus of being statutory in character. In holding that “any other rules or regulations” should refer to all statutory rules should not be attributed to the narrower genus and that the broad-based genus should be applied so as not to narrow the effect of the general words.

It is essential for application of the *eiusdem generis* rule that enumerated things before the general words must constitute a category or a genus or a family which admits of a number of species or members. In section 141 of the Indian Penal Code, 1860, defines “unlawful assembly” to be an assembly of five or more persons, if the common object of the persons composing that assembly is *inter alia*, to commit any mischief or criminal trespass, “or other offence”. The Supreme Court refused to apply the principle of *eiusdem generis* to the words “other offence” and thereby restrict it only to minor offences such as a mischief or criminal trespass. The words “other offence” were therefore held to mean all other offences which are punishable under the IPC in light of the definition of “offence” in section 40 of IPC. If the

preceding words do not constitute mere specifications of a genus but continue description of a complete genus, the rule has no application.

The rule of *ejusdem generis* has to be applied with care and caution. It is not an inviolable rule of law, but it is only permissible inference in the absence of an indication to the contrary, and where context and the object and mischief of the enactment do not require restricted meaning to be attached to words of general import, it becomes the duty of the courts to give those words their plain and ordinary meaning. It may also be noticed that the rule of *ejusdem generis* has, it appears, no inverse application. General words preceding the enumeration of specific instances are not governed by this rule and their import cannot be limited by any such principle. At any rate, when the Legislature before enumerating specific examples uses the words “without prejudice to the generality of the foregoing provision” the preceding general provision cannot be restricted by applying the rule of *ejusdem generis*.

A word of caution is here necessary. The fact that the *ejusdem generis* rule is not applicable does not necessarily mean that the *prima facie* wide meaning of the word “other” or similar general words cannot be restricted if the language or the context and the policy of the act demand a restricted construction.

In *Hamdard Dawakhana (Wakf) v. Union of India*, the Fruit Products Order, 1955, made under section 3 of the Essential Commodities Act, 1955, required that the percentage of fruit juice in a fruit syrup should be 25%. The appellants contended that the requirement did not apply to its product known as *Rooh Afza* though it contained fruit juices. Clause 2(d)(v) of the Order includes squashes, crushes, cordials, barley water, barrelled juice and ready-to-serve beverages or any other beverages containing fruit juices or fruit pulp. The contention was that the clause “containing fruit juices or fruit pulp” should be read *ejusdem generis* with the previous categories. Rejecting the contention, it was held:

The contention cannot obviously be accepted, because an examination of the said beverages will disclose the fact that there is no genus by reference to which the rule of *ejusdem generis* can be properly invoked. Besides, the context of the clause clearly suggests that it is intended to take in all beverages other than those earlier specified, provided they contain fruit juices or fruit pulp. Therefore, the *sharbat* falls within the purview of clauses 2(d)(v) and its production is controlled by its relevant provisions.

It is not clear why the petitioner contended that containing fruit juices or fruit pulp should be read *ejusdem generis* with the other beverages mentioned, because, even if it so read *ejusdem generis* with the other beverages mentioned, because, even if it is so read the production of

Roohafza would be still be controlled by Food Products Order, 1955.

In *Rajasthan SEB v. Mohan Lal*, the respondent raised a question of his seniority in service and filed a petition under Article 226 of the Constitution praying that suitable directions may be given to the Appellate Board. The appellant contended that it was not “State” as defined in Article 12 and that therefore no direction could be given to it. The High Court rejected the appellant’s contention. The Supreme Court the appellant relied on certain decisions in which “other authorities” in the Article were read *eiusdem generis* with “State”. Dismissing the appeal, the Supreme Court hence held that – “In our opinion, in this case the High Courts fell into an error in applying the principle of *eiusdem generis* when interpreting the expression ‘other authorities’ in Article 12 of the constitution, as they overlooked the basic principle of interpretation that, to invoke the application of *eiusdem generis* rule, there must be a distinct genus or category running through the bodies already named”.

In Article 12 of Indian Constitution, the bodies specifically named are the Executive Governments of the Union and the states, the Legislations of the Union and the states, and local authorities, we are unable to find any common genus running through these named bodies, nor can these bodies be placed in one single category on any rational basis. The doctrine could not, therefor, be applied to the interpretation of the expression ‘other authorities’ in the article. The Appellate Board was clearly an authority to which the provisions of Part III of the Constitution were applicable.

In *Ujjam Bai v. State of UP*, interpreting these words, it was held that – Article 12 winds up the list of authorities falling within the definition by referring to ‘other authorities’ within the territory of India which cannot obviously be read as *eiusdem generis* with either the Government and the legislatures or local authorities. The words are of wide amplitude and capable of comprehending every authority created under a statute and functioning within the territory of India or under the control of the Government of India.

IV. EJUSDEM GENERIS: A FACET OF NOSCITUR A SOCIIS

"*Eiusdem generis*" and "*noscitur a sociis*" are related principles of statutory interpretation, but they serve distinct roles in the process of understanding and applying legal texts. While they both help provide context and reduce ambiguity, they operate differently:

Eiusdem Generis: This Latin term means "of the same kind" and is applied when interpreting lists of specific and general terms in legal documents. It narrows the meaning of general terms by associating them with specific terms that precede them in the list. *Eiusdem generis* helps ensure that the general terms are understood to refer to things of the same kind or nature as the

specific terms. It focuses on a specific list and helps prevent overly broad interpretations.

Noscitur a Sociis: This Latin term means "it is known by its associates" and is used to interpret a word or phrase based on the words or phrases that surround it within the same context. Noscitur a sociis suggests that the meaning of a word can be determined by the company it keeps. It considers the broader context in which the term appears and aims to avoid overly narrow or isolated interpretations.

In a sense, "ejusdem generis" can be seen as a specific application of "noscitur a sociis" in the context of interpreting lists of terms. It's a tool used to apply the broader principle of "noscitur a sociis" in a specific situation where a list of specific and general terms requires clarification.

While both principles help resolve ambiguity and provide context, "ejusdem generis" is particularly suited for situations involving lists and series of terms, while "noscitur a sociis" has a broader application, considering the entire context in which a word or phrase appears. Together, they contribute to more precise and contextually accurate interpretations of legal texts.

V. REDDENDO SINGULA SINGULIS

As an outcome of the rule of ejusdem generis, there is another rule that statutes which deal with persons or things of inferior rank are not extended to those of superior degree by introduction of general words and the general words following particular words will not cover anything of a class superior to those to which the particular words relate.

The rule Reddendo Singula Singulis may be stated from an Irish case in the following words:

“Where there are general words of description, following an enumeration of particular things such general words are to be construed distributively, reddendo singula singulis, and if the general words will apply to somethings and not to others, the general words are to be applied to those things to which they will, and not to those to which they will not apply, that rule is beyond all controversy.”

For understanding, "Reddendo singula singulis" is a Latin legal maxim that means "by rendering singular things as singular." This principle is used in legal interpretation to clarify the relationship between words or phrases in a sentence or clause. It is particularly relevant when there is a list of items or descriptors and it helps ensure that each item or descriptor is matched with the appropriate element it modifies, avoiding ambiguity.

In practical terms, "reddendo singula singulis" guides the reader or interpreter to apply each word or phrase in a list to the corresponding element it is meant to modify, rather than mixing

or misapplying them. This maxim promotes precision and clarity in legal language and can be especially important in contracts and legal documents where the correct allocation of terms can have significant legal consequences.

VI. CONCLUSION

Ejusdem generis offers a principled approach to disentangle ambiguous language within legal texts, ultimately striving to honor the intent of lawmakers and preserve the consistency of legal interpretation. Yet, like any legal doctrine, its application can be both a boon and a challenge. As we delve deeper into this principle, we aim to provide a comprehensive understanding of ejusdem generis, equipping legal practitioners, scholars, and enthusiasts with the knowledge and tools needed to navigate the intricate terrain of legal interpretation effectively. In the ensuing sections, we will unravel the layers of ejusdem generis, uncovering its historical roots, its role in shaping jurisprudence, and its enduring impact on the legal world.

The application of this principle takes place when the concerned statutory provision contains an enumeration of specific words. The Latin phrase is a tool employed by courts worldwide to ascertain the intended scope of general words following a list of specific terms. The rule posits that when a general term follows specific terms that share a common characteristic or genus, the general term should be construed narrowly, limited to objects or concepts akin to those specified. It highlights the balance between giving effect to legislative intent and maintaining the predictability and consistency of legal interpretation.
