
THE LAW BETWEEN THE LINES: INTERPRETATION AS THE ARCHITECTURE OF JUDICIAL POWER

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ABSTRACT

Interpretation as a practice has been serving as the bridge between the implemented laws and their application, having a crucial judicial function rather than a subsidiary practice. Even though statutes have been seen as the backbone of the legal system; factual variations, technological advancements or evolving realities of the society are inevitable and cannot be anticipated by the language of statutes. Hence, judicial interpretation becomes a core exercise to subside ambiguity, arbitrariness, and constitutional inconsistency. This paper analyses how interpretation acts as a weapon as well as a shield for the third organ of the state, examining how decision making bodies mediate between the text and the intent of the legislature while simultaneously preserving the supremacy of constitution and rule of law. By exploring multiple interpretative doctrines, including the literal, golden, and mischief rules along with internal as well as external aids the paper carves its way towards the jurisprudential evolution of interpretation as a practice in the Indian Legal System, making a shift from *strict textualism* towards a more *purposive and equity oriented* method. The light has also been shed demonstrating the fact that interpretation is not just a *linguistic pursuit* but also a normative as well as a constitutional responsibility which helps in shaping governance, guiding precedent and ensures that law always continues to live, thrive and be responsive.

INTRODUCTION

From the very beginning of evolution of law, statutes have formed the backbone of governance in the legal system, be it explaining rights, making people adhere to their duties or even imposing punishment to maintain the conduct of individuals and other entities.¹ Still, these statutory provisions no matter how carefully drafted by the said legislatures have their own imperfections wherein they fail to predict multiple situations or meet the ever changing needs of the society. Ambiguous meanings, unforeseen circumstances and evolving society have always been inevitable in nature, hence in these circumstances only the role of judicial processes come into existence wherein the lifeless, ambiguous written laws are brought back to life through the *art of interpretation*.² The role of judges in the courtroom is not only limited to merely applying law to different factual situations but is also to *lift the veil of written laws and uncover the core legislative intent*, through which application of law; whether just or equitable, is ensured.³ At every stage of the judicial process, interpretation sets out its foot. Courts in deciding multiple facets of factual situations usually tend to determine the statute which comes into play, forming out its actual meaning; whether using purposive approaches or bringing words to life where legislature has kept silent.⁴ The duty to interpret these statutes is said to be a mandatory function in the judicial process as it upholds the *rule of law, maintains uniformity and helps courts and assists the law makers to adapt to the ever changing needs of the society*.⁵ The Constitution is said to be the *grundnorm (ultimate source)* of all the statutes, hence judiciary as the guardian of the grundnorm has to maintain and interpret these child legislations in such a way that the interpretation aligns with the constitutional values.⁶ From protecting the violations of Fundamental Rights by broadly interpreting the statutory language to harmonising old statutes to the evolving societal needs, it showcases that the art of interpretation is not only an exoskeleton of judicial process but it is at its core. Therefore, aligning to this aspect the project sheds light upon the core aspect of interpretation and how it

¹ Rupa Jambholkar, *Interpretation of Statutes: Role of Judiciary*, 2 Journal of Legal Research and Judicial Sciences 873-882

² LexisNexis, *A Comprehensive Guide to Interpretation of Statutes* (Oct. 17, 2023), <https://www.lexisnexis.in/blogs/interpretation-of-statutes/>.

³ Maurice Sheldon Amos, *The Interpretation of Statutes*, 5 The Cambridge Law Journal 163-175 (1934). <https://www.jstor.org/stable/4502730>

⁴ Muskan Sharma & Nishka Bharat Asarpota, *Role of Judges in the Art of Interpretation of Statutes*, 4 International Journal of Law Management & Humanities 826-837

⁵ Ernst Freund, *Interpretation of Statutes*, 65 The University of Pennsylvania Law Review 207-231 (1917). <https://www.jstor.org/stable/3314538>

⁶ Rupa Jambholkar, *Supra* note 2

is of extreme importance to the judicial process; how examining legislative intent ensures uniformity in law and upholds the ever-lived Rule of Law.

ANALYSIS

I. STATUTES AS RAW MATERIAL OF THE JUDICIAL PROCESS

Statutes are said to be the primary source from where the meaning of law originates; the raw material which is used in the core judicial process. It is the main originator from which rights, duties and prohibition flows out, and within whose domain the judiciary operates. As ascertained by Roscoe Pound that, statutes are said to be “*the skeletal framework*”, with which judicial interpretation is a mandate clause attached, so that judicial process could work effectively. Legislature as one of the three organs of the state, having its own function to enact laws which are ought to be self explanatory, clear and unambiguous in nature, but in actual practice of it, sometimes there are situations where these “self-explanatory” statutes give out imprecise outcomes and vague language, leading to ambiguity in decision making. This makes interpretation in the judicial process not a rare situation but a core and routine function of courts.⁷

The smell of ambiguity ought to come from outdated laws and old statutes which support them, when they are applied to the situations which could not be foreseen by then law makers, due to the changing/developing society. Colonial era law makers could not have foreseen internet offences to be a thing or could have allowed flexibility to the law for such. Lord Dennings while pronouncing a decision famously remarked that “a judge must not be a mere mechanic in the judicial factory”⁸, critically emphasizing upon not to always go by what the law says in literal sense but to interpret the law in a manner that keeps it relevant, having a more purposive approach towards it.

II. JUDICIAL DUTY TO INTERPRET

Usually interpretation tends to be displayed as an optional exercise which is performed by the courts during judicial process; instead it is a constitutional mandate of courts to exercise. Interpretation is defined in the Black’s Law Dictionary as “*the art or process of discovering*

⁷ B.M Gandhi, *Interpretation of Statutes* 1-70 (2nd ed. 2012).

⁸ Seaford Court Estates Ltd. V. Asher [1949] 2 KB 481

and expounding the meaning of a statute”⁹. After the legislature has performed its functions of enactment of law, judiciary becomes the sole authority to apply the said law through its interpretation. This authority/duty is backed by the grundnorm i.e. The Indian Constitution, where Articles 32 and 226 are enshrined which empower the Supreme Court and the High Courts, respectively to perform their function of interpretation of laws and enforce the rights, through the judicial process which allows the courts to align the statutory provisions to the constitutional layout.¹⁰

It has always been at the back of the mind of Indian Courts where the Indian jurisprudence has taken into note that applying the rules strictly (*in their literal sense*), may give birth to ambiguity and defeat justice. In **State of Jharkhand v. Govind Singh** the court shed light upon the chances of imprecise meaning which may come out through strict application of law, by remarking, “*literal rule is the start point but never the end-point of interpretation*”.¹¹ Similarly, in the case of **K.P. Varghese v. ITO**¹², the court went beyond the traditional bare reading of the statutory law in order to prevent the legislation from giving out absurd or ambiguous meaning. These cases display how our Indian Jurisprudence has evolved in lieu of interpretation and has adopted a more active approach rather than passive reading of law. With a strict adherence towards constitutional norms, courts have shed light upon the evolving and ever changing needs of society and how both judicial process and interpretation shall simultaneously adapt to the non-static society. In the **Bangalore Water Supply & Sewerage Board v. A. Rajappa**¹³, it was remarked by Justice Iyer that “*law is not a brooding omnipresence in the sky, but a pragmatic instrument of social order.*”, clearly displaying the fact that old statutes with outdated language can not be always taken into strict adherence and can not be of nature that is frozen in time; it ought to evolve and change over time, in light of constitutional norms and new factual situations which courts tackle day to day. From time to time the interpretational function of the judiciary helps it perform its core duty, that is to serve as a safeguard in lieu of any arbitrary or unreasonable action taken by the state. In the landmark case of **Bennet Coleman & Co.**¹⁴, court read out the limitations on press, provided in the statute *harmoniously* with Article 19(1)(g) of the Indian Constitution, in order to ensure that the legislative intent

⁹ *Interpretation*, Black’s Law Dictionary (11th ed. 2019)

¹⁰ Muskan Sharma, *Supra* note 5

¹¹ *State of Jharkhand v. Govind Singh*, (2005) 10 SCC 437

¹² *K.P. Varghese v. ITO*, (1981) 4 SCC 173

¹³ *Bangalore Water Supply & Sewerage Board v. A. Rajappa*, (1978) 2 SCC 213

¹⁴ *Bennet Coleman & Co. v. Union of India*, (1973) 2 SCC 788

behind the enacted law is not compromised as well as there is no violation of fundamental rights (*basic structure, constitutional norms*).

III. TOOL TO REALISE LEGISLATIVE INTENT

The main reason why interpretation is important for Courts is to intersect the legislature's intent with the application of law in the judicial process. After multiple jurisprudential advancements made by the Indian Courts, rules of interpretations have been established as following:

1. **LITERAL RULE:** This rule is applied when the courts interpret the law "*as it is*" i.e. in its strict sense, until and unless the interpretation gives out any absurd or ambiguous meaning. According to this rule, statutes shall be the top priority in interpretation, hence courts should respect the statutes and the laws that they prescribe; "*it is not the function of the court to supply commissions*", a remark stated in the famous case of *Nokes v. Doncaster Amalgamated Collieries Ltd.*¹⁵, shedding light upon how the first and last deciding entity in a judicial process shall be the statute itself. Yet, the Indian courts ought to consider this rule as not absolute in nature, where it is believed that at times the strict adherence to the words of statute may result in absurd and ambiguous meaning which might lead to injustice, arbitrary and unreasonable decision.
2. **GOLDEN RULE:** This rule is applied by the courts when there is a need of '*modification*' of the literal rule in order to avoid any absurd meaning which may result due to strict interpretation. During the application of this rule, the judicial process is duly started by reading the words of the statute in their literal sense only, but this rule allows the judges to depart from the '*as it is*' meaning of the statute, if the strict sense is leading to an absurd and ambiguous outcome. Therefore, this rule of interpretation clearly displays the fact that even though the words of a legislation is the primary guide to its interpretation but blindly adhering to their guidance in a strict sense could defeat the critical purpose of the legislation. Indian jurisprudence has evolved over time and there were multiple factual situations where the courts had to depart from the actual meaning of the law; like in the case of *State of M.P v. Azad Bharat Financial Co. (1967)*¹⁶, the Apex Court took its positive stance on the Golden Rule and observed that at times adherence to the actual meaning of the statute might lead to unwanted

¹⁵ Nokes v. Doncaster Amalgamated Collieries Ltd, (1940) AC 1014

¹⁶ State of Madhya Pradesh v. Azad Bharat Financial Co., (1967) AIR 276 (SC)

derivations which result in injustice or absurdity. Therefore, there must be a way in the judicial process where judges could carve a path to preserve the true meaning of the enactment rather than diving into a pool of ambiguity.

3. **MISCHIEF RULE:** This rule originated through the very famous *Heydon's Case (1584)*, where it was seen that the court was compelled to identify the law's intent in order to examine the "mischief" which the statute aimed to nullify.¹⁷ The approach to find the hidden purpose of the legislation became quite prevalent in the Indian jurisprudence, where courts interpreted the language of the statutory laws in a broad and wide way, in order to not neglect social justice. In the leading case of *Kanailal Sur v. Paramnidhi Sadhukhan*¹⁸, instead of going by what the statute had provided; the court went on giving its own interpretation of the statutory law by widening its scope in order to align it with the needs of society and social justice. Therefore, the court identified the defect in the prior law which neglected the principle of natural and social justice and included a new provision by the means of interpretation, making sure that what legislature thought of while enacting this law shall be in use to real practice and have a moral essence rather than an absurd meaning.

Courts do not limit themselves to just these rules of interpretation but also lean back to internal aids (*preambles, definitions, provisos etc.*) & external aids (*legislative debates, Law Commission Reports etc.*) for a precise and unambiguous decision. These extra tools of interpretation may not be luxurious or frequent in use but hold a very essential position in interpretation of statutory laws during judicial procedure.¹⁹ These aids, if applied cautiously, can remove ambiguity and give out a precise decision while preserving the legislative intent. In the previously mentioned case of *K.P. Varghese*²⁰, the court took the help of external aids like parliamentary debates and reports, in order to observe the intention of such enactment, subsequently deciding that the taxing statute was specifically enacted to deal with the cases where tax evasion is involved, not ordinary transactions. Under the behemoth of interpretations lies *The Elphinstone Spinning's Case* which became Supreme Court's leading as well as landmark decision in lieu of interpretation wherein an unforeseen situation had come upon the court, where it faced contradictory as well as competing statutory provisions, hence the Apex

¹⁷ *Heydon's Case (1584) 3 Co Rep 7a; 76 ER 637*

¹⁸ *Kanailal Sur v. Paramnidhi Sadhukhan, AIR 1957 SC 907*

¹⁹ *Vepa P Sarathi, Interpretation of Statutes 259-297 (6th ed. 2024).*

²⁰ *K.P. Varghese, Supra note 13*

Court had to read the “*statute as whole*” and had to harmonise its provisions (*doctrine of harmonious construction*); wherein the core legislative intent had to be seen in order to produce an unambiguous decision and maintain the integrity of *Act* by ensuring it functioned in the right way rather than having contradictory haywire clauses.²¹

IV. SAFEGUARDING RIGHTS THROUGH INTERPRETATION

‘Interpretation’ functions as the protector of rights through its judicial process. A democracy which is headed by a constitution shall have statutory laws which are consistent and aligning with the constitutional norms. Therefore, the role of interpretation in judicial process often involves broadly expanding the scope of legislation to which attaching the procedural safeguards which are often opaque or silent. At times the courts had to expand and read broadly the written laws in the grundnorm, like in the case of **Maneka Gandhi**²², where the court remarked “*procedure established by law*” enshrined in Article 21 which in itself dealt with fairness and reasonableness. This wide interpretation by the Apex Court made an impact on all the statutory provisions dealing with life & personal liberty. Similarly, courts have interpreted the statutory provisions in their own ways, especially in cases where administration is involved. Courts have made various interpretations in lieu of the powers exercised by administrative bodies which shall be aligned with the principle of natural justice, even at times when not explicitly mentioned, in order to prevent the abuse of power and provide fairness and equality.²³ With time scholars have observed that the interpretation of statutes and its importance in judicial process has made a *shift from a narrow & strict approach to more of a purposive & wide one*, that adheres to societal morality and constitutional norms. It has been seen that the courts of judicature in India have “*constitutionalise every branch of law*”, showcasing how the statutory interpretations over the time have evolved to be aligned to the basic structure and values of sovereignty, liberty, dignity and fairness.²⁴ Article 21 of the Indian Constitution as a fundamental right has always been subject to wide interpretation by the judiciary; and to have a “*spill over*” effect across all the statutory laws, having its more critical display of broad interpretation in the case of **Sunil Batra**²⁵, where governing laws of prisons were interpreted under the umbrella of Article 21, in order to prohibit solitary confinement and custodial torture;

²¹ Union of India v. Elphinstone Spinning & Weaving Co. Ltd., AIR 2001 SC 724

²² Maneka Gandhi v. Union of India, (1978) 1 SCC 248

²³ H.L Trehan v. Union of India, AIR 1989 SC 568.

²⁴ Upendra Baxi, *The Supreme Court and Politics* (Eastern Book Co. 1980)

²⁵ Sunil Batra v. Delhi Administration, (1978) 4 SCC 494

restoring and diversifying the aspect of morality and human dignity with statutory laws.

CONCLUSION

As far as now it is clear that interpretation is not just a function but an art performed by courts during the judicial process. It can be said that the art of interpretation of statutes is of core importance in judicial process where it balances the truth and faith of statute to the main intent of the law makers i.e. the legislature. It is derived from the grundnorm itself that each organ of the government has its own autonomous powers but not to an absolute extent. Which means even though the judiciary ought to abide and respect the laws enacted by the legislature, this obligation does not restrict the judges to interpret the statutory meaning of the enacted law in a broader/wider sense, if the meaning is of ambiguous or absurd nature.

Judiciary as the protector of rights does not ought to remain silent when a strict reading of an outdated law does injustice. Therefore, judiciary is said to have a dual character, where on one side it has its own limitations to respect and abide by the legislature's enactment and on the other side it can display its own creativity by moulding, widening the scope or lifting the veil of the enacted law to see the core legislative intent behind it, so that it does not give birth to any violation of right or ambiguity. As written by Justice Cardozo in his *The Nature of the Judicial Process*, "*the judge is not a knight-errand roaming at will, but neither is he the automaton of the lawmaker.*"²⁶, supporting the very idea of duality of judiciary.

Therefore, the role of interpretation in the judicial process is not just an academic abstraction but it is of very importance for the survival of the constitution itself. Every punctuation, every preposition, every meaning of legal words may change the choice or idea of interpretation of a judge but under an umbrella of all this, the courts shape the relationship between state, public, laws and most importantly, justice. It is rightly said that, "*interpretation of law is not just of mere importance, but is indispensable and inevitable in nature*". The ultimate aim of interpretation in a judicial process is not only to assist in decision making but is also to set precedents and mould the very future of law. Every interpretative choice which a judge makes, marks a precedent which at times becomes a parent for all other decisions, subsequently influencing the governance.

²⁶ Benjamin N. Cardozo, *The Nature of the Judicial Process*, 141 (Yale University Press 1921)