

CRITICAL ANALYSIS: LITERAL RULE OF INTERPRETATION

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ABSTRACT

Interpretation is regarded to be one of the most vital features of the court. The purpose why interpretation is performed is to recognize the real significance of the statute. “Statutes” signifies guidelines that are enacted by the legislative body/parliament. The statute till and until is free from ambiguity can't furnish justice which is additionally the fundamental characteristic of the court. The term “Ambiguity” means when words provide more than one meaning. This article especially focuses on the literal rule which means the capability to supply the natural and ordinary meaning to the statute.

Keywords: Interpretation, Statute, Literal rule, Golden rule.



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INTRODUCTION

Interpretation is recognized to be the predominant and necessary feature of the court. Interpretation without a doubt is a skill to decide the true meaning of the statute. Interpretation helps to read, understand, observe, and draw a conclusion of the statute. The term Interpretation has been derived from the Latin phrase "Interpreteri" which is an ability to explain, expound, apprehend, or translate. It entails an act of discovering the real meaning of the language which has been used in the statute. Interpretation is regularly described as "Correct appreciation of the Law".

After these statutes are established it is the accountability of the Executive body to execute them after which it is surpassed over to the Judiciary body to practice them. While these statutes are shaped the Judiciary body is not present and there may be circumstances that the legal guidelines shaped by way of the Legislative body might not be understood via the Judiciary body. This is when interpretation is required.

The goal of the court is not only to purely follow the laws, however, to observe them in a significant and right manner as may also be required via the case. This technique is adopted with the aid of the courts to decide the intention of the Legislature which is also the primary objective. Interpretation is finished in two ways: Grammatical Interpretation and Logical Interpretation. The former one potentially the verbal expression of the legislature and the later one offer an impact on the intention of the legislature.

The three main objectives as to why the interpretation is required are as follows:

1. To parent out the intention of the legislature in the back of the formation of the law.
2. To apprehend the real that means of the provision.
3. To apprehend the strategies of interpreting phrases cited beneath the statute.

According to Cooley, "Interpretation is an art of finding out the true sense of any form of words i.e.: sense which their author intended to convey and of enabling others to derive from them the same idea which the author intended to convey."

On the other hand, "Construction" which is generally regarded as identical as to the interpretation has certain differences. Construction skills are drawing out a conclusion about

the subject. The court has to figure out whether or not the phrases used in textual content covers the case or not?

According to Salmond, “Interpretation or construction is the process by which the courts seek to ascertain the meaning of the legislature through the medium of authoritative forms by which it is expressed.”

According to Gray, “The process by which a judge constructs from words of a statute book, a meaning which he either believes to be the legislature, or which he proposed to attribute to it, is called interpretation.”

In the case of **Becke v. Smith**,² Parke B observed, “If the words are in their plain and unambiguous manner we are certain to construe them in their ordinary sense, even it does lead in our view to an absurdity, manifest or injustice. Words could also be modified or varied where their import is doubtful or obscure, but we assume the function of legislators once we depart from the ordinary meaning of the precise words used merely because we see or fancy we see, an absurdity or manifest injustice from adherence to their literal meaning.”

This article shall specialize in the critical analysis of the Literal rule of interpretation.

LITERAL RULE OF INTERPRETATION OF STATUTE

Meaning:

[Literal Rule of Interpretation](#) also referred as to grammatical interpretation is a capability that the phrases utilized in the statute are to provide or deciphered in their common, customary, and ordinary importance. After the translation, if that importance is clear and unambiguous, at that point, the effect will be given to the arrangement of the resolution paying little mind to what may be the results. The exacting standard is believed to be the premier secure guideline of understanding because of the reality the aim of the lawmaking body is deducted from the expressions and language utilized.

The maxim **Absoluta Sententia Expositore Non-Indigent** means, if a plain word has a simple meaning there is no need to interpret it further.

²Becke vs. Smith (1836) 2 M&W 195.

ADVANTAGES AND DISADVANTAGES

There are certain Advantages and Disadvantages mentioned as follows:

Advantages:

1. The judges don't have to follow their very own opinion.
2. Restricts the position of the judges.
3. The natural and ordinary meaning is used and applied.
4. Separation of power is accomplished in an applicable manner.

Disadvantages:

1. The Parliament is the superior body and considered supreme.
2. Limitation of powers.
3. Creates loopholes in the laws.
4. There might also be a scenario the place a dispute may additionally occur amongst the judges concerning the natural, ordinary, and famous that meaning of the statute.

SUBSIDIARY RULES OF LITERAL RULE OF INTERPRETATION

There are certain subsidiary rules of Literal Interpretation as follows:

1. **Ejusdem Generis:** This is a Latin term which suggests that the same kind of words or words of a particular class or category. It simply means assuming the general meaning of the words or words of a comparable kind. In the case of [Regina v. Edmundson \(1859\)](#)³ Lord Campbell observed: "Where there were general words following particular and specific words, the general words must be confined to things of the same kind as those specified."
2. **Casus Omissus:** The term 'casus omissus' means case omitted. It is a fundamental rule of interpretation. Something that needs to have been supplied in the statute however has no longer been supplied can't be shared with the aid of the court as that

³ Regina vs. Edmundson, (1859) 28 LJMC 213.

would be legislation and now not construction. In the case of [SPGupta v. President of India and Ors.](#)⁴ At the point when the language of the rule is unambiguous, there is no need for the court to rehearse or follow the principle of Casus Omissus or award outside significance in such a case. The court shall no longer [grant or add any phrases](#) to the suit of what the court thinks is supposed to be the intention of the legislature.

3. **ExpressioUnius Est ExclusioAlterius:** This is a Latin term which means “Express mention implied exclusion.” It simply means what is stated in the statute leads to presumption and anything that is not referred to shall be excluded.

CASE LAWS

1. In the case of [Dominion of India &Anr. vs. Shrinbai A. Irani &Anr.](#)⁵ the apex court held that the provisions cited are to be held literally and ought to be given their simple and grammatical meaning. It has to be interpreted in the mild of the preamble of the ordinance.
2. In the case of [Municipal Board, Pushkar vs. State Transport Authority, Rajasthan](#)⁶ it was held through the apex court that it shall be the duty of the to interpret the regulation as it is/ as it exists and an undeniable and grammatical which means shall be given even if it affects too harsh conclusion.
3. In the case of [Jugalkishore Saraf vs. Raw Cotton Company Limited](#)⁷that the statutes are to examine actually via giving them their ordinary, grammatical, and natural meaning. If such regular meaning affords absurdity then the Golden rule is possibly utilized however when no such choice construction is viable literal interpretation shall be applied.
4. In the case of [State Of Kerala vs. MathalVerghese&Ors.](#)⁸the issue regarding currency notes was observed. The Kerala High Court held that because IPC is being considered in this case only Indian currency and banknotes shall be considered. But

⁴ SP Gupta vs. President of India and Ors, **AIR 1982 SC 149.**

⁵The Dominion of India &Anr. vs. Shrinbai A. Irani &Anr., 1954 AIR 596, 1955 SCR 206

⁶Municipal Board, Pushkar vs. State Transport Authority, Rajasthan, 1965 AIR 458, 1963 SCR (2) 273.

⁷Jugalkishore Saraf vs. Raw Cotton Company Limited, 955 AIR 376, 1955 SCR (1)1369.

⁸State Of Kerala vs. MathalVerghese&Ors., 1987 AIR 33, 1987 SCR (1) 317.

Supreme Court went with the literal interpretation as section 498-A of IPC mentions “any currency” therefore even foreign currency and banknotes shall be considered.

5. In the case of **Grundy v. Pinniger Lord Caranworth**⁹ said that Literal Rule is a cardinal rule, “Literal rule is a cardinal rule, from which if we depart we launch the sea of difficulty which is not easy to fathom i.e.: not easy to rectify.”
6. In the case of **London and North Eastern Railway vs. Berriman, (1946)**¹⁰ it was considered that “Compensation shall be provided due to the death caused on repairing or maintenance of the track” the issue here was whether oiling shall be considered as repairing. The court held that oiling isn’t repairing and therefore the compensation for this shall be dismissed.
7. In the case of **Fischer v. Bell**,¹¹ the place flick knives had been embellished in a store with charge tags and it had been once a “criminal offense” to show such flicks knives. The court held that it was not an offer but an invitation to treat. The word offer doesn’t include an invitation to offer.
8. In the case of **R v. Harris**,¹² where the defendant bit the nose of the victim, the statute noted “to stab and wound” however beneath Literal rule the court held that biting does no longer consist of for the reason as no instrument used right here whereas in the statute stab and wound shall require an instrument.

⁹Grundy vs. Pinniger, (1852) 1 LJ Ch 405.

¹⁰London and North Eastern Railway vs. Berriman, [1946] AC 278.

¹¹ **Fisher vs. Bell [1961] QB 394.**

¹² R. vs. Harris, [1816] NSWKR 6; [1816] NSW SupC 6.