
INTERPRETATION OF PROCEDURAL ASPECTS OF LAW IN INDIA: A COMPARATIVE ANALYSIS OF THE UTILITY OF THE LITERAL AND GOLDEN RULES OF INTERPRETATION

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ABSTRACT

The interpretation of procedural law occupies a quietly critical space in the Indian legal system. While substantive law defines what rights a person holds, it is procedural law that determines whether those rights can be meaningfully exercised before a court. Yet the question of how procedural statutes ought to be interpreted has rarely received the sustained scholarly attention it deserves. This paper attempts to address that gap.

Drawing upon the two foundational canons of statutory interpretation, the literal rule and the golden rule, this paper undertakes a comparative analysis of their utility in the specific context of procedural law in India. The literal rule, with its insistence on the plain and ordinary meaning of statutory text, offers courts a disciplined framework that honours legislative primacy and promotes certainty. The golden rule, by permitting departure from literal meaning where absurdity or injustice would otherwise result, introduces a degree of judicial flexibility that procedural contexts sometimes urgently demand.

Through an examination of landmark decisions of the Supreme Court and High Courts of India, as well as select English precedents that have shaped Indian interpretive jurisprudence, this paper evaluates the strengths and weaknesses of both rules when applied to statutes such as the Code of Civil Procedure, 1908 and the Code of Criminal Procedure, 1973. It argues that neither rule alone is adequate and that Indian courts have, often intuitively, moved toward a more harmonious and purposive approach that draws upon both traditions. The paper concludes with recommendations for a more

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principled and consistent judicial methodology in the interpretation of procedural statutes.

Keywords: Statutory Interpretation, Literal Rule, Golden Rule, Procedural Law, Indian Judiciary

1. Introduction to Interpretation of Procedural Law

Law, at its core, is a living instrument. It is written in words, but words are never perfect vessels for meaning. Every statute, however carefully drafted, carries within it the seed of ambiguity, and it falls upon the judiciary to tend to that ambiguity with wisdom and precision. Nowhere is this challenge more pronounced than in the domain of procedural law, where the stakes of misinterpretation are not merely theoretical but directly felt by litigants who stand at the threshold of justice. The manner in which courts interpret procedural statutes determines whether the law becomes a gateway to justice or, regrettably, a labyrinth of technicality.

Interpretation, as a jurisprudential exercise, is far older than any codified system of rules governing it. Courts have long grappled with the tension between fidelity to the text of a statute and the pursuit of its underlying purpose. Two classical tools that have emerged from this jurisprudential tradition are the literal rule and the golden rule of statutory interpretation. The literal rule demands that courts give effect to the plain, ordinary meaning of the words used in a statute, regardless of the outcome that follows.³ The golden rule, on the other hand, allows courts to depart from the literal meaning when strict adherence would produce an absurd or manifestly unjust result.⁴ These two rules, while seemingly straightforward in their formulation, have generated considerable judicial debate when applied to procedural statutes in India.

Procedural law governs the machinery of justice. It prescribes the mode and manner in which rights are enforced and duties are fulfilled before courts and tribunals. Statutes such as the Code of Civil Procedure, 1908, the Code of Criminal Procedure, 1973, and the Indian Evidence Act, 1872 form the backbone of India's procedural legal framework.⁵ These statutes dictate how a suit is instituted, how evidence is led, how appeals are preferred, and how decrees are executed.

³ Salmond on Jurisprudence 152 (P.J. Fitzgerald ed., 12th ed. 1966).

⁴ Grey v. Pearson, (1857) 6 HLC 61, 106.

⁵ The Code of Civil Procedure, 1908, No. 5, Acts of Parliament, 1908 (India); The Code of Criminal Procedure, 1973, No. 2, Acts of Parliament, 1974 (India); The Indian Evidence Act, 1872, No. 1, Acts of Parliament, 1872 (India).

They are, in the words of Justice P.N. Bhagwati, the handmaid of justice, designed to facilitate and not to obstruct the adjudicatory process.⁶

The distinction between procedural law and substantive law is foundational to this inquiry. Substantive law creates, defines, and regulates rights and obligations, while procedural law prescribes the methods by which those rights are enforced or defended.⁷ This distinction, however, is not always clean. Courts in India have frequently acknowledged that a rule which appears procedural on its face may have substantive consequences, particularly when it touches upon limitation, jurisdiction, or the admissibility of evidence.⁸ It is precisely in these grey zones that the choice between the literal and golden rules of interpretation becomes most consequential.

The judiciary in India occupies a uniquely active role in the interpretation of procedural statutes. Unlike many common law jurisdictions where procedural rules are treated as strictly technical, Indian courts have developed a robust tradition of purposive interpretation, often drawing upon constitutional values of justice, equity, and good conscience to fill in the gaps left by legislative drafting.⁹ The Supreme Court of India, in a long line of decisions, has affirmed that procedural provisions must be construed so as to advance the cause of justice and not to defeat it.¹⁰ At the same time, the Court has also cautioned against excessive liberalism in interpretation, recognising that procedural rules serve important functions of certainty, finality, and fair notice to parties.¹¹

The aids to interpretation that courts employ are both internal and external. Internal aids include the preamble of a statute, its headings, marginal notes, and the overall scheme of the legislation. External aids include the statement of objects and reasons, parliamentary debates, law commission reports, and judicial precedent from comparable jurisdictions.¹² In the context of procedural statutes, both categories of aids have been employed by Indian courts with varying degrees of success and consistency.

This paper undertakes a comparative analysis of the utility of the literal and golden rules in the

⁶ Ghanshyam Dass v. Dominion of India, (1984) 3 SCC 46, 57 (India).

⁷ Mulla, *The Code of Civil Procedure* 12 (S.S. Subramani ed., 18th ed. 2011).

⁸ Kailash v. Nanhku, (2005) 4 SCC 480, 497 (India).

⁹ Salem Advocate Bar Assn. V. Union of India, (2005) 6 SCC 344, 360 (India).

¹⁰ Sangram Singh v. Election Tribunal, Kotah, AIR 1955 SC 425, 427 (India).

¹¹ SCG Contracts India Pvt. Ltd. V. K.S. Chamankar Infrastructure Pvt. Ltd., (2019) 12 SCC 210, 221 (India).

¹² Justice G.P. Singh, *Principles of Statutory Interpretation* 203 (14th ed. 2016).

interpretation of procedural law in India. It proceeds from the premise that neither rule is universally superior, and that the appropriateness of each depends upon the nature of the procedural provision in question, the consequences of strict or liberal construction, and the constitutional values at stake. The paper does not seek to resolve the debate between textualism and purposivism in any final sense but rather to map the contours of their application in the specific context of Indian procedural jurisprudence.

The chapters that follow examine the theoretical underpinnings of both rules, trace their application through leading decisions of the Supreme Court and High Courts, and evaluate the circumstances under which each rule has served, or disserved, the ends of justice. The aim is to contribute a nuanced and analytically grounded perspective to a subject that, despite its practical importance, has received relatively limited scholarly attention in Indian legal literature.

2. The Literal Rule of Interpretation and Its Application to Procedural Law

2.1 Origin and Development of the Literal Rule

The literal rule of statutory interpretation is among the oldest and most enduring tools available to courts when they are called upon to give meaning to legislative text. Its intellectual roots lie in the common law tradition of England, where courts in the nineteenth century began to assert that the duty of a judge was not to make law but to declare it, and that the surest guide to the legislature's intention was the language it had chosen to employ. The rule found its clearest articulation in the observation of Tindal C.J. in *Sussex Peerage Case* (1844), where it was held that the only rule for the construction of Acts of Parliament is that they should be construed according to the intent of the Parliament which passed them, and that intent is to be found in the words used.¹³

In India, the literal rule took root alongside the transplantation of the common law system during British rule. Indian courts, modelling their interpretive methodology on the jurisprudence of English courts, adopted the principle that legislative language was the primary and, in most cases, the conclusive guide to legislative intent.¹⁴ As the Supreme Court of India observed in *Hiralal Rattanlal v. State of U.P.*, the first and most elementary rule of construction

¹³ *Sussex Peerage Case*, (1844) 11 Cl & F 85, 143 (H.L.) (Eng.).

¹⁴ Justice G.P. Singh, *Principles of Statutory Interpretation* 70 (14th ed. 2016).

is that it is to be assumed that the words and phrases of technical legislation are used in their technical meaning if they have acquired one, and otherwise in their ordinary meaning.¹⁵ This foundational position has remained broadly intact, even as purposive and constitutional approaches to interpretation have grown in influence.

2.2 The Principle of Plain and Ordinary Meaning

The core of the literal rule is deceptively simple: words in a statute are to be given their plain, natural, and ordinary meaning. Courts are not permitted to add to, subtract from, or modify the text of a statute simply because the result of strict construction appears harsh or inconvenient. The legislature is presumed to have said what it meant and meant what it said.

This principle carries particular weight in the context of procedural statutes, where precision in language is essential to ensure that all parties before a court are aware of the rules they must follow. Procedural provisions governing limitation periods, service of process, filing of pleadings, and modes of appeal are typically framed in unambiguous terms, and courts have repeatedly held that they must be applied as written. In *Raghunath Rai Bareja v. Punjab National Bank*, the Supreme Court cautioned that courts must not resort to liberal construction to override clear procedural mandates, as such an approach would undermine the certainty and predictability that procedural law is designed to deliver.¹⁶

It is, however, equally well settled that the plain meaning rule does not operate in a vacuum. Words do not always carry a single, self-evident meaning, and even apparently simple language can give rise to genuine ambiguity when read in context. The literal rule, at its best, disciplines courts against importing extraneous considerations into statutory language; it does not license a mechanical or unreflective reading of words divorced from their statutory context.

2.3 Judicial Rationale Behind the Literal Rule

The judicial preference for the literal rule in the interpretation of procedural statutes rests on several intersecting rationales. First, there is the principle of separation of powers. Courts that depart from the literal text of a statute, even with the best of intentions, risk crossing the constitutional boundary between interpretation and legislation. The legislature, as the

¹⁵ Hiralal Rattanlal v. State of U.P., AIR 1973 SC 1034, 1038 (India).

¹⁶ Raghunath Rai Bareja v. Punjab National Bank, (2007) 2 SCC 230, 241 (India).

democratically elected body, is the appropriate institution to remedy harsh or anomalous results through amendment, not the judiciary through creative construction.¹⁷

Second, there is the imperative of certainty. Procedural law governs the rights of litigants in their engagement with courts. If courts were free to rewrite procedural provisions whenever their results appeared undesirable, the element of certainty that litigants and practitioners rely upon would be grievously eroded. As observed by the Supreme Court in *Mangu Ram v. Municipal Corporation of Delhi*, procedural provisions of limitation are to be strictly construed, and their operation cannot be extended or contracted by judicial reasoning that substitutes the court's judgment for the legislature's.¹⁸

Third, there is the practical consideration of consistency. When courts apply the plain meaning of procedural statutes uniformly, outcomes in analogous cases become predictable, which reduces the scope for litigation and promotes judicial efficiency.

2.4 Advantages and Limitations of the Literal Approach

The advantages of the literal rule in procedural contexts are considerable. It ensures uniformity of application, guards against judicial subjectivism, and upholds the primacy of parliamentary sovereignty. Litigants and their counsel can order their conduct by reference to the clear text of procedural rules without fear that a court will reinterpret those rules in an unexpected manner.

However, the literal rule is not without significant limitations. The most frequently observed criticism is that strict adherence to the letter of a procedural provision can produce results that are manifestly unjust, defeating the very purpose for which the procedural framework was enacted. Procedure, as the Supreme Court has repeatedly emphasised, is the handmaid and not the mistress of justice.¹⁹ When procedural technicalities are elevated above substantive rights, the court becomes an instrument of injustice rather than a forum for its delivery.

A further limitation lies in the inherent imprecision of language. Even careful legislative drafting cannot anticipate every factual permutation that courts will encounter, and the literal rule offers no principled method for resolving genuine linguistic ambiguity. In such cases, the

¹⁷ N.S. Bindra, *Interpretation of Statutes* 142 (10th ed. 2007).

¹⁸ *Mangu Ram v. Municipal Corporation of Delhi*, (1976) 1 SCC 392, 398 (India).

¹⁹ *Sangram Singh v. Election Tribunal, Kotah*, AIR 1955 SC 425, 427 (India).

court has no choice but to look beyond the text, which means that the literal rule, in practice, operates as a starting point rather than a final answer.

2.5 Application of the Literal Rule to Procedural Laws: Key Case Studies

2.5.1 State of Kerala v. Mathai Verghese (1987)

One of the more instructive demonstrations of the literal rule in a procedural context is found in *State of Kerala v. Mathai Verghese*.²⁰ The question before the Supreme Court turned on the interpretation of a procedural provision, and the Court adopted a strictly textual approach, holding that where the language of the statute is clear and unambiguous, there is no scope for the court to import considerations of hardship or equity into its construction. The judgment underscored the primacy of the text while acknowledging that the literal approach would occasionally yield results that appeared severe. This reflects the tension that animates the entire debate between the literal and golden rules in procedural contexts.

2.5.2 Bimal Chand v. Gopal Agarwal (1981)

The decision in *Bimal Chand v. Gopal Agarwal* offers a further illustration of the courts' willingness to apply procedural provisions according to their plain terms, even when the result disadvantaged one of the parties.²¹ The Court reiterated that procedural statutes must be read as written, and that a party who fails to comply with mandatory procedural requirements cannot invoke the equitable jurisdiction of the court to excuse that failure. The judgment reflects a broader judicial commitment to the principle that strict procedural compliance is not mere formalism but a prerequisite for an orderly and disciplined adjudicatory process.

2.5.3 Additional Case Studies

The literal rule's application to procedural law is also evident in *Kiran Singh v. Chaman Paswan*, where the Supreme Court held that a decree passed by a court without jurisdiction is a nullity, and no procedural provision could be construed so as to validate it.²² The Court applied the plain words of the relevant jurisdictional provisions without any departure, demonstrating that the literal rule serves not only to enforce technical compliance but also to

²⁰ *State of Kerala v. Mathai Verghese*, (1987) 1 SCC 35 (India).

²¹ *Bimal Chand v. Gopal Agarwal*, AIR 1981 Cal 83 (India).

²² *Kiran Singh v. Chaman Paswan*, AIR 1954 SC 340, 343 (India).

protect fundamental structural requirements of the legal order.

Similarly, in *Shiv Shakti Cooperative Housing Society v. Swaraj Developers*, the Supreme Court drew a clear distinction between mandatory and directory procedural provisions, holding that mandatory provisions must be literally complied with and that non-compliance renders the proceeding void.²³ The judgment is significant because it shows that the literal rule does not treat all procedural provisions equally; it calibrates its strictness according to whether the provision in question is mandatory or merely directory in character.

2.6 Impact of Literal Interpretation on Justice Delivery in Procedural Contexts

The impact of literal interpretation on justice delivery is a subject of enduring controversy. On the one hand, the literal rule promotes the rule of law by ensuring that procedural statutes are applied as enacted, leaving no room for judicial arbitrariness. On the other hand, an inflexible literalism can result in meritorious claims being defeated on purely technical grounds, generating public disillusionment with the justice system.

The Supreme Court has, over the decades, attempted to navigate this tension by distinguishing between procedural provisions that are designed to protect substantive rights, where greater rigidity is warranted, and those that are merely administrative or directory in nature, where a more flexible approach is permissible. This graduated application of the literal rule reflects a mature jurisprudential understanding that interpretation is not a mechanical exercise but a contextual one, and that the literal rule, for all its virtues, cannot be the whole answer to the challenge of procedural interpretation in a constitutional democracy.

3. The Golden Rule of Interpretation in the Context of Procedural Law

In procedural law, the interpretation of the statutory text can often be a conflict between the competing demands of textual fidelity and substantive justice. This two-step system has long been accepted by the Indian courts: when the literal meaning is applied, and it results in a manifest absurdity or inconsistency, then the Golden Rule does authorise a modified interpretation. For example, the Supreme Court in *Rakesh Kumar Paul*²⁴ v. State of Assam explained that judges should shy away from adding or subtracting words unless the natural

²³ *Shiv Shakti Coop. Hous. Socy. V. Swaraj Developers*, (2003) 6 SCC 659, 674 (India).

²⁴ *Rakesh Kumar Paul v. State of Assam*, (2017) 15 SCC 67.

meaning produces an interpretation “contrary to the object” of the statute. This two-fold strategy is an indication of a desire to maintain the clarity of the text and at the same time to ensure fairness and legislative intent in the provision of the procedure.

3.1 Idea and Development of the Golden Rule.

The Golden Rule was developed in the early English law. In the case of *Grey v. Pearson* (1857), it was well known that the Lord Wensleydale held that words should be followed unless it would result in an absurdity, in which case the sense might be altered to avoid inconsistency. This idea has since been embraced by Indian courts.²⁵ The Golden Rule is therefore commonly referred to as a qualified literalism - it does not ignore the ordinary meaning of text except where the grammatical and ordinary construction would result in an outcome that is repugnant to the purpose of the statute. The Golden Rule has over time been used in Indian jurisprudence as a safety-valve: to fill the gap between the strict literalism and the loosening purposive interpretation. The shift in India of the narrow literalism towards a pragmatic and purposive methodology is reflected in the way the courts are now applying the Golden Rule to correct a logical or moral absurdity. This development highlights the idea that even procedural rules (e.g. rules of civil or criminal procedure) are not exempted in the face of purposive reading of the plain text when plain text frustrates justice.

3.2 Connection between Literal and Golden Rule.

The Golden Rule, in its turn, is subservient to the Literal Rule. In the normal case, the judges use the literal meaning: the Golden Rule is invoked when the literal meaning has an absurd, repugnant, or unjust result. This interaction can manifest itself in procedural law in ways that would deprive parties of a fair hearing or otherwise unduly impede justice²⁶. The Golden Rule has been warned by the courts not to be used as a license to engage in broad judicial law-making: but it may be invoked to permit some minimum modification of the text in order to prevent absurdity, but no more²⁷. The Golden Rule as one of the High Courts explained, only modifies plain meaning when there is actual ambiguity or absurd outcomes. Practically, the courts usually attempt to balance the literal meaning of the law with the purpose of the law. Where there are two literal readings, one can take that which does not give rise to absurdity

²⁵ K.S. Puttaswamy v. Union of India, (2017) 10 SCC 1.

²⁶ Internet & Mobile Ass'n of India v. RBI, (2020) 10 SCC 274.

²⁷ Anuradha Bhasin v. Union of India, (2020) 3 SCC 637.

(the “narrow approach to the Golden Rule); where there is only one obvious literal reading which would give rise to an absurdity, the court may take an excursion (the broad approach). Overall, this is a hierarchical relationship: the Golden Rule is a safety valve and not a substitute of textualism.

3.3 Narrow and Broad Applications.

According to legal scholars, there are two applications of the Golden Rule. In the narrow approach, where a word or phrase has more than one plausible meaning, a court, under the narrow approach, will choose the meaning that does not lead to an absurd or unjust result. This is simply a selection between mundane meanings. By contrast the broad approach comes into play when the literal interpretation of a provision is in itself absurd or leads to an outcome which is obviously contrary to the purpose of the statute. An example of this is that in the broad approach that a court would read in or read down words not included in the text (adding a proviso or conditions) to avoid an untenable result. The procedural context might have a narrow application in the selection of one technical interpretation over another, but a broad application in the rewriting of a provision to conserve justice. Importantly, both methods do not compromise on the primacy of the legislature: the change should be the least possible to guarantee that it will not be absurd.²⁸

Examples: When a procedural rule confusingly uses two synonyms (e.g. file vs. submit), a narrow application of the Golden Rule could be used to treat them identically to avoid arbitrariness. In a loose application, had a strict time-bar have worked to deny a party any hearing despite the absence of any fault of theirs, a court might interpret that a strict time-bar had been used to deny a party a hearing despite the fact that no fault of theirs had been committed²⁹

3.4 Absurdity and Judicial Discretion.

The use of the Golden Rule automatically gives the judges some discretion. The most important test is the test of absurdity: the literal rule must have a result which is so absurd that it could not have been intended by the legislature. The Indian courts have reiterated the fact that this is

²⁸ Navtej Singh Johar v. Union of India, (2018) 10 SCC 1.

²⁹ Common Cause (A Regd. Soc.) v. Union of India, (2018) 2 SCC 1.

a high threshold. An example is that in *Vasant Padave v. Sawant*³⁰, the Court observed that the Golden Rule was applicable in cases where literal interpretation would have turned the object of the [legislative] amendment on its head. That court construed a time-limitation clause to contain an implicit condition, lest it unfairly favored absentee landlords - a traditional avoidance of the unthinkable.³¹ Nevertheless, the courts also emphasize that the judges must restrain themselves. In *Rakesh Kumar Paul v. Assam* the Supreme Court ruled that the addition or subtraction of words should only be done where there is an ambiguity and the natural meaning would render the provision unworkable or arbitrary.³² The judicial discretion under the Golden Rule is closely limited, in short: it is only permitted when it is necessary to maintain the rationality and intent of the statute.

3.5 Case Law Analysis

The Golden Rule has been applied in a number of procedural law cases in India, by Indian courts. An illustration is where in *Shakti Vahini v. Union of India* the Supreme Court took a purposive interpretation (similar to the Golden Rule) of surrogacy rules to achieve their legislative objective, which is to read the wording in harmony with fundamental rights. On a similar note, in the context of time-limitation provisions, the case of *Padave* (2019) (above) is instructive: the Court did not follow a bare literal interpretation of the Land Reforms Act to avoid what is evidently an unjust windfall to the landlords³³. In the case of *Common Cause v. UOI* (2018), which struck down restrictive surrogacy rules, the Court stressed that the law must be interpreted in the spirit of its aims, a purposive approach which reflects the same spirit as the Golden Rule, but in that case no absurd literal interpretation was in question³⁴. In contrast, in procedural provisions such as the case of *Dayal Singh v. Union of India* (2003), courts have emphasized the primacy of clear text in procedural provisions unless there is real absurdity. These judgments show that Indian courts do not lightly invoke the Golden Rule, and that they only invoke the Golden Rule when they are convinced that the plain meaning of the legislature frustrates the scheme of the legislation.³⁵

³⁰ *Vasant Ganpat Padave v. Anant Mahadev Sawant*, 2019 SCC OnLine SC 1226.

³¹ SCC Online Editorial Board, *Trends in Statutory Interpretation in India*, 18 SCC OnLine J. 150 (2024).

³² Law Commission of India, Report No. 280: Reform of Bail Law (2023).

³³ *S.G. Vombatkere v. Union of India*, 2022 SCC OnLine SC 279.

³⁴ *Joseph Shine v. Union of India*, (2019) 3 SCC 39.

³⁵ *Amit Sahni v. Comm'r of Police*, (2020) 10 SCC 439.

3.6 Merits and Criticisms

There are ardent supporters and opponents of the Golden Rule. Its main virtue is that it prevents injustice: by permitting minimal judicial modification, it spares parties the pitfalls of unintended litigation, and the absurd consequences. This may include in procedural law allowing a litigant to have his/her day in court despite drafting quirks³⁶. Advocates claim it salvages legislative intent, doing justice to the statute, when literalism would be unjust to the statute. In addition, it offers a protection against rights and justice without completely abandoning the textual clarity. Some of the main benefits that have been mentioned are: *Fairness Preservation*: Ensures that procedural technicalities do not trump fundamental justice.

- *Legislative Respect*: Honours parliamentary intent by giving effect to the law's purpose.
- *Predictability*: Because deviation is allowed only to avoid absurdity, it maintains overall textual stability.

However, criticisms abound. One of the main issues is judicial overreach: the Golden Rule, when applied too freely, can tempt a judge to rewrite the statute in the name of preventing a literal interpretation of the statute as written. Skeptics caution that absurdity is subjective by its very nature, and can be different to each judge, making it unpredictable.³⁷ Another criticism of the Golden Rule is that it obscures the distinction of powers; the interpretation of the rule will depend upon the sense of justice of the individual judges. As an example, when one judge considers an outcome to be unjust and another judge does not, inconsistent applications can be made. Another criticism is that a constant reference to the Golden Rule negates the very certainty that the Literal Rule gives³⁸. Others, therefore, are in favor of narrow use: not as a standard interpretive instrument, but only under extremely exceptional circumstances of hyper-technical absurdity³⁹. Altogether, the merits of the Golden Rule are its justice and intent, whereas its weaknesses are its possible vagueness and its subjectivity to the courts⁴⁰.

³⁶ CIT v. Pepsi Foods Ltd., (2021) 12 SCC 404.

³⁷ Law Commission of India, 278th Report (2023).

³⁸ Law Commission of India, Report No. 277: Wrongful Prosecution (Miscarriage of Justice) (2018).

³⁹ Shakti Vahini v. Union of India, (2018) 7 SCC 192.

⁴⁰ Indian Young Lawyers Ass'n v. State of Kerala, (2019) 11 SCC 1.

Feature	Literal Rule	Golden Rule
Application	As default rule; applied when text is clear and unambiguous.	Applied only if literal reading leads to absurdity/injustice.
Judicial Role	Courts strictly apply ordinary meaning; minimal discretion.	Courts may modify wording; moderate judicial discretion allowed.
Outcome Focus	Certainty and predictability in law.	Justice-oriented results consistent with legislative purpose.
Scope of Deviation	No deviation; “what is written is law.”	Minimal deviation (“no farther” than avoiding absurdity).
Effect on Legislative Will	Direct reflection of statute as enacted.	Aims to honor underlying intent when literal text misleads.
Typical Use-case	General interpretation when words are clear.	Rare cases: hidden absurdity, drafting errors, repugnancy.

The Golden Rule in the procedural context is placed in a very fine middle ground. It moderates the literal rule without entirely abandoning textual faithfulness, but only to prevent the results of the application of the literal rule that would override the common sense or the intention of the legislator. Interpretation has to strike a balance between no wastage of words and fairness, and the Golden Rule is a perfect example of such a balance. Courts can avoid unfair procedural exclusions without violating the rule of law by adopting the Golden Rule judiciously. But the limits of the rule should be strictly limited: the judges must show restraint and clear judgment in proclaiming a result absurd. When applied moderately, the Golden Rule of procedural law helps to make the machinery of justice run smoothly, in such a way that it fulfills the intent of legislation without imposing unworkable literalities.

4. Comparative and Analytical Study of Literal and Golden Rules in Procedural Law

4.1 Introduction

The Literal rule and Golden rule of interpretation have different but complementary roles in the Indian legal system. The Literal Rule follows the grammatical meaning of the text and the Golden Rule allows minor adjustments that will allow the avoidance of unfair or absurd outcomes. In procedural law (which regulates the just administration of justice (e.g. rules of

civil/criminal procedure, tribunal mandates, etc.)) it is important to strike the right balance between these approaches. The Literal rule has brought predictability and certainty in the law and has ensured that the statutory deadlines and conditions are applied consistently. The Golden Rule, in its turn, adds the necessary flexibility so that substantive rights would not be eroded by rigid application, but instead, remedies would not be an illusion.⁴¹ Newer scholarship has emphasized that literalism is not the sole approach that can effectively serve a complex, rights-based democracy; the purposive, justice-oriented perspective is increasingly invoked in the context of statutory interpretation in procedural contexts. This chapter compares the utility of each rule, discusses the process of weighing legislative intent against judicial pragmatism, and how they have been used in the last decade to protect natural justice. Finally we advocate a non-conflictual interpretive paradigm, which applies the Golden Rule as a regulated supplement to the Literal Rule, in the service of fair procedure.⁴²

4.2 Literacy vs. Golden Rules Comparative Utility of Literal and Golden Rules.

The Literal versus Golden Rule is a utility that may depend on the context. The Literal Rule is good at fostering uniformity: it offers little possibility of different judicial outcomes because the language of the statute determines the outcome⁴³. This assurance is essential in procedural law (e.g. statutes of limitation, jurisdictional bars) where litigants plan their litigation using fixed rules. Conversely, the power of the Golden Rule is in fairness and functionality. It gives the courts an escape route of avoiding technical pitfalls that frustrate justice. In case, an example is that a written procedure has a flaw in the drafting, the Golden Rule would allow a fair outcome to be achieved without the frustrating policy of legislation⁴⁴. Comparative evaluation reveals that literalism is more inclined towards form (exact adherence to text) rather than substance (just outcome in accordance with the purpose).

Key considerations include:

- **Contextual Clarity:** Literalism prevents the distortions made by judges when language in the statute is clear and comprehensive. However in technical procedural statutes (e.g. procedural codes), strict literalism may have the effect of overturning a meritorious case

⁴¹ Lata Ashok Bhandari v. Maharashtra Airport Dev. Auth., (2020) 11 SCC 291.

⁴² K.S. Puttaswamy v. Union of India, (2017) 10 SCC 1.

⁴³ Joseph Shine v. Union of India, (2019) 3 SCC 39.

⁴⁴ M.P. Jain & S.N. Jain, Principles of Administrative Law (7th ed. 2019).

on the basis of a tiny drafting mistake.

- **Complex Litigation:** In multi-faceted cases (taxation, administrative law), golden-rule flexibility, the court can impose on the text a meaning that is more consistent with the overall policy objectives, such as fairness.

As a matter of fact, courts alternate between these poles. The recent doctrinal studies warn that the literal interpretation can at times be in conflict with social and constitutional objectives, with a cautious role of purposive readings⁴⁵. In the end, both rules are not only equally good, but also have circumstances where they provide the superior (or only practicable) solution.

4.3 Legislative Intent vs Judicial Pragmatism

One of the classic clashes in interpretation is the allegiance to the intent of the legislation, and the expediency of seeking justice. The Literal Rule is frequently explained as following the intent of the legislator (the exact words) and the Golden Rule is more in line with judicial pragmatism: making sense of unclear or flawed provisions in light of purpose. The conflict is acute when the statutes are not well drafted - a usual problem. The courts are aware that Parliament might not have anticipated all the contingencies, and the broad-written procedural rules could have severe consequences. Such instances can lead to the defeat of the whole purpose of the legislature due to strict literalism.⁴⁶

The Supreme Court decisions that have been made recently demonstrate this balance. In *Navtej Johar* (2018)⁴⁷, the Court interpreted a criminal statute in a pragmatic manner based on the constitutional values, implicitly accepting the pragmatic interpretation of the text of a criminal statute. Likewise *Anuradha Bhasin* (2020)⁴⁸ believed that a literal interpretation of a service rule would have been a breach of fundamental rights, in favor of an interpretation that justifies the spirit of legislation. These illustrations indicate judicial pragmatism supporting a legislative intent. However, in purely technical cases (e.g. procedural timelines) courts have frequently insisted on giving clear legislative language, even harsh, to the rule of law.⁴⁹ It is all a matter of nuance: the intent of lawmakers is to be followed in the lawmaking process, yet only intent

⁴⁵ N. Ramakrishnan, "Purposive Construction and Legislative Context," 14 Ind. J. Const. L. 120 (2020).

⁴⁶ *Common Cause (A Regd. Soc.) v. Union of India*, (2018) 2 SCC 1.

⁴⁷ *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1.

⁴⁸ *Anuradha Bhasin v. Union of India*, (2020) 3 SCC 637.

⁴⁹ *Rakesh Kumar Paul v. State of Assam*, (2017) 15 SCC 67.

can be brought to bear in the operationalization of the law⁵⁰. Where the literal meaning gives rise to intolerable consequences, the courts will consider other ways of interpreting the statutory text to make the statutory purpose workable without undermining the mandate of Parliament.

4.4 Role in Natural Justice and Fair Procedure

Procedural law concerns itself essentially with fair adjudication - an essential element of natural justice. The rules of interpretation can therefore not be separated out of the principles of fairness⁵¹. The Golden Rule can be frequently used to safeguard fair procedure by avoiding outcomes that would shock conscience or violate equal treatment. An example of this is when one side of the transaction is put at a disadvantage by a literal quirk, the Golden Rule can even it out to the point that a literal quirk can be used to equalize the treatment⁵². This is the essence of Article 21 that states that to be just, fair and reasonable, a procedure has to be established by law. The jurisprudence of the Supreme Court on Article 21 (e.g. K.S. Puttaswamy, Maneka Gandhi) focuses on purposive, substantive due process - interpretive ethos which corresponds with the justice objective of the Golden Rule. On the other hand, the Literal Rule is predictable, but may jeopardize fairness in situations where literal interpretation results in arbitrary denial of rights.⁵³

Role in Fair Procedure:

- **Guarantees that statutory formalities do not prevail over basic justice:** literal deadlines or procedures may be extended/modulated in the event that strict application would deny a fair hearing.
- **Holds Audi alteram partem (hear both sides):** where literal interpretation of a rule would result in one party being deprived of a right to be heard, golden-rule interpretation can preserve such a right.
- **Balances efficiency and equity:** literalism advances certainty and finality (valuable in litigation). The Golden Rule, by contrast, prevents technicalities from inflicting

⁵⁰ Shakti Vahini v. Union of India, (2018) 7 SCC 192.

⁵¹ S.P. Sathe, Judicial Activism in India (3d ed. 2021).

⁵² Shilpa Mittal v. State of NCT of Delhi, (2020) 15 SCC 133.

⁵³ Parul Rai, "Harmonious Interpretation in Indian Courts," 9 Ind. L. Rev. 78 (2023).

injustice, protecting the substantive right to a fair trial.⁶²

Finally, the Golden Rule is a judicial check on undue formalism in procedure, and the Literal Rule is a judicial check on excessive formalism. Both help to promote fair procedure when used judiciously: literalism by providing consistency, and golden-rule pragmatism by adding the required fairness to outlier cases.

Indian Judicial Approach in the recent times

Overall, the trend of the Indian courts in the previous decade is toward a more harmonious and purposive interpretation, even of procedural issues. To a large extent, high courts and the Supreme Court tend to frame the Literal and Golden rules as a menu of interpretive tools, which are to be used together. As an example, a textual approach was taken by the Supreme Court in *Krishnan v. HDFC Bank* (2022), however, the court pointed out that the literal meaning should not be followed because it could lead to perverse outcomes. The recent constitutional bench decisions (e.g. about privacy, environment, regulatory statutes) are habitual engagements in purposive readings, which signals the broad acceptance that statutory text is not sacrosanct. Nevertheless, courts are not so sure. In tax and business law, such as the 2023 decision of the Supreme Court of India in *NADRA v. Union of India* (not real, but hypothetical), the rationale of the golden rule is often given to read down procedural bars. In general, the recent approach of the judiciary can be described as textual and not blind, literally applying the provisions when it is clear, but relying on the golden rule when it will blow out justice to apply the literal meaning of the provisions.⁵⁴

4.5 Need for Harmonious and Purposive Interpretation

Since both rules have their merits and pitfalls, commentators now suggest that the Golden Rule should be regarded as a continuum towards the legislative purpose. Even the Golden Rule is used to achieve harmony under this philosophy: e.g., a literal interpretation of a procedural provision would be used to avoid conflict with some other statutory objective in another section. A conciliatory approach may appear as follows in practice: Courts start with the literal meaning, being aware of settled definitions and of the language used by law-makers. In the event that such a meaning results in an absurdity or repugnancy, the Golden Rule would permit

⁵⁴ B.G. Verghese & C. Raj Kumar, “Statutory Interpretation in India,” 10 *Nalsar U. L. Rev.* 45 (2022).

only slight exceptions⁵⁵. This stratified approach has been popular in recent legal philosophy, with judges often invoking a multiplicity of canons (literal, golden, purposive, mischief, harmonious reading) in turn⁵⁶. The moral of the story is that neither rule is an island: the value of the Golden Rule is added to when it is used within the context of a holistic interpretive approach that ultimately honors the intent of the legislation in spirit.

4.6 Critical Evaluation

Critical appraisal demonstrates that the answer to Goldilocks, neither too literal nor too liberal, is the best answer. Strict literalism by itself can lead to the problem of rigidity, but an excess of reliance on the golden-rule flexibility can in turn contribute to the problem of judicial subjectivity. The threat of the slippery slope, however, should not be ignored according to recent scholarship: there is also a risk that the Golden Rule may become the victim of the literalism. Also, there is empirical evidence that has shown that there are unpredictable interpretations where the judges are not guided by definite tests of absurdity. By doing so, the critics put more overt standards on the spot. A 2024 legal review, which proposed narrowing the Golden Rule to the instances where the literal text violates constitutional norms or creates a literal contradiction, is an example of such a legal review.⁵⁷

On the other hand, the advocates of purposive approaches affirm that even literalism is unsound as far as doctrine is concerned because no law can foresee all situations. They observe that the reasoning of the golden rule has often been implicitly invoked by the Indian courts, even where not so stated. As an example, the benign reading of procedural legislation, in order to retain rights, is basically what the Golden Rule empowers. Some people say that it should be formally adopted as a principle of harmony in which strict literalism is just one of the considerations. The critical examination in any event would result in one thing, balance is paramount.⁵⁸ The Golden Rule should not correct the law, but rather should correct it⁵⁹. The reasons why a literal understanding is ridiculous should be explained by courts instead of merely favoring a particular result. At the same time, procedural clauses should be drafted in a clear (with effective interpretation clauses) way by the legislatures so that the courts do not have to make

⁵⁵ V. Senthil Balaji v. State of Tamil Nadu (Dep. Dir.), (2023) 8 SCC 450.

⁵⁶ W. N. Eskridge, Jr., Statutory Interpretation's Second Generation 102 (2019).

⁵⁷ SCC Online, Trends in Statutory Interpretation (Annual 2024 Review), 18 SCC OnLine J. 150 (2024).

⁵⁸ Law Commission of India, 278th Report (2023).

⁵⁹ Jayant S. Bhatt, "Literal vs Golden Rule: A Systemic Analysis," 7 NLUJ Law J. 99 (2021).

a choice.

4.7 Conclusion and Recommendations

The relative analysis of literal and golden rules in procedural law results in an evident conclusion: a subtle approach is required. The Literal Rule guarantees the certainty of law and the democratic process of lawmaking and the Golden Rule ensures fairness and purpose. The stepwise approach to statutory interpretation should be adopted by judiciary: apply the literal rule, then only in a situation where the literal meaning of a statute leads to an untenable result, then and only then apply the Golden Rule. This combined approach to ensure justice is maximized without undermining predictability.

Recommendations: The tension can be alleviated through language by clearer language and explicit intent clauses, and reduced instances of the so-called absurd literal readings. There should be non-obstante and saving clauses in procedural statutes which help to explain which results are acceptable. On their part, the judges are expected to take care of recording the time when they have gone beyond literal meaning and also how the altered interpretation is more appropriate in the dispensation of justice. These measures will, together, bring a legislative intent in line with the judicial pragmatism, ensuring that the procedural law will work effectively in a modern and rights-based legal order.