
**INTERNAL AIDS TO INTERPRETATION OF STATUTES ARE MORE RELEVANT
AND USEFUL THAN EXTERNAL AIDS TO INTERPRETATION OF STATUTES: A
COMPARATIVE RESEARCH STUDY**

Legal Upanishad Journal (LUJournal.com)

Vol 1 Issue 2 | October 2023 | pp- 286-294

Neha Prasad Gavade, Law Student, Thakur Ramnarayan College of Law, Dahisar

ABSTRACT

What a layman understands from the term 'interpretation' is completely different from the 'interpretation' that judges perform in order to correctly apply the law and to give impartial justice. In some cases, the judiciary need not interpret the law, but they can directly apply it to the matter at hand and do justice. However, there are cases where the job of the judges is not so easy, and the laws in question, if applied as they are, may lead to gross injustice. In such matters, the judges need to do more than just apply the law as it is, i.e., they have to interpret the law in a way that serves the purpose of that legislation, which is to do justice. One of the ways in which the will of the legislature may be understood is through the different provisions of that particular act, such as the long title, preamble, headings of the sections, provisos, illustrations, etc. These are known as some of the internal aids to interpretation. Whereas some other sources that are not part of the statute but may help in understanding the scope of a particular statutory provision, such as a bill, parliamentary history, parliamentary debates, the General Act, etc., are called external aids to interpretation. The central question of my research paper is whether internal aids to interpretation are more accurate and relevant than external aids to interpretation, while comparing the usefulness and applicability of both internal aids and external aids in the light of various judicial decisions and the opinions of jurists.

Keywords: *External aids, Injustice, Internal aids, Interpretation, Legislature and Statute.*

1. INTRODUCTION

Interpretation of any statute is essential for the effective and just administration of justice. Under the heading of the Interpretation of statutes, different methods, aids, techniques, and rules are understood and applied for interpreting laws in a way that leads to the fulfilment of the 'will of the legislature' behind the execution of that statute. While interpreting any statute what helps the judges the most is anything and everything that assists them in understanding the perspective of the legislature behind enacting any particular provision.

2. INTERPRETATION OF STATUTES

“Interpretation is the process by which the courts determine the meaning of a statutory provision for the purpose of applying it to the situation before them.”¹ According to Salmond, “The essence of the law lies in its spirit, not its letter, for the letter is significant only as being the external manifestation of the intention underlies it”. What is to be understood from these definitions is that interpretation is not always about merely interpreting the meaning of the word but is also about analyzing the context, situation, and issue in which it is used. Interpretation of a particular statutory provision makes clear in what areas it may be applied, i.e., expressing the scope of applicability. The function of the court is to interpret the document according to the intent of those who made it. From that function the court may not resist, however ambiguous or difficult for application the words of Act of Parliament may be, the court is bound to endeavour to put meaning upon them.² Determining the purview of any legislation greatly helps the judges while interpreting the law as it limits the subject matters in which that law will prevail.

Every act, or legislation is passed with the intent to provide a legal rule that becomes applicable in case of occurrence of circumstances mentioned in that Act. Statutes are made with a specific purpose and hence the scope of its different provisions and terms are precise. However, in certain cases, what the words, terms or provisions of a particular statute mean, appear to be ambiguous and if applied to a particular matter as it is, it may lead to a gross error of law. Hence, in such

¹ Statutory Interpretation (3rd edition, pg. no. 34).

² MAXWELL, INTERPRETATION OF STATUTES (Lexis Nexis 2010)

cases, the judges need to interpret the provision in question in light of different aids to interpretation that help them understand the 'legislature's perspective' of passing that specific enactment. Judges interpret the statute with a view of what they see as the legislature's purpose.

The definition of the expression 'statute' is that "the written will of the legislature solemnly expressed as according to the forms constitute the law of the state". The members of the legislature are elected by the people at large, i.e., the representation of the people. As a result, whatever laws are made by the legislature are viewed as the will of the people at large. Hence, the will of the legislature behind any enactment is put on a higher pedestal than the judicial mind when the interpretation of a statute is in question.

In the landmark judgement given in A.R. Antulay³ matter, the Supreme Court held that if no ambiguity is apparent from the words of an Act that is if the words are plain in meaning, then it is the court's foremost obligation to stick to the natural meaning of the words used in the statute. For the circumstances when the judiciary's task is not such an easy spell, aids to interpretations are the ones looked up to. There are various aids to interpretation which are broadly classified as Internal Aids to Interpretation and, External aids to Interpretation.

3. INTERNAL AIDS TO INTERPRETATION

Internal aids to interpretation form part of a statute. An act is passed with a specific purpose, and various provisions of that act are in conformity with that purpose. Hence, in order to remove ambiguity from a particular section of a statute, its various other provisions may come in handy. Viscount Simon L.C. said, "The judges should not deviate from the organic and general meaning of words unless it can be shown that the legal context in which the words are used requires a different meaning". Such a meaning cannot be abandoned by the judges "in the light of their own views as to policy". However, what they can do is "adopt a purposeful interpretation if they can find it in the statute read as a whole or in material to which they are permitted by law to refer as aids to interpretation or an expression of Parliament's purpose or policy".⁴

³ R.S. Nayak vs. A.R. Antulay (1984) 2 SCC 183.

⁴ Indore Development Authority vs. Shailendra Through LRS. & Ors, CIVIL APPEAL No.20982 OF 2017

In *K.P. Varghese vs. Income Tax Officer Ernakulum*, the Supreme Court made it clear that the interpretation of a statute is an act of determining its meaning, hence everything that is reasonably relevant must be recognized as a valid source.⁵ However, internal aids to interpretation are always considered and checked first. Craies on Legislation⁶ gives out certain principles of interpretation of statutes: -

- Legislation must always be understood first in the light of its plain meaning.
- Where the plain meaning itself is in question, the courts will proceed with the construction by trying to analyse, from the other enacted provisions of the legislation, the exact purpose of the statute.

Generally, an enactment in its entirety focuses on one subject matter concerning law; hence, each and every part of an enactment is important when it comes to interpretation. Although this part is going to be an aid for interpretation, that may change as per the circumstances at hand. For instance, in cases of ambiguity due to a certain word or term under a section of an Act, the judges may refer to the section of 'Definitions' under the Act to look for the scope of that word, if it's exclusive or extinguishing in nature, and so on. Internal aids to interpretation include:

- Long Title
- Preamble
- Headings
- Punctuations
- Illustrations
- Definition Clause

- **Long title:** In the case of *Vacher & sons vs. London society of Compositors*⁷, Lord Justice Multon had remarked that the title of an act is also a part of that statute, which makes it a valid aid for interpretation as a whole. The long title of an act is the name of

⁵ *K.P. Varghese vs. Income Tax Officer Ernakulum* AIR 1981 SC 1992.

⁶ DANIEL GREENBERG, *CRAIES ON LEGISLATION* 643 (Sweet & Maxwell Ltd. 2010)

⁷ *Vacher & sons vs. London society of Compositors* [1913] A.C. 107

that act, followed by a small and precise description of the subject matter of the act. The ambiguity of any section of a particular act may be removed after looking at the long title of the act, as it explains the purpose of the act in one single line.

- **Preamble:** A preamble is the preface to a statute. The preamble of a statute mentions the aims and objectives of the act. However, the preamble is only referred to when an ambiguity in a legal provision of that act exists. If the meaning of a legal provision is plain and simple, then judges do not move ahead and interpret it. In the case of *Rashtriya Mill Majdoor Sangh case*⁸, the Supreme Court of India held that the preamble must not be referred to as an aid to interpret the provisions of any act if the words of the provisions are unambiguous and clear.”
- **Headings:** Both headings and the preamble are referred to by the judges to understand the legislative intent only when the legal provision in hand creates ambiguity about its meaning. It is also an established principle that the heading cannot change the meaning that is expressly given in the section. In contemporary statutory interpretation, headings that come antecedent to a section or a group of sections are also regarded as a ‘preamble’ to those sections. They are of no avail if the language of the provision is plain and simple, but they may be referred to in cases of ambiguity.⁹
- **Punctuations:** Even Even in general life, punctuation plays a very important role. Similarly, the meaning of a statutory provision can be derived by looking at the placement of punctuation marks given there. When it comes to modern statutes, it is accepted that if the statute has punctuation used at all appropriate places, then punctuation, even though it is a minor element, may be used for the purpose of interpretation. In the case of *Mohd Shabbir vs. State of Maharashtra*¹⁰, section 27 of the *Drugs and Cosmetics Act, 1940*¹¹, was constructed. According to this section, “Whoever

⁸ *Rashtriya Mill Majdoor Sangh vs. NTC (South Maharashtra)* 1996 SCC (1) 313.

⁹ AVATAR SINGH & HARPREET KAUR, INTRODUCTION TO THE INTERPRETATION OF STATUTES 79 (Lexis Nexis 2014)

¹⁰ *Mohd Shabbir vs. State of Maharashtra* 1979 AIR 564, 1979 SCR (2) 997.

¹¹ *Drugs and Cosmetics Act, 1940*, § 27, No. 23, Acts of Parliament, 1940 (India)

‘manufactures for sale, sells, stocks or exhibits for sale or distributes’ a drug without a license was liable for punishment. The Supreme Court held that because a comma is present after ‘manufacturers for sale’ and ‘sells’ and because a comma is not added after ‘stocks’, the ‘legislative will’ here is that mere stocking is not an offence within the section.

- **Illustrations:** Illustrations are given as examples of situations where the provision given before it may be applicable. Illustrations provide for the causes and consequences of a situation in light of the concerned legal provision. In the case of Mahesh Chand Sharma vs. Raj Kumari Sharma¹², the apex court held that illustrations are as important as the actual section itself. Hence, those may be looked into while attempting to take out the meaning of the provision(s) in question.
- **Definition Clause:** A definition clause of an act can be looked at as a dictionary for that act. Definitions for various terms, phrases, and expressions used in the Act are given under the definition clause. It provides a way for judges to understand the sense in which a particular word or term has been used in the Act. Words spelled with the same spelling may have different meanings in different contexts. To avoid the confusion that may appear through such similar-sounding words, the definition clause is of utmost importance. In the case of Hariprasad Shivshankar Shukla vs A.D. Divikar¹³, where it was to be decided if the term retrenchment used in the Payment of Wages Act, 1936, was to include termination from service of all the workers from the industry, the Supreme Court bench commented that, “Where, within the framework of the ordinary acceptance of the word, every single requirement of the definition clause is fulfilled, it would be wrong to take the definition as destroying the essential meaning of the word defined”.

4. EXTERNAL AIDS TO INTERPRETATION

¹² Mahesh Chand Sharma vs. Raj Kumari Sharma 1996 AIR 869

¹³ Hariprasad Shivshankar Shukla vs A.D. Divikar 1957 AIR 121

In the case of *State of Maharashtra vs. Marwanjee F Desai*¹⁴, the Supreme Court observed that after considering the language used in the making of a statute, the 'legislative will' must be gathered and interpreted in its truest sense. External aids to interpretation are those exterior materials that do not form a part of the statute but provide data or information that may assist the judges in understanding a statutory provision better in order to interpret it. External aids to interpretation are secondary in nature. In the case of *B. PrabhakarRao v. State of Andhra Pradesh*¹⁵, the apex court commented that the external aids shall be resorted to only after exhausting the internal aids to interpretation, not otherwise. The judges can resort to external aids to discover the intent of the legislators, as external aids mostly include the background, history, and purpose behind the advent of a statutory enactment. Following are the external aids to interpretation:

- Dictionaries
- Parliamentary history & facts
- Foreign judgments

LEGAL UPANISHAD JOURNAL

- **Dictionaries:** In the case of internal aid, the definition clause is viewed as a dictionary for that particular act; official dictionaries may also be referred to by the judges to understand the meaning attached to a word in question, understood by the common people. To ascertain the meaning of a word, conscious attention must be given to its context. As Supreme Court held in *Ram Narain vs. State of UP*¹⁶, 'the meanings of words and expressions used in an act must be read in the light of the context in which they appear.' However, it is a precedent set up by the Supreme Court in the *Nagulapatti Lakshamma vs. Mupparaju Subbaiah*¹⁷ case that where the statute explicitly conveys the meaning of a word, then the dictionary meaning of such a word cannot be counted up on.

¹⁴ *State of Maharashtra vs. Marwanjee F Desai* AIR 2002 SC 456

¹⁵ *B. PrabhakarRao v. State of Andhra Pradesh* 1986 AIR 210

¹⁶ *Ram Narain vs. State of UP* AIR 1957 SC 18.

¹⁷ *Nagulapatti Lakshamma vs. Mupparaju Subbaiah* 1998 5 SCC 285.

That is to say that dictionaries as an external aid become irrelevant if there is an internal aid such as a definition clause or other statutory provision itself that gets rid of the ambiguity.

- **Parliamentary history & facts:** One of the ways in which ‘the will of the legislature’ can be realized is by going through the parliamentary debates that took place before the bill of the statute in question became law. External aid of parliamentary history and facts include parliamentary debates, reports of the numerous legislative committees, letters, etc. In the case of *Express Newspapers Pvt. Ltd. v. Union of India*¹⁸, the Supreme Court held that, for the purpose of interpretation, the parliamentary history of a statute may be looked into to resolve an ambiguity that has occurred in such a statutory provision. However, in the course of different readings of a bill introduced in parliament, different points are discussed from the perspectives of different members of the house. Hence, the exact intent of the legislature may not be correctly understood.

- **Foreign Judgements:** A judgment given by a court outside of India is a foreign judgment. Such a court’s judgements are not binding on Indian courts, but they have persuasive value. However, when it comes to interpretation, Indian courts take into account foreign judgements delivered by the courts of those countries that have statutes in pari materia with Indian statutes and follow similar principles of jurisprudence as Indian. There are instances where reference was made to *M’Naghten’s case*¹⁹ decided by the English court for understanding the defence of insanity under the Indian Penal Code. However, as observed by the Supreme Court in *Sales Tax Officer Banaras vs. Kanhaiya Lal Mukund Lal Saraf*²⁰, there is one qualification attached to the assistance of foreign decisions: prime importance is always to be given to the language of the relevant Indian statute, the circumstances and setting in which it is enacted, and the Indian conditions where it is to be applied.

¹⁸ *Express Newspapers Pvt. Ltd. v. Union of India* 1985 SCR Supl. (3) 382.

¹⁹ *R v M’Naghten* (1843) 8 E.R. 718

²⁰ *Sales tax officer, Banaras vs. Kanhaiya Lal Mukund Lal Saraf* AIR 1959 SC 135

It is important to understand that when the words in a particular act are non-absurd, simple in meaning, and non-confusing, then the purpose of the legislation is to be derived from the 'language of the statute' itself, and external aids are not to be resorted to.²¹ External aids to interpretation are relevant and applicable only when the ambiguity apparent in a section continues to prevail even after exhausting the remedies available in the statute itself.

5. CONCLUSION

Justice Bhushan observed in the case of *State (NCT of Delhi) vs Union of India*²² that the key to finding the object behind the enactment of a constitutional provision is present in that very constitutional provision. The need for interpretation of a statute will only arise when there is an ambiguity in a certain provision of that statute. An ambiguity of this kind, if left as it is and applied to judicial principles, will lead to injustice. Hence, in order to remove such an ambiguity, the first consideration is to be given to the language of the statute, its objective, and the intention that appears in the other sections of that statute, which in precision means internal aids to interpretation. As per the Craies Legislation, if legislation is not understood from the plain reading of a statute as the first step to interpretation, then the Courts shall undertake the interpretation with the view to track down from the enacted statute itself 'the broad purpose of the legislation'.

It is a cardinal rule of interpretation that internal aids should be given preference while interpreting a statute; however, where internal aids are not forthcoming, only then recourse to external aids can be taken to discover the object of the legislation.²³ Thus, internal aids must be preferred and exhausted first before reaching out to external aids, which in turn proves that the former is more relevant and useful than the latter.

²¹ Justice AK Srivastava, *Interpretation of Statutes*, JUDICIAL TRAINING & RSCH. INST. (1995)

²² *State (NCT of Delhi) vs Union of India* (2018) 8 SCC 501

²³ *B. Prabhakar Rao and others v State of A.P. and others*, AIR 1986 SC 120.