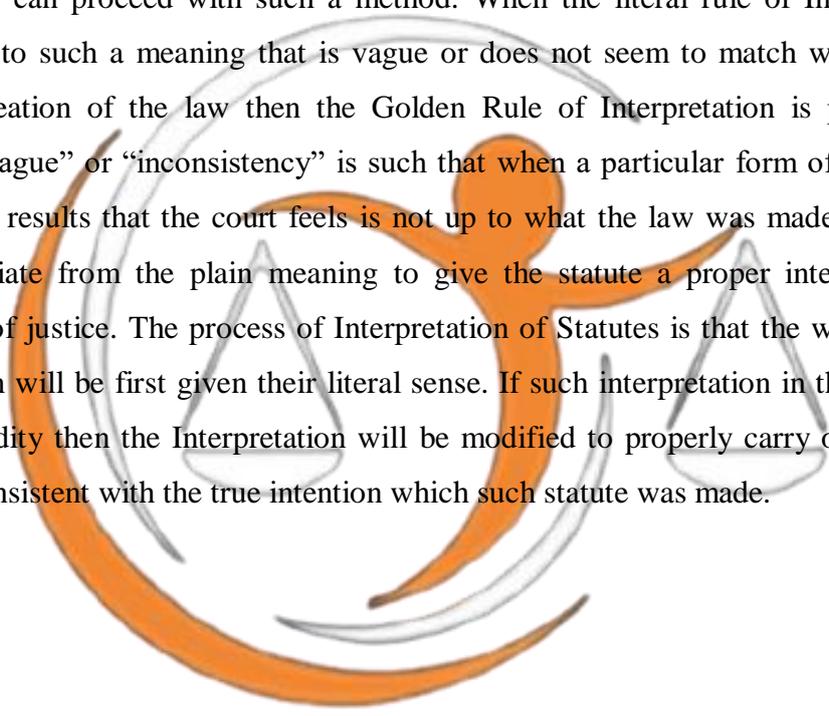


CRITICAL ANALYSIS OF GOLDEN RULE OF INTERPRETATION

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ABSTRACT

The Golden rule of interpretation is the deviation from the literal rule of interpretation. To avoid any sort of inconsistency in the interpretation of statutes or vagueness or absurdity, we choose the principle of the Golden Rule of Interpretation. Lord Wensleydale gave his remarks that were the very first remark on the Golden Rule. As long as the adherence to the original meaning of the words given in the legislation does not lead to any inconsistency or vagueness, we can proceed with such a method. When the literal rule of Interpretation of Statutes leads to such a meaning that is vague or does not seem to match with the motive behind the creation of the law then the Golden Rule of Interpretation is preferred. The meaning of “vague” or “inconsistency” is such that when a particular form of interpretation gives us some results that the court feels is not up to what the law was made for. Then the court can deviate from the plain meaning to give the statute a proper interpretation and following up of justice. The process of Interpretation of Statutes is that the wordings of the said legislation will be first given their literal sense. If such interpretation in the literal sense leads to absurdity then the Interpretation will be modified to properly carry out delivery of justice or inconsistent with the true intention which such statute was made.



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INTRODUCTION

When we talk about the interpretation of statutory law, it is a method of giving the true meaning of the given statute or giving sense to the wordings of such legislation. Question of Law is not raised in a situation where the meaningful sense of wordings in the English Language is concerned. The systematic establishment of such a sense on a par with the legislation raises the question. The Role of Interpretation of Statutory Law is to undo those shackles that the law-making body has strapped to the statutory law in question. . For undoing the shackles, keys are to be used. These keys are nothing but the principles of interpretation and any sort of aid for interpretation. The most proper way of interpreting the statute is to seek out the intention behind which the statute was made and read with the given facts of the case. We should keep in mind that any sort of interpretation of the statute that defeats the purpose of the statute should be avoided as much as possible. The way of interpretation is such that the words should be read literally or be given their literal meaning to be in line with the actual meaning of the statute. The intention of the legislature and the grammar used should go hand in hand when we are reading out a statute. It is necessary to understand the motive or intention behind which the statute was made to draw out the vague meaning or inconsistency as much as possible. “The essence of Law” mentioned by Salmond is to be considered when determining the meaning of the legislation.² The primary task of the courts is to find the motive of the lawmaker as to the creation of such legislation. Statutory laws must be understood from the ordinary and grammatical sense of the wordings to explore the mind of the law-making body. If the literal meaning or the plain meaning of the words in the statute leads to absurdity or ambiguity, courts must interpret them in the ordinary sense to deviate from the actual meaning of the statute which may seem injustice but to understand the true motive for which the statute was made.

GOLDEN RULE

It is also known as Wensleydale’s Golden Rule. Established through various case laws, its usage is mainly when the derivation of the meaning of the statutory law deviates from the motive of the lawmaker as to the creation of such legislation or brings about some absurdity that cannot be left unchecked.

² Jurisprudence, eleventh edn, p 152.

Wensleydale's Golden Rule was firstly established by Lord Wensleydale.³ If the meaningful sense of the wordings vary from the motive of the lawmaker as to the creation of such legislation to be construed from the statutory law in question and should such derivation results in finding any vagueness, then such derivation must have deviated to avoid inconsistency or inconvenience. It is one of the well-established rules of determination of the meaning of the statutory law in dispute that if the wordings of the legislation are unambiguous and accurate then it is not suggested to further explain those wordings in their original and accurate sense. Next, it would be established that the wordings of the legislation in the case is the most accurate way of determining the motive of the lawmaker as to the creation of such legislation. It is an established rule of construction that where alternative methods of the derivation of meanings are available then that alternative is to be taken into consideration that will be on par with the proper functioning of the law governing body that the statutory law regulates; and that the alternative will not be taken into consideration that creates problems into the law governing body.

The classic example of the Principle in the discussion is the case where legislation allowed the corporate bodies to shift the undertaking from the dissolved body to the newly formed body.⁴ Under the legislation, "Transfer" was raising a dispute as it stated that it includes all the dissolved body rights, properties, debts, and duties of the dissolved body goes to the newly formed corporate body. The dispute was to if the shifting of the above mentioned included the Contract of Service between the former employee and the dissolved corporate body. This doubt was removed by the House of Lords and held that for the corporate body to do that, it was necessary to get the express consent of such employee. The notice of the transaction between the two corporate bodies should have been given to the employee by the newly formed body. If the legislation suggested that the employee would have been a part of the company through the transfer of Contract of Service in the absence of the employee's express consent then the given wordings can be derived to explain this motive.

Maxwell says that applying the Golden Rule of Interpretation and its shortcomings can be established or observed in the field dedicated establishment of the meaning of the legislation in terms of the aftermaths and derivation to dodge hindrances and miscarriage of justice and to avoid escaping from the law.

³ Grey v Pearson (1857)

⁴ Nokes v, Doncaster Amalgamated, Ltd 3 All ER 549

Similarly as explained concerning Maxwell's theory in the case⁵ where it was held that the prisoner who eloped while the jail was burning would not constitute to be a felony of "to break from prison". It was held that his act was to save his life and not to be at liberty. A statute that made the act to be in 'Criminal terms' in non-determined terms was not applicable where the act committed was forgivable on grounds recognized by the law governing body

Where in a situation there are two possible ways of interpretation, the most reasonable one should be chosen to keep a smooth working system of Law. The interpretation should not be chosen which will prove to be producing absurdity in the law.

INTERPRETATION W.R.T INDIAN COURTS

Indian Courts face several cases where they have applied the Golden Rule, be it High Court or Supreme Court. One may face certain confusions while applying this rule. As the Golden rule starts with the phase of application of the Literal rule of Interpretation on the legislation and should there be any absurdity or uncertainty then the Golden rule is applied.

Such there is any possibility that there is more than one outcome of the Interpretation then we should go further to dodge uncertainty by changing the language by adding, rejecting, or removing words to make a proper conclusion as to the motive of the lawmaker as to the creation of such legislation.

Well established by the Court where the legislation in dispute was whether it allowed the distribution of land to persons who had no land.⁶ Under this purview, a person who is involved in the activity of Agriculture will be taken into consideration. A person involved in any sort of business can be also thought of as coming under this purview but the motive was to allow the persons involved in agriculture to be given a source of revenue and a helping hand. Landmark Judgment in **Lee v. Knapp** where the mishaps in the legislation were disputed.⁷ The Legislation stated in pure wordings that the person creating such mishaps should halt after such creation. The guilty in the case had halted for some time then left the place. Court established that the halt should be for a reasonable period so that the bystanders could take relevant details of the creator of such mishaps.

⁵Free Lanka Insurance Co. Ltd. v. Ranasinghe, (1964) AC 541

⁶ AIR 1981 SC 1656

⁷ (1967) 2 Q.B. 442

Another well-established rule in **Narendra Madivalapa Kheni vs Manikrao Patil & Ors** where the Supreme Court had cleared the doubt as to the timings of the submission of the names in the election.⁸ The legislation in dispute was what did the last date of the nomination signified. The Court cleared the doubt and suggested that the wordings have to be studied altogether concerning the purpose behind the creation of such law. Court held that it signified the end hour of that day for nominating the candidates under the legislation in question.

The court in **Annapurna Biscuit Manufacturing vs. Commissioner of Sales Tax** cleared another doubt with the help of the rule.⁹ The Legislation in dispute was if the biscuits were falling under the scope of Cooked Food as per the wordings of such legislation. The party was involved in an activity of manufacturing and selling of Biscuits and if such party should be taxed if such biscuits fell under the scope of Cooked food.

Court established if wordings can be showing a narrow sense, then the question as to acceptance of such sense depends entirely on the subject matter of such legislation in question. In the scenario in hand, biscuits did not fall under the purview of cooked food. But in scenarios where accurate words have given are straight-forward and free from vague, the court had to determine in their original sense and bring them under the scope of the act of the Legislature by considering the subject matter considered by the Parliament.

CRITICISM

The golden rule of Interpretation is the well-used principle for the interpretation of statutes but there has been criticism regarding its application.

The word “absurdity” is a vague concept and arises only in a few cases where it necessary for the court to apply the golden rule of interpretation. Golden rule suffers from the same problems which were faced by the Literal approach i.e. lack of wider contextual understanding of “meanings.” The majority of the cases contain tough scenarios where tough choices have to be made between many credible arguments, not scenarios in places where wordings of the legislation take you to obvious ambiguity.

⁸ AIR 1977 SC 2171

⁹ AIR 1981 SC 1656

The answer to that in the conclusion, the 'golden rule' gives a court opportunities to create exceptions given public that are not based on the social subject matter under the legislation, not even on the consequences of the wordings made use by the law-making body, but entirely on the social and political perceptions of the judges who deal with such difficult cases.

The usage of the Golden rule in today's scenarios is that the court uses a tool to achieve the desired results. In the rare cases where the disputed wordings are either narrow or accurate and too plain to be held by the judges to be not accurate but make them applicable would shake up the court's perception of justice, the court can if it pleases to deviate from the original meaningful sense, hold that in making them applicable on the situations of the said case that would result in a 'vague' to which the law-making body cannot be made accountable, and, adducing the 'golden rule,' will work out an implied exception.

