

RULES OF INTERPRETATION OF STATUTES

1

LITERAL RULE

MISCHIEF RULE

2

3

GOLDEN RULE

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1

LITERAL RULE

- ❖ Literal Rule is also known as the plain meaning rule.
- ❖ The words used in the act are to be given or interpreted in their natural or ordinary meaning.
- ❖ To give the natural and ordinary meaning.
- ❖ If the words are clear, they must be applied, even though the intention of the legislature may have been different.

“ The literal rule is what the law says instead of what the law means”
- ❖ For determination of the meaning of any word or phrase in a statute, where complexity and uncertainty arises.

1

LITERAL RULE

It can be understood by these Conditions :-

- ❖ Statute may itself provide a special meaning for a term, which is usually to be found in the interpretation section.
- ❖ Technical words are given ordinary technical meaning if the statute has not specified any other.



1

LITERAL RULE

Case Laws:- Ramavtar vs. Assistant sales tax

2

MISCHIEF RULE

- ❖ It is called mischief rule because the focus is on curing the mischief.
- ❖ This rule was originated in **Heydon's case in 1584**. In this case it was held that there are **four things** which have to be followed for true and **sure interpretation** :-
 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.
 4. The true reason of the remedy

2

MISCHIEF RULE

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

Case Laws :- Smith vs. Huges, 1960

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.

3

GOLDEN RULE

- ❖ It is known as the golden rule because it solves all the problems of interpretation.
- ❖ Ordinarily the court must find out the intention of the legislature from the words used in the statute by giving them their natural meaning.
- ❖ But when there is any absurdity while interpreting any provision of a statute, then the golden rule works.
- ❖ It respects the words of the parliaments and it allows the judge to use most sensible meaning.

3

GOLDEN RULE

Disadvantages :-

- ❖ What seems to be absurd to one judge may not be to another.
- ❖ It is very limited and it is used in rare cases only.
- ❖ There are no real guidelines, when it can be used.

Case Law :- Lee vs. Knapp

In this case court held that the requirement of the section had not been followed by driver as he had not stopped for a reasonable period.

Thank You
For
Watching