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METHODS OF INTERPRETATION OF STATUTES AND THE RECENT TRENDS IN INTERPRETATION

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I. ABSTRACT

This research paper comprehensively explores the historical evolution of statutory interpretation, spanning from the Blackstonian era to the contemporary period. Emphasizing the vital role of statutory interpretation in the judiciary, the paper aims to unveil true legislative intent and deliver justice, addressing complexities, unforeseen circumstances, and linguistic ambiguities within statutes. Traditional methods such as Literal or Grammatical Interpretation, the Golden Rule, the Mischief Rule, and the Purposive Approach are scrutinized for their respective advantages and disadvantages, considering factors like alignment with legislative intent and flexibility. Recent trends in statutory interpretation, notably the recognition of compensation as a remedy for fundamental rights violations, are examined, along with the judiciary's role in statutory interpretation through judicial review marked by judicial activism. The paper concludes by highlighting the transition from the Literal Rule to the more flexible Purposive Rule, emphasizing its efficacy in addressing logical defects and fostering justice across diverse situations. In essence, the research provides a nuanced understanding of statutory interpretation's evolution, traditional methodologies, and contemporary trends, showcasing its dynamic and adaptive nature in the realm of judicial interpretation.

II. KEYWORDS

Statutory Interpretation, Judicial Role, Purposive Approach, Recent Trends

III. INTRODUCTION

Baron Montesquieu, a French philosopher from the 17th century, was the first to outline the hierarchical structures of the legislative, administration, and judiciary.³ The

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³ MONTESQUIEU, THE SPIRIT OF THE LAWS (Thomas Nugent trans., MacMillan 1949)

judiciary's function has always been to settle the cases that are brought before them. Judges who evaluate arguments from both sides play a relatively passive role in the common law system because they are shaped by lawyers who use arguments to create their conclusions. The judiciary has been given great importance in Anglo-American legal philosophy from the 12th century. In the United States, academics such as Chipman Gray contended that legislative regulations are only regarded as sources of law when they are brought up in court.⁴ Judges have always been seen as translators who examine and consider the legislative branch's goals. It is imperative to remember that the legislature is ultimately responsible for creating laws; judges do not.

IV. STATUTORY INTERPRETATION

Statutory interpretation is the process by which judges attempt to ascertain the true intent of parliament at the time the legislation was passed, with the goal of understanding and executing statutory laws. Another way to explain it is to "give meaning to." The primary function of the judiciary is to interpret statutes in order to administer justice. In order to prevent any kind of ambiguity, it is believed that the Court has a duty to interpret the statute and provide meaning to each and every word. It is necessary to read the statute in its entirety rather than in parts in order to determine the legislature's true intent behind each part. According to the maxim "a verbis legis non est recedendum," which translates to "one must not depart from the words of the law," is a dictum that highlights the principle of literal interpretation while creating statutes. It says that courts should interpret the statute exactly as written, giving the plain and common sense of the wording first priority. The concept encourages judges to exercise judicial restraint by following the letter of the law rather than imposing their own interpretations or preferences for policy. The idea promotes clearer legislative draughting and increases predictability and consistency in legal outcomes by concentrating on phrasing. Although literal interpretation is fundamental, it is not always applicable. Courts have the authority to

⁴ DR. N.V. PRANJAPE, *STUDIES IN JURISPRUDENCE & LEGAL THEORY* 329 (9th ed. 2022).

take into account the context and goal of the act in order to resolve any potential inequities or absurdities that may result from a strict textual approach.

V. EVOLUTION OF STATUTORY INTERPRETATION

The 18th century, also known as the Blackstonian era, was characterized by a lack of clarity in legal definitions, with equity and custom having a strong impact on both common law and statute law. Equity was a major, if uneven, factor in the interpretation of rules throughout this time. The arduous duty of interpreting statutes in the context of a balance between legality and equity was frequently placed on judges. The customary unwillingness of English law to take parliamentary debates into account when interpreting statutes is a notable example of this age. In a similar vein, the French method granted the Foreign Office sole authority to interpret international agreements. Although these national peculiarities may not necessarily coincide with contemporary European (private) law ideas, they were firmly established in the legal cultures of their individual nations.

Since *Heydon's Case*⁵, which established the mischief rule—one of the oldest and most important interpretive rules—statutory interpretation in English law has been essential. Using this approach, a statute was interpreted by determining the "mischief" that the measure was intended to address. Ancient Indian legal traditions, especially in Hindu civilisation, also had complex rules of interpretation. Originally created to interpret *Srutis*, Jaimini's *Mimamsa Sutras* were eventually used to interpret *Smritis* as well, proving that interpretative approaches have long been a crucial component of legal systems all throughout the world.

The 19th century saw a change in statutory interpretation from equity and legality to complexity and liberality. These methods, nevertheless, frequently conflicted. Liberality was linked to concepts of fairness and contemporary law, whereas technicality was linked to customary legal procedures like pleading. Judges during this time typically

⁵ *Heydon's Case*, (1584) 76 Eng. Rep. 637

focused on the linguistic clarity of statutes, interpreting statutory provisions mostly based on their language. According to the ruling made by the Supreme Court of India in the case of *R.S. Nayak v. A.R. Antulay*⁶, interpretation is only required when the wording of the act is unclear or when interpreting it differently could undermine its intended goals. The court stressed that interpretation should not take precedence over the plain meaning of the act if its language is unambiguous. The mid-19th century classical period saw a more pronounced division between statute law and common law. At the same time as courts started to place more emphasis on the categorization of legal areas like contracts, property, and torts, equity's importance started to diminish. Courts' efforts to preserve a more organized and predictable legal system led to an increase in the significance of judicial opinions.

Progressive reformers brought equality back into the 20th century as a crucial interpretive tool. Rather than just carrying out administrative duties, courts were urged to interpret statutes in a way that was consistent with legislative intent. Realists like Felix Cohen and Robert Hale contested the classical method to interpretation, arguing that courts should concentrate on the language of statutes and that it was frequently impossible to determine the legislative purpose. This idea was reaffirmed in the *Grasim Industries Ltd. v. Collector of Customs*⁷, Bombay ruling, which held that the courts cannot change or amend provisions when the statutory language is unambiguous. This is a major shift in the interpretation of statutes, emphasizing more judicial restraint in situations where the legislative meaning is clear.

In modern times, the judiciary has taken a more active role in implementing and even overturning legislation that is deemed unconstitutional. Courts today emphasize that the goal of statutory interpretation is to determine and uphold the legislature's intention. This illustrates how the court's function has changed over time, moving from merely

⁶ *R.S. Nayak v. A.R. Antulay*, A.I.R. 1984 S.C. 684 (India)

⁷ *Grasim Indus. Ltd. v. Collector of Customs*, (2002) 4 S.C.C. 297 (India)

reading laws to making sure they adhere to constitutional precepts and meet the needs of modern society.

VI. NEED FOR INTERPRETATION

Basic objective for the interpretation of statute has been given as follows:

- **Eliminating Complexity and Ambiguity-** In order to eliminate the complexity of statutes, interpretation is necessary. The combination of many drafters' views with legal and technical terms could lead to unclear and incoherent wording. Its interpretation must be avoided in order to determine the drafters' true intent.
- **Addressing Unforeseen Future Events-** The main issue is usually whether the legislation will still be applicable in the future in light of unforeseen events. Drafters attempt to foresee the same and include the usage of new phrases in order to avoid it. Legislators are unable to foresee every scenario, which results in the vague application of these terms. As a result, the judiciary must step in to close the gaps left by the legislature. The judiciary performs this function by interpreting the statutes in light of the current situation in order to interpret the meaning of the statute or specific provision.
- **Clarifying the Complexity of Language-** The complexity of language is another goal of interpretation. Words, phrases, and language can all be seen as vague methods for communication. One term can, however, have multiple definitions and meanings at the same time. Parties make every effort to use the definition and meaning of the phrase in court to their advantage. Therefore, it becomes crucial to define these terms in order to determine their actual purposes.

VII. METHODS OF RULE OF INTERPRETATION

The problem with interpreting statutes and giving them their actual meaning is that the judiciary will have to assess what the parliament intended for a given piece of legislation. In the majority of cases, judges accurately determine what the legislature intended when it passed the statute. Nevertheless, they also make mistakes by interpreting the law

incorrectly or differently. Though there is always a potential that accurate meanings may be established, this problem cannot be handled completely. There are benefits and drawbacks to every strategy. Judges apply a set of rules derived from research and court decisions to interpret the statutes. The following are the rules:

The Literal or Grammatical Interpretation-This method asserts, as its name implies, that the courts are unable to change the wording of the law. The laws have to be interpreted under their natural meaning under this form of interpretation. Therefore, regardless of the outcome, the courts must apply a statute that has been laid out. The judiciary declared that the word "shall" in section 154 of the Criminal Procedure Code had to be taken at face value and that the police had no authority to interpret it in their own will in the case of *Lalita Kumari v. Government of Uttar Pradesh*⁸. The question of interpretation of section 154 of the Criminal Procedure Code came before the court. The dispute was whether the police had the discretion to conduct an inquiry before recording a FIR. As a result, the court decided to interpret the words in the code in a literal or grammatical sense. The literal rule's application is further demonstrated by the *Abley v. Gale* case⁹. According to Justice Jervis, this method requires applying the statute's common interpretation unless doing so would be absurd. Similarly, Lord Diplock noted in *Duport Steel Ltd. v. Sirs*¹⁰ that judges cannot confuse statutory language or deviate from the plain sense of the law where it is obvious and unequivocal, even if doing so produces unfavourable results.

A. Advantages

1. **Encourages certainty:** The Literal Rule gives the words of the legislation a precise and foreseeable interpretation, which makes it simpler for people and companies to abide by the law.

⁸ *Lalita Kumari v. Govt. of U.P.*, A.I.R. 2012 S.C. 1515 (India)

⁹ *Abley v. Gale*, 20 L.J. C.P. (N.S.) 233 (1851)

¹⁰ *Duport Steel Ltd. v. Sirs*, [1980] Q.B. 40 (Eng.)

2. **Preserves the separation of powers:** By requiring courts to follow the plain meaning of the words selected by the legislature, the Literal Rule restricts the judiciary's ability to interpret legislation.
3. **Promotes legislative precision:** Since the courts will strictly interpret any ambiguity or inconsistency in the wording, the Literal Rule encourages legislators to write legislation with clear, concise language.

B. Disadvantages

1. **Ignores legislative intent:** Because the Literal Rule forbids courts from taking the statute's context or purpose into account, it may result in a reading of the law that is at odds with the intentions of the legislature.
2. **Can yield ludicrous consequences:** When the literal interpretation of the language leads in a conclusion that is blatantly at odds with the legislative purpose or the policy considerations that underpin the legislation, the Literal Rule may produce absurd or unreasonable outcomes.
3. **Limited adaptability:** The Literal Rule may be rigid, preventing exceptions or changes in how the legislation is interpreted in response to evolving social requirements or conditions.

The Golden Rule of Interpretation-The golden rule gives judges the authority to consider a word or phrase's literal meaning, but it refrains from using a literal interpretation that would lead to absurdity. The narrow approach and the broad approach are the two methods that the golden rule can be used. Therefore, in accordance with the golden rule, the court will only consider the literal interpretation if it does not lead to absurdity or inconsistency. The message is then adjusted to fit the statute's surroundings, avoiding absurdity. However, there were certain drawbacks to this outcome as well, which paved the way for Mischief rule to take effect. In the case of *Uttar Pradesh Bhoodan Yagna Samiti v. Brij Kishore*¹¹, the court determined that, for the purposes

¹¹ U.P. Bhoodan Yagna Samiti v. Brij Kishore, (1988) 4 S.C.C. 274 (India)

of section 14 of the UP Bhodan Yagna Act, 1953, only landless workers should be considered landless persons; any other person would not be eligible to receive benefits under the same.

In *Lee v. Knapp*¹², a well-known case, the court had to interpret the term "stop" in light of Section 77(1) of the Road Traffic Act of 1960. Following an accident, the defendant had paused momentarily before driving off. Using the golden rule as a guide, the court determined that the duty to "stop" included a prolonged stop, rather than a brief one, in order to allow for the appropriate enquiries regarding the accident. The court's reasoning avoided a ridiculous situation in which the defendant may avoid accountability by just pausing for a short while.

Viscount Simon, L.C., highlighted an important statutory interpretation principle in *Nokes v. Doncaster Amalgamated Collieries Ltd*¹³. The principle states that when two interpretations of a legislation are possible, the courts should favour the one that permits the act's purpose to be achieved. This guarantees that the legislative aim is not undermined. According to Viscount Simon, the court should interpret the statute in a way that preserves its intent rather than interpreting it in a way that makes its meaning less evident. This strategy is consistent with the golden rule's overall goal of preventing irrational or illogical consequences while upholding the intended meaning of the law.

A. Advantages

- 1. Flexibility and avoiding absurdity:** One of the golden rule's primary benefits is its ability to allow for flexibility in the interpretation of statutes. In situations where following the exact literal rule would produce ludicrous or irrational outcomes, it permits judges to deviate from the literal meaning of words. By doing this, the golden rule contributes to the fair, reasonable, and reasonable interpretation of the law, preventing unexpected and unfair consequences.

¹² *Lee v. Knapp*, (1967) 2 Q.B. 442 (Eng.)

¹³ *Nokes v. Doncaster Amalgamated Collieries*, (1940) A.C. 1014 (H.L.) (Eng.)

2. **Alignment with legislative intent:** The golden rule assists judges in making sure that their interpretations reflect what the legislature intended. The golden rule permits the court to alter the interpretation in order to arrive at a more fair and just conclusion when the literal rule yields outcomes that manifestly contradict the general goal and objective of the law. This strengthens the idea that the court's job is to carry out the legislative branch's goals.
3. **Justice and fairness:** The golden rule can maintain justice and fairness in the implementation of the law by allowing deviations from the rigorous literal interpretation of words. It permits a more contextual interpretation that considers the legislation's overarching goal and policy issues. This may produce a more equal conclusion, particularly in cases when using the literal meaning would result in unjust or discriminatory outcomes.

B. Disadvantages

1. **Potential for judicial subjectivity:** One drawback of the golden rule is that it adds a degree of subjectivity to the process of interpretation. Different judges may have different ideas on what is ludicrous or unreasonable, which might result in inconsistent decisions. The individual values, viewpoints, and views of judges may influence how the golden rule is applied, which may give rise to questions regarding the consistency and predictability of the law.
2. **Potential for judicial overreach:** According to critics, judges may interpret laws too freely and powerfully when using the golden rule. They argue that the court's primary function should be to apply the law that the legislature established, and that deviating from the literal interpretation of words should only be done in extraordinary circumstances. There are worries that the golden rule might undermine the separation of powers by enabling judges to replace the legislative purpose with their own policy preferences or opinions.

- 3. Lack of clarity and confusion:** The application of the golden rule to the law may result in a lack of clarity and uncertainty. It can be difficult for people and legal professionals to foresee or ascertain the outcome of a legal issue since it entails deviating from the common and literal interpretation of terms. This may lead to uncertainty and confusion, which might impair people's capacity to follow the law and the certainty of the legal system.

Courts must be cautious and use the golden rule sparingly, finding a balance between upholding the limits of their interpretative authority and advancing justices, equity, and legislative purpose.

Mischief Rule of Interpretation- When it comes to interpreting legislation, the mischief rule comes into effect. It states that the court must determine "the intent of them that make it," and that can be done by looking up the terms and expressions used in the law. That does not imply that the court should disregard all other evidence in favour of a literal reading in making its ruling. Therefore, in order to understand the genuine meaning, one must have a clear understanding of the purpose, extent, and object of the entire statute. *The Heydon's Case (1584)*¹⁴ gave rise to the Mischief Rule of interpretation, which focusses on determining the "mischief" or flaw that the statute is intended to correct. The rule is predicated on comprehending the statute's intent by focussing on the following four key points:

1. What was law before the legislation was passed?
2. What was the mischief and flaw for which the measure under law had not provided?
3. What remedy Legislature has determined and chosen to treat the disease?
4. What was the true reason of the remedy?

¹⁴ Heydon's Case, (1584) 76 Eng. Rep. 637

5. What was the core principle the Act was based on?

The court will then need to interpret the meaning so that misconduct can be curbed and a remedy can be put forward. They will also need to control their subtle innovations and escapes in order to keep up the mischief.

The Street Offences Act, 1959 was passed in *Smith v. Hughes*¹⁵ to deal with the issue of prostitutes soliciting on public property. Prostitutes, however, started soliciting from windows and balconies after the Act was passed, claiming that they weren't actually in the streets. The legislation's purpose was to forbid public soliciting, the court found after applying the mischief rule to this situation. The court made sure the law achieved its goal of prohibiting solicitation in public areas by reading "streets" broadly to include windows and balconies.

Similarly, the Delhi Corporation Act, 1902, which permitted the rounding up of "abandoned" animals grazing on public land, was at issue in *Kanwar Singh v. Delhi Administration*¹⁶, AIR 1965 SC 871. When Kanwar Singh's livestock were seized, he argued that they weren't abandoned because they were his property. But the court used the mischief rule, construing "abandoned" to include both temporarily unattended cattle and those permanently left without an owner. In order to address the problem that the act was meant to solve—that is, to stop unattended animals from grazing on government land—a broader interpretation was required.

The mischief rule, which keeps technical arguments from undermining the aim of the law, enables courts to interpret statutes in accordance with their legislative purpose, as demonstrated by these two examples.

A. Advantages

¹⁵ *Smith v. Hughes*, [1960] W.L.R. 830 (Eng.)

¹⁶ *Kanwar Singh v. Delhi Administration*, AIR 1965 SC 871 (India)

1. **Consistent with legislative intent:** The Mischief Rule might lead to an interpretation that is in line with the legislature's intentions when it comes to passing the legislation since it attempts to determine those intentions.
2. **Flexible:** In order to accomplish the goals of the legislation, courts may deviate from a literal interpretation of its language under the Mischief Rule.
3. **Flexible to changing circumstances:** A statute's meaning can be modified in accordance with the Mischief Rule to ensure that it continues to fulfil its original purpose in the face of evolving circumstances.

B. Disadvantages

1. **Subjective:** Determining the "mischief" or issue that the legislation was intended to solve can be subjective, and many judges may come to different judgements regarding what that issue is.
2. **Can cause uncertainty:** Businesses and people required to abide by the legislation may find it unclear how a court would interpret the statute in a particular circumstance if the Mischief Rule is used.
3. **Manipulable:** A court may find a new "mischief" or issue to justify a certain reading of the legislation, thus the Mischief Rule can be used to accomplish a desired result.

Purposive Approach-Purposive interpretation or construction is another term for this rule. This rule falls under the category of current trends in interpretation since it gives common law courts the authority to interpret the statute in the context of the reason it was passed. It is a useful rule to address current concerns about how to interpret the statute. The mischief rule, which was declared in *Heydon's Case*¹⁷, is where this rule first

¹⁷ Heydon's Case, (1584) 76 Eng. Rep. 637

appeared. In order to ascertain the genuine aim of any statute, the courts introduced it to replace the plain meaning rule, the golden rule, and the mischief rule.

A. Advantages

1. **Consistent with legislative intent:** By identifying and implementing the legislature's original goal or intention when adopting the legislation, the Purposive Approach aims to provide a more accurate and equitable interpretation.
2. **Adaptable to changing circumstances:** The Purposive Approach ensures that a legislation continues to fulfil its original purpose by allowing the interpretation of the statute to be adjusted to changing circumstances.
3. **Promotes a broader perspective:** The Purposive Approach pushes judges to examine the statute's background and intent in a more comprehensive way, which can result in a more equitable interpretation that considers the effects on the parties involved.

B. Disadvantages

1. **Subjective:** Determining the goal or intended aim of the legislature can be subjective, and many judges may come to differing judgements on what that goal is.
2. **Can cause uncertainty:** Because firms and people required to abide by the legislation may not be aware of how a court would interpret the statute in a particular situation, the use of the Purposive Approach may cause ambiguity for them.
3. **May result in judicial activism:** The Purposive Approach may cause courts to substitute their own policy decisions for those made by the legislature. This is not a suitable way for judges to become involved in judicial activism.

Harmonious Construction-When two or more provisions of the same statute conflict, this rule of interpretation applies. The goal is to adopt the statute as a whole, and the

judges' job is to interpret the statute so that it can be adopted as a whole without any provisions conflicting with one another. Since every provision of the Act serves a specific purpose, none of them may be repealed, primarily because they conflict with one another. The court held in *T.M.A. Pai Foundation v. State of Karnataka*¹⁸ that statutory provisions must be interpreted in conjunction with one another and that judges have an obligation to ensure that the laws are harmoniously constructed so as not to make any one provision obsolete.

VIII. RECENT TRENDS IN STATUTORY INTERPRETATION

The author examined how statutes should be interpreted as well as other basic ideas that occasionally surfaced to address interpretation issues in the first two chapters. Consequently, such rules became obsolete since they could not be applied to current circumstances, but concurrently, new rules were developed to address interpretation-related concerns. They are referred to as current patterns in interpretation, which are thoroughly examined in this chapter.

A. Compensation As A Remedy

The Supreme Court started this pattern when they read the legislation to offer compensation for violations of basic rights.¹⁹ The notion of contemplating compensation as a remedy for the preservation of the right to life and personal liberty was proposed by the Indian judiciary. The idea of "compensatory jurisprudence" has come to be seen as a sign of hope for statutory interpretation. The fact that the judiciary instituted it in the absence of constitutional provisions and established precedents is what's more significant.

The Supreme Court is authorised by Article 32 to develop any new process for improving the upholding of basic rights. As a result, wherever it considered it was essential, the SC instituted compensation as a remedy in cases of basic rights violations. In the case of

¹⁸ *T.M.A. Pai v. State of Karnataka*, A.I.R. 2003 SC 355 (India)

¹⁹ *Rudul Shah v. State of Bihar*, A.I.R. 1983 SC 1086 (India)

*Khatri (II) v. State of Bihar*²⁰, the Supreme Court considered the issue of providing monetary compensation for the very first time. In response to inquiries concerning providing monetary compensation in cases where Article 21 was violated, the court stated that the fundamental goal of the clause could not be fulfilled in the absence of compensation.

The issue of compensating for violations of basic rights was raised in the *Sant Bir v. State of Bihar*²¹ case. The identical scenario point was later raised in the *Veena Sethi v. State of Bihar* case²², although the Supreme Court was still unsure about whether to award damages for basic right violations under Art. 21. Although the court acknowledged that there had been a breach of basic rights in both of these instances, it chose not to grant compensation as a remedy.

It is possible to argue that the seeds of compensation were sown in *Khatri*, *Sant Bir*, and *Veena Sethi*, where they subsequently grew strongly and persuaded the court to award compensation in cases where Art. 21 was violated. Ultimately, in the case of *Rudul Shah v. State of Bihar*²³, when the victim's personal liberty was infringed, the Supreme Court granted compensation for the first time. This changed the way legislation were interpreted, and it eventually turned out to be one of the most significant decisions the judiciary ever made. He received compensation after being unlawfully detained for 14 years on a murder allegation. With this action, the Supreme Court restored public confidence in its judicial system.

*Nilabati Behera v. State of Orissa*²⁴ established the SC's power regarding reimbursement under Art. 32; in this case, the court awarded monetary compensation as damages to the mother of a young man who died in police custody after being beaten by the police. This is despite the fact that there is no particular provision in the Indian Constitution that deals

²⁰ *Khatri (II) v. State of Bihar*, (1981) 1 S.C.C. 627 (India)

²¹ *Sant Bir v. State of Bihar*, A.I.R. 1982 S.C. 1470 (India)

²² *Mrs. Veena Sethi v. State of Bihar*, A.I.R. 1983 S.C. 339 (India)

²³ *Rudul Sah v. State of Bihar*, (1983) 4 S.C.C. 141 (India)

²⁴ *Nilabati Behera v. State of Orissa*, A.I.R. 1993 S.C. 1960 (India)

with reimbursement under Art. 32. The judiciary interpreted the original intent of the Constituent Assembly and gave the true purpose to Art. The Court established compensation as a means of easing the victim's pain, citing its authority to devise new instruments for handling various situations.

Previous legislation was construed by courts to give remedies as specified by various statutes, which limited the judiciary's function and the statute's intended purpose – that is, to ease victims' grievances. Therefore, it was a commendable move on the part of the court to include compensation by interpreting what was intended by the legislature when the laws were created. The court has acknowledged that the goal of public law is to ensure people's right to live under a legal system that aims to safeguard their welfare and constitutional rights, in addition to advancing public power.

Subsequently, in *Bandhua Mukti Morcha v. Union of India*²⁵, the Court emphasised that when interpreting Article 32, its methodology should be guided by the underlying intent and purpose of the article rather than by any oral or formalistic way of construction. Its comprehension should also receive clarification from the provisions that infuse and encourage the entire Constitution, such as the Preamble, Fundamental Rights, and Directive Principles of State policy.

Recent increases in State and police lawlessness, violence against prisoners, violence in jails, unlawful detentions, and other violations have made the compensatory jurisprudence that the Supreme Court of India introduced by using its Article 32 authority extremely significant. In addition to decreasing the amount of litigation, this Supreme Court decision is assisting the legal system in giving victims of violations of their right to life and personal liberty prompt justice. Through its interpretation of the penal legislation and recognition of its true intent of addressing victim's concerns, the SC has begun providing compensation in criminal cases as well.

²⁵ *Bandhua Mukti Morcha v. Union of India*, A.I.R. 1984 S.C. 802 (India)

Compensatory jurisprudence serves not only as a remedy for specific violations but also reflects the judiciary's evolving role in interpreting statutes with a view to uphold fundamental rights. By establishing this concept, the court has expanded the scope of statutory interpretation to better correspond with the moral and legal imperatives of the Constitution by creating a framework that prioritises individual welfare and human dignity as a constitutional objective.

B. Role Of Judicial Review and Decisions In Statutory Interpretation

Through judicial reviews and rulings, the judiciary also gained significance in the interpretation of legislation, beginning to provide recommendations as well as interpretations of the law in certain situations. When reading legislation, judges always use some degree of caution. There is a claim that there will always be a dialogue between the legislative as a text and the court as its reader, in which the latter establishes the legislature's goal and so gives the text its meaning. Because they both create laws, legislators and courts are constantly tied to one another. If the legislation was approved by the legislature in a clear and comprehensive manner, the judiciary will have less room to interpret it. If legislation is mostly codified, the judiciary will have less chance to construct common law.

Similarly, if the legislature approves of the laws created by judges, there won't be as many opportunities for new legislation to be passed. The legislature's authority to determine how much legislation it will pass and how much it will grant the courts is a crucial one. Insofar as the desire to enact the greatest possible laws motivates politicians and judges, they should be concerned about the legislative and judicial branches' capacities. The idea that judges have power to enact laws implies that some degree of judicial activity or inventiveness will be encouraged.

Occasionally, the court uses the justification of exercising judicial review and interpreting the legislative purpose behind statutes to justify its intrusion into the legislative branch. It thus leads to judicial activism. The emergence of Public Interest Litigation, or PIL, has significantly increased judicial activism. Since 1979, the Indian court has taken a leading

role in enforcing social justice by interpreting or providing a real meaning to statutes. The SC created a new system of citizen rights and state responsibilities in the name of the PIL to defend the rights of socially and economically disadvantaged persons. It also provided new techniques for the State's accountability. This unusual judicial activity helped to shape how statutes were interpreted. Similar to the ruling in *Vishaka & Ors v. State of Rajasthan & Ors*²⁶, the SC issued an order addressing workplace sexual harassment in accordance with CEDAW principles. Since the judiciary claimed that its activities were to preserve the rights under Art. 32 of the Indian Constitution, all of these acts are questionable since they infringe upon the jurisdiction of others. In actuality, however, no legal nor basic rights violations of persons are involved in these kinds of incidents.

This is being done by the court by asserting its authority to read the legislation in the way that the legislators intended, which is not an appropriate judicial duty. The Supreme Court has even issued orders pertaining to legislative and military procedures in the guise of judicial review and statutory interpretation. The court frequently argues that it is required to assume this responsibility since the legislature and executive branch have failed to carry out their respective responsibilities, which justifies action that goes beyond acceptable bounds.

This is a shaky defence since the same reasoning may be used by other departments of government to expand the judiciary's authority. The judiciary has also been ineffective in multiple domains and has interpreted laws incorrectly, which has allowed other departments to usurp its authority. Therefore, it may be said that this is a contemporary tendency in interpretation in which the court uses judicial reviews to give legislation meaning. Although it has drawbacks of its own, as previously said, it is effective enough to address the current situation in which it is challenging to fully understand the lawmakers' intentions.

C. Transition From Literal Rule To Purposive Rule Of Interpretation

²⁶ *Vishaka v. State of Rajasthan*, (1997) 6 S.C.C. 241 (India)

This is the most current pattern that shows interpretation should be based on intent because literal rules might not be effective enough. Due of a few shortcomings in the literal rule of interpretation, interpreters are choosing the purposeful method over the literal rule. There are two categories of flaws: logical faults, which include ambiguity, contradiction, and incompleteness, and irrational or ridiculous defects. As a result, the purposive method replaced the literal rule of interpretation since it has distinct properties that make it more useful for real-world situations. Purposive interpretation provided a solution to the issues with the literal rule of interpretation.

The purposeful interpretation has the advantage of bringing specific situations to justice. One may argue that its broad application allows the legislation to encompass a wider range of scenarios than just enforcing the wording exactly. One may say that it completes any legal loopholes. Since the purposive method is implemented in accordance with the statute's objective at that particular moment, it is primarily constructive in that it may address any unknown event. As a result, the purposive method has emerged as a significant contemporary interpretation tendency.

IX. CONCLUSION

In conclusion, this research paper provides a comprehensive exploration of the evolution of statutory interpretation, spanning historical periods from the 17th century to the present, and addressing recent trends. Beginning with Baron Montesquieu's establishment of hierarchical structures, the paper portrays the judiciary's traditionally passive role in common law systems. It emphasizes the necessity for statutory interpretation to discern parliamentary intent, addressing complexities and language intricacies. The historical evolution highlights shift from the Blackstonian era to the modern era, marked by a resurgence of the equity of statute and a changing balance of power between the legislature and the judiciary. Recent trends, including compensation as a remedy, judicial review, and a transition to purposive interpretation, underscore the dynamic nature of statutory interpretation. The research recognizes the nuanced advantages and disadvantages of various interpretative methods and concludes by

emphasizing the judiciary's increasingly influential role in shaping legal meanings to meet contemporary challenges.

It would be beneficial for future research to explore how statutory interpretation might change in response to emerging legal issues and societal changes. This can entail looking at how interpretation functions in light of technology developments or how courts might balance national laws with international legal standards. There is also room for more research into the ways that judicial interpretation might help different communities achieve greater social justice and equity.

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