

Important General Rules of Interpretation: A Study

By
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I)

1. A Statute is the 'will of the legislature'¹. The legislature will follow the procedure laid down or prescribed in the enactment of laws. If there is any procedural defect in the legislative process, it may be cured immediately by appropriate legislative action i.e., by amendment to the existing provision or inserting a new one in its place, without canvassing or challenging in the courts.² Courts are under a duty to interpret the Statute irrespective of ambiguity or lack of clarity or otherwise, in order to discharge its basic duty of doing justice. In this process, the courts have attempted to find out the intention of the legislature from the words used in the four corners of the relevant provisions³. The usual rule that is adhered to is nothing to be implied, which is inconsistent with the words used in expressing the intention of the legislature, as the words used in the Statute speak for the intention of the legislature. As explained in Balasinor Nagrik Co-operative Bank's Ltd., Case,⁴ the object of all interpretation of a Statute is to determine the intention of the law-maker from the language used to find out whether a particular case falls within the ambit of the intention so determined. Thus, the purpose of interpretation is to

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¹ Maxwell, 'Interpretation of Statutes', 11th Ed. P.1.

² See for details May's, "Parliamentary Practice" 17th Ed. P.597-600.

³ Per Diplock, L.J. in Bradbury Vs. Enfield London Borough Council (1967)1 WLR P.1311.

⁴ Balasinor nagrik Co-operative Bank Ltd., Vs. Babubhai shanker Lal Pandya, AIR 1987 SC P.841. The court relied on Maxwell's 'Interpretation of Statutes'.

determine the intention of the legislature and in doing so, the Statute as a whole must be construed harmoniously by reading all the parts together. It follows that no part of it can be ignored or omitted in finding out the legislative intent.⁵ The courts have no power to vary the words of a Statute by following the maxim, **“A verbis Legis non Est Recedendum”** (you must not vary the words of a Statute). Lawyers and the courts are engaged in this exercise in a vast number of cases when the words used in the Statutes or expressions are ambiguous in order to resolve the inconsistencies or make the Statute workable as per the intent of the legislature. Salmond observed: “By interpretation or construction is meant, the process by which the courts seek to ascertain the meaning of the legislature through the medium of authoritative forms in which it is expressed”.⁶ This function has to be performed by the judiciary for the purpose of applying the provision of the Statute to a case before it,⁷ as otherwise justice cannot be done justly or fairly and the litigants as consumers of law are bound to suffer. Statutes are therefore to be construed according to the intention of the legislature which made it. The duty of the court is “to act upon the true intention of the legislature”.⁸

2. In finding out the true intention of the legislature, courts are to deal with several issues. They may be broadly stated thus:-

⁵ Kishan Swarup and another Vs. R.P.Randhir and another 1988 All L.J. P.398.

⁶ Salmond “Jurisprudence”, 11th Edition P.152.

⁷ Cross “Statutory Interpretation”, 3rd Edition P.34. See also Gray, “Nature and sources of law”, 2nd Edition P.176.

⁸ This is referred to as ‘the means or sentential legis’. See also, South Asia Industries (Pvt) Ltd. Vs. Swarup Singh, AIR 1966 SC P.346.

1) When the Statutory provision is capable or open to more than one interpretation:-

In the first place, the court has no other choice except to choose the one which represents the true intention of the legislature.⁹ This would also be considered as 'legal meaning' of the words or expressions used by the legislature, as elucidated by the Supreme Court in Dinesh Chandra Jamanadas Gandhi's case.¹⁰ This task is not easy one as it has several inherent problems that has to be met in finding out the real meaning. They may be summarized as follows:-

- (a) Words often do not have any precise meaning, as several meanings could be attributed as found in any authentic dictionary;
- (b) The language used is imperfect as it fails to convey the actual intention as thought by the legislature;
- (c) When the bill discussed in the legislature, a large number of representatives belong to different political parties having their own ideology and shades of opinions differently from those of other groups in the legislative body; and
- (d) Finally the legislative body cannot think of all situations and cases which might, arise, after the Statute comes into force. They may be cases not falling within the expressions used or words employed to deal with enumerated cases of the description envisaged by the legislature.

⁹ Venkataswami Naidu R. Vs. Narasram Naraindas AIR 1966 SC P.361. Refer to Page 363.

¹⁰ Dinesh Chandra Jamana Das Gandhi Vs. State of Gujarath, AIR 1989 SC P.1011. This also supports the view of Bennon expressed in 'Statutory Interpretation', 3rd Edition P.303.

3. The function of the court is to apply the law and not to invent a new rule.

Bentham considers any attempt on the part of the judiciary to exercise legislative power or law-making power amounts to 'theft of legislative power', though Prof. Dicey compromises by saying that a Judge is both a law-finding as well as a law-maker. Thus, the Judge is required to expound the law and not to legislate and there are varying degrees of opinions expressed by different Judges on the same issue and sometimes these differing opinions are contradictory to each other creating confusion in the law so declared or laid down in the process of exercise of interpretative power.

Further, the words used also carry a technical meaning depending on the content in which it is used and the time at which it is given. A meaning given at a particular time may be altogether becomes irrelevant at a different time, when the societal conditions undergo drastic changes and to make the law to suit the changed conditions becomes an important task of the court. As held in the case of Deputy Chief Controller of Imports and Exports,¹¹ ".....words of any language are capable of referring to different referents in different context and times". The problem becomes much more difficult to ascertain the real meaning, as there is no scope for getting clarification from individual legislators or even by a resolution adopted by the legislature as a whole, as the members and even the legislatures become "functus officio" i.e., ceases to have any more control

¹¹ Deputy Chief Controller of Exports and Imports Vs. K.T.Kosal Ram, AIR 1971 SC P.1283. The Supreme Court expressed the view that "each word is a symbol which may stand for one or more of objects".

over the Statute which it has passed and it should be assumed that the Statute explains by itself from the words and expressions used therein. Only the court has the power to say, what the legislature has meant and there is no scope for the Judge consulting the legislature to ascertain the meaning.

4. The function of the court in administering a Statute can be considered as two fold namely (a) to discover the facts of a case and (b) after this is done, to discover how the legislature has dealt with this case in the Statute made and how the court is expected to act.

In a case where a railway workman engaged in cleaning and oiling a permanent way, was also engaged in repairing it, for the purpose of maintaining it. Whether the problems of maintenance was one dealt with by the terms of employment of the workmen who was employed for cleaning and oiling? The court had no hesitation to hold it that it was not covered as it would be extremely difficult to point out and fix any definite point at which 'maintenance ends' and 'repair begins'.¹² Cases may arise in which it may be difficult to determine whether a particular case falls within or outside the purview of the words used in the Statute. Such cases are decided by the courts by laying down "general working principles".¹³

5. In a Social Welfare State, most of the Statutes deal with broad policies evolved by the party in power, directed towards conferment of benefits to

¹² Hamilton Vs. National Coal Board (1960)1 ALL E R P.258 (HL).

¹³ Ranjit D.Udeshi Vs. State of Maharashtra AIR 1965 SC P.610.

the public at large or curbing a social evil which attempt to destroy public life. Such policies may be evolved by the past or experiences of society faced in the present days. Obviously the policy-makers cannot conceive all possible cases that arise to be dealt with by the Statute and may even lack precision or clarity or completeness creating controversies and litigation continuing 'ad infinitum'. The Judiciary cannot play the role of silent spectator but strain every nerve to decide cases not covered by the Statute in some manner or the other so that, litigants do not get frustrated by the Judiciary not able to solve their problems. The duty of the Judiciary to cases unprovided for is to decide the cases on some principle or the other. The fundamental rule that Judges do not legislate but merely apply the law seems to be taking a line consistent with judicial creativity and realism.¹⁴ There is undoubtedly an area in which the Judges "mould or creatively interpret legislation" and thus become finishers, refiners and polishers of legislation¹⁵ where the Statute comes before them for further processing. Courts have filled the gaps¹⁶ or added¹⁷ and reached conclusion as if certain things existed in the Statute¹⁸. This is described to be the instances of exercise of power of creativity by the Judges. In other words, in the interpretation of Statutes, Judges have exercised a creative function to lay down new principles or rules, while "limiting this

¹⁴ Dr. Venkatachalam Vs. Deputy Transport Commission, AIR 1977 SC P.842.

¹⁵ State of Haryana Vs. Sampuran Singh, AIR 1975 Sc P.1952.

¹⁶ Bangalore Water Supply Vs. A. Rajappa AIR 1978 SC P.548

¹⁷ Pratiba Bose Vs. Rupendra Deh, AIR 1965 Sc P.543.

¹⁸ Captain Ramesh Chandra Vs. Veena Koushal AIR 1978 SC P.1807.

power of Judicial-law making to its necessary minimum”.¹⁹ A self imposed limitation to confine to certain minimum limits in exercising the power of creativity has become inevitable, so that popular feeling that Judiciary is a parallel legislation is nullified.

6. Broadly the legislative intent has two-fold aspects. Firstly, to ascertain the meaning of the words used or language employed, and secondly the purposes or objects of the Statute in question. Purposes or objects are related to ‘reason’ for the Statute and also the spirit which pre-dominates the Statutes. Thus, the spirit and letter of the law equally matters in the sphere of interpretation, as the meaning of the words are traceable to the purposes of the Statute, so the law suppresses the mischief and advances the cause of remedy which the Statute contemplates when it is enacted.²⁰ As a basic rule the intention is to be determined by the words used or language employed in the Statute as Justice Holmes said, “I only want to know what the words mean”.²¹ This reduces the function of Judges purely academic in the sense that they have to read the English intelligently²² and avoid misreading. Hence, when the language used is plain in itself, the question of Judges going into “supposed intention”²³ or with ‘policy issues’²⁴ in such Statutes is not permissible.

¹⁹ See details (1970)33 Modern Law Review P.199.

²⁰ State of Himachal Pradesh Vs. Kailesh Chand Mahajan AIR 1992 Sc P.1277.

²¹ Northern Securities Co. Vs. United States 193 US 197 P.400.

²² Ibid.

²³ Bola Vs. D.Sardana AIR 1997 SC 1127 P.3208 & 3209.

²⁴ Ibid

7. It is noticeable that in many instances the words used do not carry any plain meaning or difference of opinion arises as to the precise meaning of the words. In such cases reliance has to be placed on the purposes or objects of legislation or the reason or the spirit of the legislation in question.²⁵ This would facilitate the proper understanding of the Statute, avoiding any error like misreading or misunderstanding of the Statute or the key to proper understanding when read in the light of purposes or objectives of the Statute.²⁶
8. Justice Krishna Iyer considered the interpretative effort as “illuminated by the goal through guided by the word”,²⁷ despite the fact that the text of the Statutes constitutes the most important material for determining the ‘intention’, if the Statute is read as a whole as Justice Chinnappa Reddy observed, “A Statute is best interpreted, when we know, why it was enacted textual interpretation must match the contextual”.²⁸ Interpreting mechanically of the ‘words’ and ‘intention of legislature’ devoid of concept of purpose will reduce the remedial or beneficial legislation to futility²⁹ as no useful purpose will be served thereby. It is thus clear that the words used and language employed should be given a meaning which suites the purposes or objectives of legislation.

²⁵ See for details AIR 1987 SC P.2310.

²⁶ See the Rule in Heydon’s case (1584)3 Co. Rep.7a P.76.

²⁷ State Bank of Travancore Vs. Mohd. Khan, AIR 1981 SC.P. 1744 following decision in Kanta Goel’s case AIR 1977 SC. P.1399.

²⁸ Reserve Bank of India Vs. Pearless General finance and Investment Co. (1987)1 SCC P.450.

²⁹ Organs Chemical Industries Vs. Union of India AIR 1979 SC P.1817.

9. Broadly speaking the rules of interpretation can be classified in two heads namely:-

- i) Literal or Grammatical interpretation; and
- ii) Logical interpretation

In literal or grammatical interpretation; the words used in the Statute must be given their ordinary and natural meaning. The very words used in the Statute constitute a part of the law as the law is found in the words used. When the words used are clear, unambiguous and capable of one and only one interpretation, the courts are bound to give an interpretation consistent with the ordinary and natural meaning irrespective of the results of such interpretation. It is not permissible for the court to give any other meaning.³⁰ The literal interpretation rule is also known as the 'Golden rule of interpretation' which stipulates that the words of a Statute must prima facie be given their ordinary meaning.³¹ The maxim "UT Res Magis Valeat Auam Pereat" which means that it is better to validate a thing than to invalidate, which conveys that it is better the Act prevails than perish. A Statute need not be extended to make a case for which there is no provision.³² If the language used is plain and unambiguous resort to other rules of construction is unwarranted³³ and it must be enforced however, harsh or absurd or contrary to common sense the result may be.³⁴

³⁰ See the decision in Narayana Swami Vs. G.Paneerselvan AIR 1972 SC P.2290.

³¹ Noaker Vs. Don-caster Collieries Ltd., (1940)3 All ER 549 (HL) 5531.

³² Sakir Electric Supply Co. Vs. State of Assam, AIR 1980 SC P.123.

³³ Union of India Vs. Tulsi Ram Patel (2985)3 SCC P.398.

³⁴ Cartledge Vs. E.Jopling & Cons Ltd., (1963) AC P.758.

10. The Golden rule of interpretation has to be departed from in cases, where the letter of the law is logically defective and fails to give a definite coherent and complete idea. Again the departure is made from the Golden rule, where the text leads to a result so unreasonable, that it becomes clear that the legislature could not have meant what it has said. This type of situation exists where there are clerical error in the texts, or reference to a section by the wrong number or the omission of a negative in some passage where it is clearly required.³⁵

11. Logical defects as pointed out by Salmond³⁶ may be as follows:-

- i) **Ambiguity**: The Statute instead of meaning one thing may mean two or more different things. In such cases, the court has to look beyond the letter of law and ascertain the meaning from other sources and construe in order to give effect to the intention of the legislature. In cases, where more than one construction is possible that which is closer to the intention of the legislature must be preferred.
- ii) **Inconsistency**: It relates to a case where the law, instead of having more than one meaning, may have none and different parts being repugnant or inconsistent with each other, as to make a part of it void. In these cases; 'casus omissious' can be supplied or words read in an extended sense.

³⁵ See M.P.Tandon's Interpretation of Statutes P.19.

³⁶ Salmond "Jurisprudence" 11th Edition P.154 as edited by Glanvilla Williams.

iii) **Incompleteness**: The law may be logically defective by reason of its incompleteness. The Statute may contain some 'lacuna' which prevents it from expressing any logical complete idea, though it is neither ambiguous or suffers from any inconsistency. Where the words used are self-contradictory due to some confusion or repugnancy in the intention itself,³⁷ courts must correct and supplement the defective 'sententia legis' as well as 'defective 'litera legis' to avoid patent injustice.³⁸ Courts must avoid an interpretation which renders the system unworkable in practice.³⁹ An interpretation which is likely to defeat the purposes of the Act should be ignored.⁴⁰ Justice story emphasized the mischief rule which says that the mischief's are to be remedied and objects which are sought to be achieved by the Statute⁴¹ should be advanced.

12. The Supreme Court observed that even in cases where the words of the Statute are clear and unambiguous but does not convey the meaning or defeats the intention of the legislature, if it can be determined clearly by other means, why it should not be resorted to. The Supreme Court observed: "words are meant to serve and not add to the tyranny of words

³⁷ Salmond "Jurisprudence" 11th Edition P.136-137.

³⁸ Bhog Mal Vs. Ch.Prabhu Ram & Others (1985)1 SCC P.61.

³⁹ Maharashtra State Board of Secondary and Higher Secondary Education Vs. Paritosh Bhupest Kumar Sheth, (1984) GOC (SC) P.57.

⁴⁰ K.V.Muthu Vs. Angamuthu Ammal (1997) SC FBRC P.156.

⁴¹ Justice story: Commentaries on the Constitution of united States 5th Edition P.350.

to the other tyrannies of the world".⁴² Constructions which create anomalous situations should be avoided.⁴³

13. Where the language used in the Statute is vague, ambiguous or uncertain, resort can be had to admissible aids to interpretation for searching the true intention of the legislature.⁴⁴ The various sources from which the intention can be gathered may be stated as follows:-

- i) Words used in the Statute;
- ii) Context, subject-matter and purpose of the Statute; such as Preamble, Committees or Commissions which preceded the legislation; and
- iii) All legitimate and admissible sources including the history of legislation

14. Ascertainment of legislative intent is a basic rule of interpretation and an interpretation which advances the purpose and object of legislation should be preferred avoiding an interpretation which leads to anomalies, injustices or absurdities.⁴⁵

II).

15. Another General rule of interpretation relates to the Statute, which must be read as a whole. This is elucidated to mean that the Statute as a whole, its historical background and other Statutes referred to, the general ambit of the Statute including the objects and purposes and the manner in which

⁴² Giridhari Lal and Sons Vs. Balbir Nath Mathur & Others (1986)2 SCC P.237.

⁴³ D.K.Gupta Vs. Pilokhri Brick Kiln (1971) ALJ P.1003.

⁴⁴ Landrum Vs. Flannigan, 60 Kan 436.

⁴⁵ K.P.Verghese Vs. ITO (1981)4 SCC P.173.

it seeks to remedy the mischief and the causes to be advanced by such Statute.

16. That the Statute must be read as a whole is now a fundamental or basic principle which is described as “elementary rule”.⁴⁶ Lord Somervell describes this rule as “compelling rule”⁴⁷ and Justice Mukherjee as a “settled rule” in Poppatlal Shah’s case.⁴⁸ Lord Coke referred to it as a ‘ex visceribus actus’.⁴⁹ It must mean that one part of a Statute being construed with another part of the Statute which is bound to express the intention of the legislature in the best possible way. It may require that a clause of a Statute alone should not be taken into account but emphasis should be laid on what precedes or that follows subsequently in the Statute⁵⁰ in order to find out the true meaning of the word.⁵¹ The terms which are plain in itself may be “controlled by the texts” and one clause may be “qualified or neutralized by another”⁵² in the same Statute, as the meaning of one term may be one thing in one context and differently in other context and which may be noticeable in the same clause itself.⁵³ The precise meaning can be ascertained only when the Statute is studied in its entirety and not parts of the same in isolation. A passage taken from

⁴⁶ A.G. Vs. HRH Prince Ernest Augustus, (1957)1 All ER P.55 (HL)

⁴⁷ Ibid P.61.

⁴⁸ Poppatlal Shah Vs. State of Madras AIR 1953 SC P.276.

⁴⁹ This expression conveys the meaning as the “most natural and genuine exposition of a Statute”. This was quoted in Phillips India Ltd., Vs. Labour Court, AIR 1985 SC P.1034.

⁵⁰ Queen Vs. Eduljee Byramjee (1846)3 MIP 483.

⁵¹ Collector or Central Excise Vs. Usha martin Industries, AIR 1997 SC P.3874.

⁵² K.s.Paripoornan Vs. State of Kerala AIR 1995 SC P.1037.

⁵³ Union of India Vs. Sankalchand AIR 1977 SC P.2336.

Brett Vs. Brett⁵⁴ enunciates “that the key to the opening of every law is the reason and spirit of the law – it is the ‘animus imponentis’ i.e., the intention of the law-maker is expressed in the law itself. One has to start at the beginning, and go on till he comes to an end, then step as opined in the case of Associated Newspapers Ltd. Vs. Registrar of Restrictive Trading Agreements.⁵⁵

17. Isolated consideration of provision may lead to “otiose or devoid of meaning” of another related provision.⁵⁶ No part of the Statute should be omitted,⁵⁷ when the Statute is construed as a whole, as an integral whole being interdependent and each position throwing light, if need be, on the rest.⁵⁸ This approach to interpretation may well resolve inconsistencies in the Statutes.

III).

18. Another rule of construction relates to the Statutes being made workable and effective.

No effort should be made to make an enacted law as ‘futility’⁵⁹ since a lot of work is done in the making of the law to achieve the objectives or purposes. It should not be frustrated merely on the ground that the Statute contains repugnant or inconsistent provisions or suffers from ambiguities or other reasons. This is based on the principle ‘ut res magis

⁵⁴ (1826)3 Add. P.216.

⁵⁵ (1964)1 All ER P.59 (HL).

⁵⁶ O.P.Singla Vs. Union of India (1984)4 SCC P.461.

⁵⁷ State of Bihar Vs. Hiralal Kajriwal AIR 1960 SC P.50.

⁵⁸ Madanlal Fakirchand Vs. Shree Changdeo Sugar Mills Ltd., AIR 1962 SC P.155.

⁵⁹ M.Pentaiah Vs. Veeramalliappa Muddala AIR 1961 SC P.1111.

valeat quam pereat'. This means the courts while construing Statutes must presume in favour of its constitutionality and consider it as within the competence of the legislature to make such a law. Only in cases where "it is impossible to resolve the ambiguity"⁶⁰ or the language used is "absolutely meaningless",⁶¹ the Statutes must be held void – that too, not many cases which came for judicial scrutiny. In other words, 'vagueness' is not a ground to hold the Statute as void.⁶² The courts must make ceaseless effort to find some meaning to the provisions rather than hold them as void and in cases where several meanings could be given, one which has close bearing to the Statute may be given. The courts thereby help the law to be operative and thereby do not frustrate the legislative efforts. Only in "cases of impossibility", the Statute may be declared as "unworkable".⁶³ As held by the Supreme Court in Sodhi Transport case.⁶⁴ "A Statute is designed to be workable Courts to secure that object unless crucial omission or clear direction makes the end unattainable".

19. Purposive construction is gaining an increasing recognition and the judiciary has to hold that legislatures have achieved something atleast by making the law rather than to hold otherwise – achieved nothing.⁶⁵

⁶⁰ K.A. Abbas Vs. Union of India AIR 1971 SC P.496.

⁶¹ Tinsukhia Electric Supply Co. State of Assam AIR 1990 SC P.152.

⁶² Ibid.

⁶³ Pye Vs. Minister for Land for NSW (1954) 3 All ER P.526.

⁶⁴ Sodhi Transport Co. Vs. State of UP (1986)2 SCC P.492.

⁶⁵ BBC Enterprises Vs. Hi-tech Kavision Ltd. (1990)2 All ER P.123.

IV).

20. Another general rule of interpretation states that if the meaning of the words is plain in itself, it must be given effect to. This should be resorted to, irrespective of consequences that result.

21. If the words used in the Statutes are plain and unambiguous and convey only one meaning the courts are bound to give effect to that meaning irrespective of consequences⁶⁶ as the words used best declares the intention of legislatures. In such cases, no question of interpretation arises as the Act speaks for itself.⁶⁷ The results flowing out of such meaning will not be the concern of the Court, even if such a provision gives meaning which is "strange or surprising, unreasonable, unjust or oppressive".⁶⁸ It makes it clear that it is not for the courts to consider the consequences and it is for the legislature to step in, to cure or rectify the law. In other words policy issues and the results of a Statute are not of concern to the courts.⁶⁹ No hypothetical construction is possible in cases⁷⁰ where the words used are capable of one construction only from the words used and the language employed is plain and unambiguous admitting of one meaning only. For instance if a person comes within the

⁶⁶ Sussen Peisage Case (1844)11 Ch. & F.85 P.143 and followed in many Indian cases such as Ram Dayal Ram Vs. State of Maharashtra, AIR 1961 SC P.678.

⁶⁷ Council of Homeopathic System of Medicine, Punjab Vs. Suchintan , AIR 1994 SC P.1769.

⁶⁸ Mahalaxmi Mills Ltd., Bhavnagar Vs. CIT Bombay, AIR 1967 SC P.269.

⁶⁹ See decision in Ajay Pradhan Vs. State of Madhya Pradesh AIR 1988 SC P.1878.

⁷⁰ Senior Superintendent, RMS Cochin Vs. K.S.Gopinath AIR 1972 SC 1488.

letter of the law to be taxed, he must be taxed even if “great hardship”⁷¹ appears in the mind of the court.

22. The ascertainment of plain meaning requires a study of the words in their context and the conclusion that the words lead to one meaning only can be made after such study. It would be erroneous to come to the conclusion that the words used are plain on the face of it, unless a serious study is made about the words and the context in which it is used.⁷² Any pre-Judgment without such a study could be totally an exercise in futility.

V).

23. In conclusion, the following suggestions are made:-

- i) Great care has to be taken in the choice of words to be used in the Statute;
- ii) As the precise determination and application of details becomes the special task of experts, the provision of the Statute should be methodically classified and studied in a fixed number of heads;
- iii) Legal precepts should have
 - a) Tangible clarity
 - b) Definition should not be big but confined to small number;
 - c) Qualifications, limitations, exemptions are to be kept to the bare minimum;
- iv) Wide range of differences in language should be avoided;

⁷¹ A.V.Fernandez Vs. State of Kerala AIR 1957 SC P.657. Similar view is taken in the interpretation of truth and presumption of guilt under Food Adulteration Act and Prevention of Corruption Act.

⁷² Union of India Vs. Sankalchand AIR 1977 SC P.2336.

- v) There should be precision and uniformity and conflicts of interests between various departments of Government should be avoided;
- vi) All Governments should have a separate Department of 'legislative drafting'. Experts must be associated in this specified job and recent decisions of the courts must be kept in view;
- vii) In spite of the fact that Indian Statutes have assumed complexity and complicated one, the fundamental principles have remained the same;
- viii) The words used in the Statute should be of widest amplitude to cover future schemes or programmes of the Government in a Welfare State;
- ix) Legal draftsman must have full freedom and should not be shackled by artificial rules or forms; and
- x) Laws should be written in modern language and not in ancient, archaic or obsolete terms.

24. It is no doubt true that lack of legislative simplicity has led to interpretative complexity and it is therefore, necessary to use simple expression, clear, free of ambiguity, or inconsistencies or repugnancies, so that the need for interpretation may be considerably reduced and the legislative will prevails in absolute terms.