**INTERNAL AND EXTERNAL AIDS TO INTERPRETATION**

**INTRODUCTION**

* Interpretation means the process of ascertaining the true meaning of the words used in a statute. The object of interpretation of statutes is to determine the intention of the legislature conveyed expressly or impliedly in the language used.
* Judges take the help of both Rules and Aids in the interpretation of Statutes.
* As stated by the Supreme Court in **K.P. Varghese v. Income Tax Officer, Ernakulam *AIR 1981 SC 1922,*** interpretation of statute being an exercise in the ascertainment of meaning, everything which is logically relevant should be admissible. A Rule is a uniform or established course of things. There are three rules of interpretation of statutes- Literal, Golden and Mischief. An Aid, on the other hand is a device that helps or assists. For the purpose of construction or interpretation, the court has to take recourse to various internal and external aids.

**AIDS TO INTERPRETATION OF STATUTES**

* An ‘Aid’ is a device that helps or assists. While performing the function of interpreting provision of a statute, the Court can take help from within the Statute or even outside the statute.
* INTERNAL OR INTRINSIC AIDS

I. Title

2. Preamble

3. Headings & Marginal notes

4. Sections & sub – sections.

5. Punctuations

6. Illustrations.

7. Exceptions.

8. Proviso & Saving clauses.

9. Schedules.

10. Non Obstante clause

* EXTERNAL OR EXTRINSIC AIDS

1. Dictionary.

2. Translation.

3. Travaux Preparations.

4. Statutes in pari material.

5. Contemporanea Expostio.

6. Debates.

7. Reports.

**INTERNAL AIDS**

* Internal aids mean those aids which are available in the statute itself, though they may not be part of enactment. Some Internal Aids are-

1. **TITLE**

In a Statute, there are basically two title:

* Short Title.
* Long Title.
* **Short Title:**
* The short title of the Act is only its name and is given solely for the purpose of facility of reference.
* It is merely a name given for identification of the Act and not for description and generally ends with the year of passing of the Act, such as the Indian Contract Act, 1872, the Indian Penal Code, 1860, the Indian Evidence Act, 1872.
* It is referred merely for convenience.
* Even though it is a part of the statute, it has no role to play while interpreting a provision of the Act. Neither can it extend nor can it delimit the clear meaning of a particular provision.
* **Long title**– Every Statute is headed by a long title and it gives the general description about the object of an Act. Normally. It begins with the words ‘An Act to…….’
* For e.g. the long title of the Code of Civil Procedure, 1908, is – “An Act to consolidate and amend the laws relating to the procedure of the Courts of Civil Judicature”.
* In recent times, long title has been used by the courts to interpret certain provision of the statutes.
* However, it is useful only to the extent of removing the ambiguity and confusions.
* If the words in a statute are unambiguous, no help is derived from the long title.
* Long title is a part of a statute. However, it cannot override plain or clear meaning from the enactment.
* In **Fisher v. Raven 1964 AC 210 (HL)**
* Interpretation of the words ‘obtained credit’ in Section 13(1) of the Debtor’s Act, 1869 was involved.
* The House of Lords looked at the long title of the Act which reads ‘An Act for the Abolition of Imprisonment for Debt, for the punishment of fraudulent debtors, and for other purposes’ and held that the words refer to credit for the payment of money.

**CASES**

* In **Poppatlal Shah v. State of Madras, AIR 1953 SC 274-**the title of the Madras General Sales Tax, 1939, was utilised to indicate that the object of the Act is to impose taxes on sales that take place within the province.
* In **Re Kerala Education bill 1959 1 SCR 995**, the Supreme Court held that the policy and purpose may be deduced from the long title and the preamble.

**LIMITATIONS OF TITLE AS INTERNAL AIDS TO INTERPRETATION**

* Title has no role to play where the words employed in the language are plain and precise and bear only one meaning.
* Title can be called in aid only when there is an ambiguity in the language giving rise to alternative construction.
* Title cannot prevail over the clear meaning of an enactment.
* Title cannot be used to narrow down or restrict the plain meaning of the language of the statute.

**2. PREAMBLE**

* It expresses the scope, object and purpose of the Act more comprehensively than the Long title.
* The preamble may depict the ground and the cause of making a statute and the evil which is sought to be remedied by it.
* For e.g. the Preamble of the Indian Penal Code, 1860, is “Whereas it is expedient to provide a general Penal Code for India; it is enacted as follows”.

**When preamble can be referred:**

* When wording gives rise to doubts or where the words or phrase has more than one meaning. Hence, the preamble can be referred only when the language of the statute is not clear.
* It does not override the plain provision of the Act.

**CASES**

* In **Kashi Prasad v. State AIR 1950 All 732**, the Court held that even though the preamble cannot be used to defeat the enacting clauses of a statute, it can be treated for the interpretation of the statute.
* Another important example is found in **Kesavananda Bharati v. State of Kerala, AIR 1973 SC 1461**– wherein the apex court strongly relied on the Preamble to the Constitution of India in reaching a conclusion that the power of the Parliament to amend the constitution under Article 368 was not unlimited and did not enable the Parliament to alter the Basic Structure of the Constitution.
* In **A.C. Sharma v. Delhi Administration AIR 1973 SC 913**
* In this case, the appellant challenged his conviction under Section 5 of the Prevention of Corruption Act, 1947.
* His main ground was that after the establishment of the Delhi Special Police Establishment, the anti-corruption department of the Delhi Police has ceased to have power of investigating bribery cases because the preamble of the Delhi Special Police Establishment Act, 1946 pointed out to this effect.
* The court, however, held that no preamble can interfere with clear and unambiguous words of a statue.
* Section 3 of the Delhi Special Police Establishment, 1946 empowered the Delhi Special Police also to investigate such cases.