

# LEGALFOXES LAW TIMES

## HOW SHOULD COURTS DECIDE STATUTORY CASES

By Stuti Bisht

### *Abstract*

A judge is not considered to be free to ignore or modify any statutory provision to substitute any rule which according to him is not better reasoned. One of the most frequent issues that courts are asked to decide is the applicability of a statutory provision to a particular set of facts. In some cases, the statute's applicability or non-applicability will be obvious. However, statutory language that is clear in the abstract may present ambiguities when applied to a specific situation and, in such cases, the question is how to determine whether the situation is included in the statutory category the courts, the use of dictionaries itself is not controversial, as courts have long used dictionary definitions in cases that involve technical terms or the meaning of ancient texts. In these instances, the dictionary is used for its intended purpose: to define an unfamiliar word. The alarming situation is the Court's willingness to conflate dictionary definitions and 'ordinary meaning', thus treating them as dispositive of the meanings of statutory provisions. The focus on dictionary definitions skews the interpretation of statutory language, and has condemned the practice in strong terms. But analogical reasoning is inappropriate where a court is applying a statutory (i.e. legislatively enacted) rather than a common law (i.e. judge-made) rule. This is not with regard that court should totally dispense from dictionaries altogether but they should be used for intended purpose to define any technical or unfamiliar words. They can be considered to be useful aid in statutory interpretation but cannot be regarded as the substitutes for the close analysis of words actually means as used in a particular statutory context.

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## ***INTRODUCTION***

Statutory laws are subjected to strict construction by courts and by this strict construction it is meant that courts are not supposed to interpret between the lines of statute with respect to liberalize its application rather than courts will be bound by its express language. For the purpose of resolving the statutory cases the courts do not simply determine on the basis of natural justice or equity, what could be the rational “course of action” under such conditions rather than courts ought to figure out what does statute implies and then there should be application of statutory laws for solving dispute.

**When courts provide decision on the statutes meaning then it is courts duty to see what law is it is not the task of a judge to make the laws but to interpret the law made by the legislature.**<sup>1</sup> While deciding cases a judge uses various tools to collect the proof of statutory meaning. They should start by going through the usual meaning of the statutory text further they should construe the provision by focusing their concern towards the broader statutory context. It made more sense to limit the intent to the conditions that existed when law enacted. Nevertheless, in contemporary and progressive world, it might not be reasonable to limit intent of law to the sense attributable to the word used when law was enacted, by the passage of time and certain revolutionary changes that occurred socially, economically, politically, scientifically and in several other fields of human activity. In fact, the words used to elicit new facts and situations must be interpreted if the words can understand them, unless a different intention is revealed.<sup>2</sup> They may also look towards the legislative history of the provision. The judicial pronouncements on statutes are considered to be concluding word on the “statutory” meaning of the case and shall justify in what way further law ought to be carried out unless and until parliament amends it. In many scenarios courts overlook that their role is only to say what the law is which is subordinate to parliament’s role because statutory interpretation is judged how well the parliament’s will is fulfilled.

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<sup>1</sup> *Raja Shatraijal v Azmat Azim Khan*, AIR 1966 ALL 109

<sup>2</sup> *Senior Electric Inspector v. Laxminarayan Chopra*, AIR 1962 SC 159

Court might also attach or omit words of any decree in case of any absurdity, inconvenience or abomination is found in any statute. When deciding on a case subject to these provisions, the courts duty is interpreting different law provisions, rule in compatible manner. A provision must be interpreted by any statutory court in such a way that conflicts arising in cases due to such provisions can be avoided.<sup>3</sup>

## RESEARCH QUESTION

1. Whether there is any effect on the decisions given by the court due to respect of judges for the words of the statute is usually such that they consider themselves bound by the exact phraseology, or due to their predisposition which arises from their “*personal philosophies*” and “*convictions*”?
2. Whether there is any approach adopted by courts in deciding statutory cases?

## RESEARCH METHODOLOGY

The title of the research is based on the concept how courts should decide statutory cases and several scenarios related to it.

- ***PART -I – Doctrinal Research***

The research is holistic in nature and it involves an ample amount of collection of data from several resources to receive a deeper understanding. The research is focused by assembling the various facts regarding this issue and researcher has focused on identifying the issues and providing it with reasoning to scrutinize several connected issues and to identify the laws involved in it. Therefore the study is “*Doctrinal Research*” wherein the study is also done of some provisions of Indian laws. As Doctrinal method is generally considered to be a two-part process, as it involves first locating of the various sources of law and then focusing on interpreting and analysing the texts therefore first part of the doctrinal research deals with locating the sources which will involve in-depth analysis of concept decision of courts in statutory cases and in what

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<sup>3</sup> *Sudha Agrawal v. Xth ADJ*, AIR 1999 SC 2975

manner it should be implemented and presented several views in regard to this and once such sources are read various techniques are applied as deductive logic, analogy and inductive reasoning. After analysing the provisions and text of statutes, analysis is also done of decision of judges in various cases. Further suggestions and views are given in regard to this concept.

- ***PART- 2 – Secondary Research***

This will help researcher in analysis of decision of judges in statutory cases. Several articles, journals, websites, news articles, e-books, Encyclopaedias, blogs are referred to generate initial information regarding this subject and also with an objective to facilitate collation of present information in relation to every decision. It will also be an aid to determine further steps which should be adopted by court while interpreting statutes and giving decisions. The research will also focus on impact of their decision and further the steps to be followed by court and will also lay down critical analysis of the concept.

- The citation referred in this research paper is *Oscola Method 4<sup>th</sup> edition*.

## LITREATURE REVIEW

### 1. TITLE - Defining the law: (Mis)using the dictionary to decide cases<sup>4</sup>

**AUTHOR - Pamela Hobbs**

This article gives an insight that the courts make use of dictionaries as authority for its interpretations which incorporates the supposition that the dictionary is the paramount source to ascertain the meaning of statutory texts. This article challenges that supposition on linguistic grounds and argues that laying down the focus on definitions skews the interpretation of statutory language by isolating words from their semantic context.

### 2. TITLE - The process of interpretation of law and the judge<sup>5</sup>

**AUTHOR - Thaker Ashutosh Pushkerray**

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<sup>4</sup> Hobbs, P., “Defining the law: (Mis)using the dictionary to decide cases”, *Jstor*, June 2011

<sup>5</sup> Pushkerray, T. A, “The process of interpretation of law and the judge”, *Sodhganga*, (2014) p. 401.

This research article focused on several principles of interpretation which are adopted by courts as well rules of interpretation for the purpose of administering justice to people. It includes within itself case studies as well as the analytical studies of principles of interpretation of statutes. The research also includes an analysis of Supreme Court judgments and of Foreign Countries which depicts that several rules of interpretation of Statutes are used in different situations and in context before courts. This paper showed that there are no such straight jacket rules applied by the Courts. It seems from this article that there is need of forethought for developing a well defined and well understood uniform process of interpretation. This research consists of four chapters and basic relevance is laid down on chapter II for the purpose of present research.

### **3. Statutory Interpretation: Theories, Tools, and Trends (A Congressional Research service report)<sup>6</sup>**

This article gave an insight of various theories and rules that can be approached by the courts for the interpretation. This article provides viewpoint of various scholars and description of various schools in regards to statutory cases and their interpretation. Though this research work talks about U.S system but an idea could be extracted for the present research to be acquainted with the knowledge of courts dealing with statutory cases.

### **4. TITLE - Some Anomalies in Law and Justice <sup>7</sup>**

**AUTHOR - Justice R.V. Raveendran**

This blog deals with several inconsistencies, contradictions faced in law and justice this article talks about anomalies present in legislature and judiciary but for the present research work the only viewpoints which involved the anomalies present in judiciary in regards with interpretation and specifically which is infringing the justice provided to public in regard with statutory cases. The idea of several discrepancies caused by courts in dealing with interpretation is explained in this blog so for the present research such data was useful for my research.

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<sup>6</sup> Statutory Interpretation: Theories, Tools and Trends, *Congressional Research Service Report*, (2018) (p. 68).

<sup>7</sup> Raveendran, J. R., "Some Anomalies in Law and Justice" *SCC Online* April 25 2020

## ANALYSIS OF QUESTION 1

### ❖ EFFECT ON THE DECISIONS GIVEN BY THE COURT DUE TO STRICT COMPLIANCE TOWARDS DICTIONARY MEANINGS

Courts often shows unwillingness to endeavour outside enactment which implies that they interpret words of the statutes only to the four corners of the statutes. They do not formulate statutory rules but merely does their job to apply it and thus task is regarded to be “mechanical”. There should be no such deduction from the text rather it should be analysed like any other communication. *“Applying a legal rule means giving effect to its meaning; it thus necessarily involves determining that meaning.”*<sup>8</sup>

- In few scenarios **respect of judges for words of the statute is usually such that they consider themselves bound by the exact phraseology even though the effect of so doing may result in sinister consequences in the law.**
- Another **disadvantage is that it requires words to acquire its normal meaning at the time of their promulgation and, if strictly followed and enforced, would create an obstacle to the interpretation of laws to adapt them to the new needs of a prosperous society.**

Judge is not considered free by ignoring or changing legal provisions for replacing any rule which cannot be better justified by him. *“One of the most frequent questions that courts must resolve is applicability of a legal provision to cover a specific set of facts.”* In various cases, applicability or unenforceability of the law will be evident. Nonetheless, the legal language that is obvious in the summary can show uncertainties when used to a particular circumstance, where the question is upon courts, in what way it will resolve if situation falls into the legal category, and not the use of dictionaries themselves. **Courts are controversial as they had made use of dictionary since a longer time in situations involving “technical terms” or meanings of “ancient texts”. In such cases, the dictionary is utilized for its intended purpose - to explain an unknown word. The disposition of the Court to collect lexical definitions and "common**

<sup>8</sup> Hobbs, P., "Defining the law: (Mis)using the dictionary to decide cases", *Jstor*, June 2011

sense" to treat them as a result of the meanings of the legal provisions is worrying. The very focusing on dictionary definitions distorts interpretation of legal language condemning practice in strong grounds. However, analogical reasoning is not appropriate when a court applies a legal rule (i.e., applied legally) rather than a common law rule (by the judge). **It is not that the court should abandon dictionaries entirely, but rather that it should be deliberately used to describe any technical or unfamiliar words.** *"They can be considered to be useful aid in statutory interpretation but cannot be regarded as the substitutes for the close analysis of words actually means as used in a particular statutory context."*<sup>9</sup>

These dictionaries could be consulted by the courts when there is a need to determine ordinary sense of word. Whereas, in the process of selecting one out of several meanings of word, focus should be on the context as it is the fundamental rule - *"The meanings of words and expressions used in an Act must take their colour from context in which they appear."* It is courts duty to interpret statutes as best way it could. Court may not doubt take assistance of literary source they find. *"A statute cannot always be constructed with the dictionary in one hand and the statute in other. Regard must also be had to the scheme, context and to the legislative history."*<sup>10</sup> Judicial decisions which expound the connotation of words in construing the statutes in "pari materia" will be having more emphasis than meaning which is provided by dictionaries. In *Ramavtar v. Assistant Sales Tax Officer*<sup>11</sup> the issue before court - *"Whether betel leaves are regarded as vegetables and exempted from sales tax imposition under Central Provinces and Berar Sales Tax Act 1947?"* The dictionary meaning of "vegetables" was relied on where it is defined as pertaining to, comprised or consisting of or derived or obtained from plants or their parts. Courts decision - *"that the dictionary meaning could not be said to reflect the true intention of the framers of the sales tax law and betel leaves should be understood in the same sense in which they are commonly understood. Therefore, sales tax could be levied on the sale of betel leaves."* The case of *Kanwar Singh v Delhi Administration*<sup>12</sup> it was observed that accepting dictionary meanings could destroy main purpose of the Act which would not be intention of legislature. In *Peyare Lal v. Mahadeo Ramachandra*<sup>13</sup> in this case appellants charged under Food

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<sup>9</sup> *MCI Telecomms. Corp. v. AT&T*, 512 U.S. 218,

<sup>10</sup> Words of Jeevan Reddy

<sup>11</sup> *Ramavtar v. Assistant Sales Tax Officer*, [1961] AIR 1325

<sup>12</sup> *Kanwar Singh v Delhi Administration*, [1965] AIR 871

<sup>13</sup> *Peyare Lal v. Mahadeo Ramachandra*, [1974] AIR 228



Adulteration Act, 1954 for selling “supari sweetened with lamed artificial sweetener”. Issue arose that whether supari considered to be adulterated food under meaning of Act, appellant also relied on dictionary meaning of food contending that he did not committed the offence. SC held - “The word food has been defined under the Act very widely and covers all articles used as food as also every component entering into it including flavouring and colouring matters and preservative.”

In general, the language which is used should be interpreted in common sense, but the cases where Judicial approach finds out that simple recourse of using common words will not be serving purpose of fair and reasonable interpretation. While interpreting a provision which is regarded lawful it then tends to be important in relation to object of law and also objective which is required or there is an intention to acquire. **Therefore, when deciding true scope and effect of related words, what should be kept in mind is the context in which the words occur, the laws objective that includes the provision and the policy underlying the law to be relevant and material.** Courts are willing to expand the wording of the law to cover new inventions, as long as the new invention fits into the general conception and is framed in non-compliance definition of what is expressed.

  
**❖ ANOMALIES ARISING IN STATUTORY CASES DUE TO “PERSONAL PHILOSOPHIES” AND “IDIOSYNCRASIES OF JUDGES”**

The personal philosophies of judges also tend to add uncertainty and inconsistency in decision of statutory cases.<sup>14</sup> On basis of their philosophies there is a difference in perception of judges in deciding statutory cases, where there are similar facts but usually ends up with different results with different judges. There was a survey<sup>15</sup> **which demonstrated that personal philosophies of a judge while deciding a case** shows his upbringing and social background which often have a significant effect in certain cases. The Academy provided facts to senior judges to frame judgment. The facts were victim was “provocatively dressed”, walking unaccompanied during night and also failed to object to two youngsters who were mischievously teasing her. The complaint of victim that those youngsters tried to become friendly and also raped her. **“51% of the Judges wrote judgments convicting the accused of rape; and 49% of the Judges acquitted**

<sup>14</sup> Benjamin Cardozo in “The Nature of the Judicial Process”

<sup>15</sup> Survey by National Judicial Academy, Bhopal

*the accused by recording a finding that victim's conduct and actions clearly indicated consent on her part and therefore the complained act was not against her will.*"<sup>16</sup> This shows that facts were same and judgment could have been delivered by interpreting Penal Statutes and giving judgment on basis of offence of rape as prescribed in criminal laws but here personal philosophies of judges changed the whole scenario.

Such anomaly could be digested by lawyers but common man fails to digest it as for them if a case to Judge 'A' succeed but if to Judge 'B' it fails. According to them if facts are same and case go to a court it should give same judgment no matter whosever renders it. Such drawbacks raise questions as, **why should not, courts may ensure that every similar case will be decided similarly? Or why does every single court in courts hierarchy gives decision on each statutory case in a different way?**

## ANALYSIS OF QUESTION 2

### ❖ BASIC RULES WHILE DECIDING STATUTORY CASES

Court has made and continues to make, addressing questions about the clarification of legal laws. **Rule formulations are not considered fairly uniform, even in leading decisions, as often even a generalized statement in one case is tainted by the highlights of the problem in this case. "In fact, the court seems lamenting over the expansion of the rules and an evident conflict in them due to confusion and judicial error that can lead to blind compliance with them".** While deciding statutory cases the judge should keep following things in mind.

1. Words which are used in statutes are in ordinary sense unless mechanical ones.
2. Statutes do not create new jurisdiction or enlarges existing ones.
3. While deciding each word of the statute must be given a meaning and different words should be granted different meanings.

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<sup>16</sup> Raveendran, J. R, "Some Anomalies in Law and Justice" *SCC Online* April 25 2020

4. Where there is no plain meaning while deciding statutory case the legal meaning should be ascertained to maintain balance of certain interpretative factors.<sup>17</sup>
5. Literal meanings to be provided to the words used in enactment.
6. Court must rectify drafting errors for purpose of legislative intention and court may also attach or deduct words of enactment if founded by court while deciding statutory cases that there is some sort of absurdity, inconvenience, or repugnancy in enactment.
7. Courts duty to construe harmoniously different provisions of any Act, Rule or Regulation to promote spirit and objective of the statute so that it may not violate plain meaning of the statute.<sup>18</sup> ***“Provisions should be interpreted in such a manner by court that any conflicts which arise in between statutes be avoided.”***<sup>19</sup>
8. There is a need stated as a whole to figure out the real intentions of the legislature while interpreting two inconsistent, repugnant provisions while deciding a case, court should make effort to harmonize them along with purpose of the act.
9. While giving decisions court should avoid *“head - on - clash”* between any two sections of act in order to construe them in such a manner to avoid conflict.<sup>20</sup>
10. One section of any substitute could not be used to defeat any other provision unless the court feels that it is impossible to reconcile them. In such scenarios court should interpret in such manner that effect is given to both the provisions. This is harmonious construction in order to harmonise court should not destroy any statutory provision or render it otiose<sup>21</sup>
11. Court should also keep in mind that precedents are not supposed to be applied mechanically. ***“They are of assistance only in so far as they furnish guidance by compendiously summing up principles based on rules of common sense and logic”***<sup>22</sup>

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<sup>17</sup> Maxwell on the Interpretation of Statutes, 12th Edition p. 228, referred to in A.I.R. 1974-Bom-142.

<sup>18</sup> *Gulzari Lal Agarwal v. Account Officer*, [1996] 10 SCC 590

<sup>19</sup> *Sudha Agrawal v. Xth ADJ*, AIR 1999 SC 2975

<sup>20</sup> *CIT v. Hindustan Bulk Carriers* on 17 December, 2000

<sup>21</sup> *Sultana Begum v. Prem Chand Jain*, AIR 1997 SC 1006

<sup>22</sup> *M/s. Rohit Pulp and Paper Mills Ltd. v. Collector of Central Excise Baroda*, [1990] 3 SCC 447

❖ **ANALYSIS OF DECISIONS IN REGARD TO STATUTES.**

There ought to be applicability of rules of interpretation while giving decisions in regard to interpretation according to statutes.

1. Where the statutes language “clear and unambiguous” the interpretation should be done applying ordinary meaning of statute’s language. Further nature of statutes considered - Penal statutes, General statutes, Emergency statute, Delegated or Subordinate legislation, in such interpretation “Grammatical Literal Meaning Rule” to be applied by court. *If there is a provision which is related to imposing of tax or penalty in fiscal statutes then also such rule will be applied.* Further, there are other codified statutory laws such as Codifying statutes (Cases of The Hindu Marriage Act, 1955) , Consolidating statutes (cases of IPC or CrPC), Taxing statutes (strict interpretation to be applied by court), Curative statutes, Repealing statutes, Remedial statutes (courts ought to give to it ‘the widest operation which its language will permit i.e. liberal interpretation or beneficial construction like the cases of - The Maternity Benefits Act, 1961, The Workmen’s Compensation Act, 1923), enabling statutes, Amending statutes, Explanatory statutes courts play a significant role in decision of all these statutes.

For example - *“Taxing statutes, that it is manifest that taxation statute is supposed to be interpreted strictly because State cannot at their whims and fancies provide burden to the citizens without any authority of law.”* The Courts duty is not to do application of tax laws by strict adherence but should also verify whether assesses transactions amounts to tax-evasion, tax-avoidance or its just tax-planning. If assesses intentionally makes multifaceted transactions in order to ignore tax, thus intending to fool the system then - ***“Courts should adopt for reasonable and equitable construction in favour of revenue and to set examples for future jurisprudence of interpretation of taxation laws.”***

2. When language of statute seems that they require two interpretations than to avoid such absurdity, inconvenience, court should depart from literal meaning rule. This is golden meaning rule. This is to be applied in situation where there is anomaly or absurdity in statutes provision. *“The statute relating to defining the rights or creating the rights i.e. Substantive statute and Adjective statutes and Codifying statutes may be interpreted by using the Golden rule of interpretation.”*

3. “Mischief Rule- Purposive Rule” basically used to figure true intention and legislature’s purpose for the purpose of enacting a particular legislature. Under such rule court may depart from the ordinary meaning and insert or subtract to display its intention of legislature while deciding a case. This is applied in interpretation of statutes such as fiscal statutes procedural statutes, amending. Codifying and consolidating statutes

## CONCLUSION

This could be imparted from this research that Courts should fill gaps in the laws by using various methods of combination and should also use any methods of interpretation while deciding the case. Even in foremost decisions by court rules and regulations are not quite uniform and even a generalised statement gets effected by problem in that case there are often conflict because of confusion and judgement errors because of the blind adherence of courts in specific rules and not applying their own reasoning while giving a decision. There was a saying by Lord Evershed<sup>23</sup> - *“It is my hope that out of vast body of judicial decisions on the interpretation of statutes, there will, in the end, emerge rules few in number but well understood generally applicable or applicable to particular or defined classes of legislation, which may supersede and render absolute other dicta derived from a different age and a different philosophy.”*

While deciding any statutory case court should also overlook the welfare of the society. The conclusion to be given by judges the other language which is used by the legislature is plain or ambiguous should only be arrived by studying statute as whole. In interpreting an enactment court should give regard not only to the literal meaning of the used, but should also take into consideration legislative history, also its purpose and the mischief it tends to suppress.

I would be stating my point that there are several methods of interpretation better used by court such as *“literal interpretation, golden rule of interpretation and also mischief rules.”* Various terms are used by courts in several situations but main endeavour of courts should be to identify legislature’s intention, thus depending on issue before the court one of above interpretations should be followed by court.

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<sup>23</sup> Maxwell, (11<sup>th</sup> edition, p.6)

## SUGGESTIONS

I would further like to suggest with this research is that:

- One significant step in interpretation of statutes is forgetting the ‘legislators’ and think only of ‘Legislature’.
- While deciding case and invoking norms like “reason, “justice” or “social advantage” they should look towards standards of community rather than going with their personal views.
- The judges should make use of dictionary meaning but should not strictly comply with them, should also look towards other reasoning and should interpret according to that. *“A judge might use evidence of an agency's implementation of a statute to support her own understanding of a word's ordinary meaning.”*
- **Court should keep in mind while interpreting statutes that meaning of today is not meaning of tomorrow always as stated by Benjamin Cardozo.** Sometimes, legislatures depart from their duty and pass such responsibility to courts. As stated by **Benjamin Cardozo** - *“If the result of a definition is to make them seem to be illusions, so much the worse for the definition; we must enlarge it till it is broad enough to answer to realities. Statutes do not cease to be law because the power to fix their meaning in case of doubt or ambiguity has been confided to the courts”*. Therefore courts should apply his reasoning as well as suitable interpretation for deciding case rather than strictly complying by the statute word by word.
- They are supposed to apply constitution or statute in the case but should not forget that they are “interpreter for the community” and should harmonize results by ensuring justice and logic applied in statutory cases.

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