

INTERPRETATION OF STATUTES (15th ed. 2015). by D.N. MATHUR, Central Law Publications, 107- Darbhanga castle, Allahabad-211002. pp. 475. Price 320.

JUSTICE HOLMES observed: “A word is not a crystal, transparent and unchanged; it is the skin of a living thought and may vary greatly in color and content according to the circumstances and time in which it is used.”

Language has been the means of communication from one to another human being, even the most refined, scientific disciplined and pure language does not convey the same message to all those to whom it is conveyed or addressed. If it were not so then the law passed by the competent authority mainly legislature would have been applied mechanically and there would be absolute certainty about its resulting effect. Even the common man would have been able to be sure of its result and there would be in need of judges and lawyers. The litigation which is on rise would have been very scarce as the judicial decision would be predicted with certainty. But the reality is not as it seem as the same words have different meaning when applied to separate situation from time to time to the person concerned, here the role and importance of interpretation comes into play. In order to avoid the discretion, arbitrariness in judicial process and to provide precedents, the courts themselves have taken the noble cause to itself and evolved in course of judicial process, principles, theories, rules and doctrines to provide guidelines in the interpretation of statutes.

The importance of interpretation of statutes is self-evidentiary from the fact that it in itself become a subject on law and not of law. Our law is a law of words. Words enable the legal profession to engage in discourse about the law-to articulate what the law is and what it ought to be. Perhaps more fundamentally, most of what we call law consists of words, whether in the form of statutes, judicial opinions, or the myriad other sources of law.¹ Not surprisingly, therefore, the interpretation and meaning of legal language assumes great importance. It is to be borne in mind that even the best draft requires interpretation and construction. The present book under review has been suitably divided into seventeen chapters dealing with specific topics. The author has kept in mind the emerging and tricky concepts to be able to be of greatest help to students. He has added three more chapters from the first edition of the book to tackle the issues.

Chapter one and two are the basic introduction of the concept of law which has meant different things at different times and theory of justice

¹ Peter M. Tiersma, The Ambiguity of Interpretation: Distinguishing Interpretation from Construction, Washington University Law Review Volume 73 Issue 3 Northwestern University / Washington University Law and Linguistics Conference January 1995

which being the sole concern of every civilized society. In order to grasp the sound knowledge ascertainers the meaning of the author has taken into consideration definition of law as given by the leading jurists such as Austin, Salmond, Blackstone, Justice Holmes etc. The controversial topic as whether law and morals are same or different has been dealt with for further clarification. The author seems to have given a miss to the views of Hart and Fuller in this context which is classical in this field. The concept I felt was missing was the Jeremy Bentham view on legislation which the author seem to overlook. Whenever one comes across a term of “Justice” what strikes immediately to one’s mind is Rawls Theory of Justice which has been covered by the author in simple language in chapter two.

In Chapter three and four the whole concept, object, need of the interpretation has been dealt with great details. The different ambiguous words such as award, current, plant, strike, well, will are explained with suitable examples. The term interpretation implies the process by which the meaning of words is ascertained or determined. In Chapter IV the author has given in brief the aspects which one should consider while construing a statute which acts as a bench mark for interpreting a statute.

Presumption means assuming something to be true. Presumption in statutes implies that certain things are considered to be true or correct. It is an assumption which the court proceeds to interpret by statutory presumption. Presumption and consideration has been the concept of great attached importance as the wrong presumption would lead to defective judgment. The whole concept of presumption and consideration has been dealt with various leading judgments in chapter five. Presumption such as validity of a statute, presumption as to jurisdiction of courts which is very pertinent to decide in every case along with the Doctrine of Pith and Substance, Territorial nexus has been elaborated in the chapter. It is to always bore in mind that the courts start the process of interpretation with the presumption and end with the consideration as a result thereof. The important aspect of consideration such as Absurdity, Reasonableness, Injustice, Hardship, Inconvenience etc. has also been covered.

The process, principles and rules of interpretation has been dealt with in chapter six, seven and eight. The view of Salmond with regards to kinds of interpretation: grammatical interpretation and logical interpretation has been emphasized. In order to comfort the readers from the complexities of rule of statutory interpretation, the author has enumerated the overview of some rules of statutory interpretation. There are certain principles which if disregarded would not survive the test of law. The author has explained with the help of numerous case laws the concept of intention of legislature, maxim of *EX VISCERIBU ACTUS, UT RES MAGIS VALET QUAM PEREAT*. The view of lord Denning, Lord Denedin, Justice Farwell to name a few has also been considered in this context. Apart from basic principles

other rules of interpretation is dealt with in chapter VIII. The concept of *Reddendo singulari singularis* lacks detail emphasis in terms of case laws and examples.

The construction of words plays a very vital role in understanding the legislative intent behind it. The whole concept of construction along with internal and external aids has been articulated by the author from chapter nine to twelve. This chapter helps a lot in understanding the whole act for the students and lawyers alike in interpreting an act. The true intent can be successfully be grabbed if these chapters are read with sincerity and dedication.

The operation of statutes can be prospective or retrospective, it depends on kinds of statutes whether it deals with substantive rights or procedural rights and matters connected therewith. The entire concept has been dealt with minute details with elaborate features of both aspect with the help of recent landmark case laws in chapter fourteen.

In spite of the fact that the functions of the three organs have been distinctly assigned to each organ, it is very common in day to day parlance to see that executive is discharging the function of other two organs of the government. It is very difficult for the law making authority to legislate on minute details of every aspect of laws passed by them. In order to overcome this situation and to foresee certain contingencies and necessities, certain delegation of this legislative authority is delegated, this laws are called delegated legislation. The important concept of delegated legislation and conditional legislation is provided in chapter fifteen. The concept of separation of power in short has also been discussed for clear cut understanding of the delegated legislation.

Maxims can be considered very important for students of law and also in a lawyer's life as they are supposed to be well acquainted with specific terms as in day to day dealings, they need to deal with it either as a student studying law or as an advocate practicing advocacy. The important maxim such as *Ejusdem Generis*, *Delegatus Non Potest Delegare*, *Expressio Unius Exclusion Alterius*, *Generalia Specialibus Non Derogant*, *In Pari Delicto Potior Est Condition Possidentis*, *Expressum Facit Cessare Tacitum* etc. have been very beautifully dealt with in chapter seventeen. The maxims are explained with the help of examples and case laws.

The book is a welcome addition to the existing Indian literature on interpretation of statutes. One thing that stands out is the summary given at the back of every chapter which works as a tool of revision of important concepts dealt in the chapters. The work done by the author is landable and would be very useful for the law students.

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