Rules of Interpretation

1. Literal or Grammatical Rule
2. The Mischief Rule
3. The Golden Rule

**Literal or Grammatical Rule**

It is the first rule of interpretation. According to this rule, the words used in this text are to be given or interpreted in their natural or ordinary meaning. After the interpretation, if the meaning is completely clear and unambiguous then the effect shall be given to a provision of a statute regardless of what may be the consequences.

The basic rule is that whatever the intention legislature had while making any provision it has been expressed through words and thus, are to be interpreted according to the rules of grammar. It is the safest rule of interpretation of statutes because the intention of the legislature is deduced from the words and the language used.

According to this rule, the only duty of the court is to give effect if the language of the statute is plain and has no business to look into the consequences which might arise. The only obligation of the court is to expound the law as it is and if any harsh consequences arise then the remedy for it shall be sought and looked out by the legislature.

***Case Laws***

[***Maqbool Hussain v. State of Bombay***](https://indiankanoon.org/doc/1815080/)***,***In this case, the appellant, a citizen of India after arriving at the airport did not declare that he was carrying gold with him. During his search was carried on, gold was found in his possession as it was against the notification of the government and was confiscated under **section 167(8) o**f ***Sea Customs Act.***

Later on, he was also charged under ***section 8 of the Foreign Exchange Regulations Act, 1947.*** The appellant challenged this trial to be violative under [***Article 20(2)***](https://indiankanoon.org/doc/17858/) of the Indian Constitution. According to this article, no person shall be punished or prosecuted more than once for the same offence. This is considered as double jeopardy.

It was held by the court that the Seas Act neither a court nor any judicial tribunal. Thus, accordingly, he was not prosecuted earlier. Hence, his trial was held to be valid.

[***Manmohan Das versus Bishan Das, AIR 1967 SC 643***](https://indiankanoon.org/doc/1073776/)

The issue in the case was regarding the interpretation of section 3(1)(c) of U.P Control of Rent and Eviction Act, 1947. In this case, a tenant was liable for evidence if he has made addition and alternate in the building without proper authority and unauthorized perception as materially altered the accommodation or is likely to diminish its value.  The appellant stated that only the constitution can be covered, which diminishes the value of the property and the word ‘or’ should be read as land.

It was held that as per the rule of literal interpretation, the word ‘or’ should be given the meaning that a prudent man understands the grounds of the event are alternative and not combined.

[***State of Kerala v. Mathai Verghese and others, 1987 AIR 33 SCR(1) 317,***](https://indiankanoon.org/doc/58373/)in this case a person was caught along with the counterfeit currency “dollars” and he was charged under section 120B, 498A, 498C and 420  read with **section 511 and 34 of Indian Penal Code** for possessing counterfeit currency. The accused contended before the court that a charge under section 498A and 498B of Indian Penal Code can only be levied in the case of counterfeiting of Indian currency notes and not in the case of counterfeiting of foreign currency notes. The court held that the word currency notes or bank note cannot be prefixed. The person was held liable to be charge-sheeted.

**The Mischief Rule**

Mischief Rule was originated in ***Heydon’s case*** in 1584. It is the rule of purposive construction because the purpose of this statute is most important while applying this rule. It is known as Heydon’s rule because it was given by Lord Poke in Heydon’s case in 1584. It is called as mischief rule because the focus is on curing the mischief.

In the Heydon’s case, it was held that there are four things which have to be followed for true and sure interpretation of all the statutes in general, which are as follows-

1. What was the common law before the making of an act?
2. What was the mischief for which the present statute was enacted?
3. What remedy did the Parliament sought or had resolved and appointed to cure the disease of the commonwealth.
4. The true reason of the remedy.

The purpose of this rule is to suppress the mischief and advance the remedy.

**Case laws**

[***Smith v. Huges***](https://blog.ipleaders.in/cyber-security-and-its-legal-implications/)***, 1960 WLR 830,***in this case around the 1960s, the prostitutes were soliciting in the streets of London and it was creating a huge problem in London. This was causing a great problem in maintaining law and order. To prevent this problem, Street Offences Act, 1959 was enacted. After the enactment of this act, the prostitutes started soliciting from windows and balconies.

Further, the prostitutes who were carrying on to solicit from the streets and balconies were charged under ***section 1(1)*** of the said Act. But the prostitutes pleaded that they were not solicited from the streets.

The court held that although they were not soliciting from the streets yet the **mischief rule** must be applied to prevent the soliciting by prostitutes and shall look into this issue. Thus, by applying this rule, the court held that the windows and balconies were taken to be an extension of the word street and charge sheet was held to be correct.

[***Pyare Lal v. Ram Chandra***](https://indiankanoon.org/doc/621217/)***,***the accused in this case, was prosecuted for selling the sweeten supari which was sweetened with the help of an artificial sweetener. He was prosecuted under the Food Adulteration Act. It was contended by Pyare Lal that supari is not a food item. The court held that the dictionary meaning is not always the correct meaning, thereby, the mischief rule must be applicable, and the interpretation which advances the remedy shall be taken into consideration. Therefore, the court held that the word ‘food’ is consumable by mouth and orally. Thus, his prosecution was held to be valid.

[***Kanwar Singh v. Delhi Administration***](https://indiankanoon.org/doc/1703356/)***,***AIR 1965 SC 871.

Issues of the case were as follows- [***section 418 of Delhi Corporation Act,***](http://legislative.gov.in/sites/default/files/A1957-66.pdf) 1902 authorised the corporation to round up the cattle grazing on the government land. The MCD rounded up the cattle belonging to Kanwar Singh. The words used in the statute authorised the corporation to round up the abandoned cattle. It was contended by Kanwar Singh that the word abandoned means the loss of ownership and those cattle which were round up belonged to him and hence, was not abandoned. The court held that the mischief rule had to be applied and the word abandoned must be interpreted to mean **let loose or left unattended**and even the **temporary loss of ownership**would be covered as abandoned.

[***Regional Provident Fund Commissioner v. Sri Krishna Manufacturing Company, AIR 1962 SC***](https://indiankanoon.org/doc/515996/)***1526,***Issue, in this Case, was that the respondent concerned was running a factory where four units were for manufacturing. Out of these four units one was for paddy mill, other three consisted of flour mill, saw mill and copper sheet units. The number of employees there were more than 50. The RPFC applied the provisions of Employees Provident Fund Act, 1952 thereby directing the factory to give the benefits to the employees.

The person concerned segregated the entire factory into four separate units wherein the number of employees had fallen below 50, and he argued that the provisions were not applicable to him because the number is more than 50 in each unit. It was held by the court that the mischief rule has to be applied and all the four units must be taken to be one industry, and therefore, the applicability of PFA was upheld.

**The Golden Rule**

It is known as the golden rule because it solves all the problems of interpretation. The rule says that to start with we shall go by the literal rule, however, if the interpretation given through the literal rule leads to some or any kind of ambiguity, injustice, inconvenience, hardship, inequity, then in all such events the literal meaning shall be discarded and interpretation shall be done in such a manner that the purpose of the legislation is fulfilled.

The literal rule follows the concept of interpreting the natural meaning of the words used in the statute. But if interpreting natural meaning leads to any sought of repugnance, absurdity or hardship, then the court must modify the meaning to the extent of injustice or absurdity caused and no further to prevent the consequence.

This rule suggests that the consequences and effects of interpretation deserve a lot more important because they are the clues of the true meaning of the words used by the legislature and its intention. At times, while applying this rule, the interpretation done may entirely be opposite of the literal rule, but it shall be justified because of the golden rule.  The presumption here is that the legislature does not intend certain objects. Thus, any such interpretation which leads to unintended objects shall be rejected.

**Case laws**

***Tirath Singh v. Bachittar Singh, AIR 1955 SC 850***

In this case, there was an issue with regard to issuing of the notice under[***section 99 of Representation of People’s Act, 1951***,](https://indiankanoon.org/doc/169341416/) with regard to corrupt practices involved in the election.

According to the rule, the notice shall be issued to all those persons who are a party to the election petition and at the same time to those who are not a party to it. Tirath Singh contended that no such notice was issued to him under the said provision. The notices were only issued to those who were non-parties to the election petition. This was challenged to be invalid on this particular ground.

The court held that what is contemplated is giving of the information and the information even if it is given twice remains the same. The party to the petition is already having the notice regarding the petition, therefore, section 99 shall be so interpreted by applying the golden rule that notice is required against non-parties only.

***State of Madhya Pradesh v. Azad Bharat Financial Company, AIR 1967 SC 276,***

Issues of the case are as follows.

A transporting company was carrying a parcel of apples was challenged and charge-sheeted. The truck of the transporting company was impounded as the parcel contained opium along with the apples. At the same time, the invoice shown for the transport consisted of apples only.

**Section 11 of the opium act 1878,** all the vehicles which transport the contraband articles shall be impounded and articles shall be confiscated. It was confiscated by the transport company that they were unaware of the fact that opium was loaded along with the apples in the truck.

The court held that although the words contained in **section 11** of the said act provided that the vehicle shall be confiscated but by applying the literal rule of interpretation for this provision it is leading to injustice and inequity and therefore, this interpretation shall be avoided. The words ‘**shall be confiscated**’ should be interpreted as ‘**may be confiscated**’.

[***State of Punjab v. Quiser Jehan Begum***](https://indiankanoon.org/doc/1743890/)***, AIR 1963 SC 1604,***a period of limitation was prescribed for, under section 18 of land acquisition act, 1844, that an appeal shall be filed for the announcement of the award within 6 months of the announcement of the compensation. Award was passed in the name of Quiser Jehan. It was intimated to her after the period of six months about this by her counsel. The appeal was filed beyond the period of six months. The appeal was rejected by the lower courts.

It was held by the court that the period of six months shall be counted from the time when Quiser Jehan had the knowledge because the interpretation was leading to absurdity. The court by applying the golden rule allowed the appeal.