

N. S. Bindra's

**INTERPRETATION  
OF  
STATUTES**

**Eighth Edition**

*Thoroughly revised by*  
**JUSTICE K. SHANMUKHAM**

**THE LAW BOOK COMPANY**

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**INTERPRETATION OF  
STATUTES**

*Thoroughly Revised by*  
Justice K. SHANMUKHAM  
*Formerly Judge Madras High Court*

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## PREFACE TO THE EIGHTH EDITION

The functioning of a modern State has long-long before transgressed the field of governance and embraced various activities almost those of its citizens. The result was flood of statutes-at times passed in haste, passed with political motives and/or passed under like unsatisfactory compulsions. Such statutes in turn gave birth to varied rules of interpretations, at times with such complexities as to baffle Courts. More the statutes, more will there be the need for rules of interpretation, as after all rules of interpretations serve as guides to ascertain and to understand as far as possible what the Legislature intended. It is noteworthy to recall at this juncture the observation of Lord Reid : "There was a time when it was thought almost indecent to suggest that Judges make law, they declared. ....But we do not believe in fairy tales any more", while the Supreme Court declared "To-day it is no longer a matter of doubt that substantial volume of the law governing the lives of citizens, and regulating the function of the State flew from the decisions of the Superior Courts."

My earnest endeavour in undertaking the revision of this memorable volume is not only to bring the case laws rendered by all our High Courts and the Supreme Court upto-date but also to supplement to the existing text/with additional valuable substance in essential details culled out from our High Courts particularly from the Supreme Court. All later elucidations and expositions of the Supreme Court were taken care to be reproduced, quoted or noted at the appropriate locations; even passages from text books both by Indian authors and others quoted by the Supreme Court or any of our High Courts are given due prominence. Indeed the Supreme Court has cautioned that there has been an enormous growth of Judge-made laws in our Country to follow decisions of American and English Courts, though the Courts in India may turn to them to note if at all for guidance the experience of such Courts in administering the laws in the respective environment prevalent in those Countries. I must also add that in some places the present texts were replaced by more authoritative and expositive statements of law propounded by our High Courts as also by the Supreme Court. Besides more words and phrases which come up very frequently for consideration were included according to alphabetical order. All said and done, the original fine matrix, I have just polished. Therefore, my salutations to the author. The usefulness of this book is explicit from certain extracts from it quoted by the Supreme Court in *S. Sundaram Pillai v. Kousalya Devi* (1985)1 SCC 591(611) (3 J.); by the High Court of Gujarat in *Vadodara Jilla Hybrid Utpadkoni Sahakara Mandali Ltd. v. State of Gujarat*, (1982)50 STC 108 (112) (DB); and by Orissa High Court in *Niranjan Behra v. Laxmidar Kama*, 1991 Cr LJ 1599 (1601).

Law is, and has to be, dynamic; so too its counter-part, the rule of interpretation. So by this work of revision, no fulness can be attained. For instance, our Motherland was proclaimed to be Socialist-Democracy. Since two years and more there is a pronounced deviation from the above goal. Such indication is obvious from certain relaxation from FERA and Customs Act as also removal of controls. In order to attain economic stability and to save India from steep economic





crisis, drastic changes were inducted into the life-style of our Motherland compared to those which prevailed since Independence till three years ago. There are also threats of privatisation of industries and public undertakings owned or controlled by the Government both at the Central and State level. There are apprehensions that in the process of attaining economic growth, the interests of the have-nots and under-dogs—nay even entrepreneurs and those running industries on a moderate scale—are likely to be scarified, though the present Government at the Centre is quite confident that India will successfully compete with other countries both advanced and otherwise in the Global Market. Will these drastic changes in the policy of the Government not have impact on the rules of interpretation? In my opinion the answer should be in the affirmative.

My thanks to the Publishers in entrusting this arduous work to me.

My deep indebtedness to Shri V.R. Gopalan, Advocate, Madras for the use of his neatly maintained library.

1st July, 1997

—Justice K. Shanmukham

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