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EVALUATION OF DEVELOPMENT IN ADMISSIBILITY OF EXTERNAL AIDS IN INTERPRETATION OF STATUTES

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1 OBJECTIVE

- To understand the development of admissibility of external aids as a rule of interpretation.
- To analyse the aftermath of 183rd report of Law Commission of India (A continuum on the General Clauses Act, 1897 with special reference to the admissibility and codification of external aids to interpretation of statutes).
- To understand the relevancy of external aids in the legal system.

2 RESEARCH METHODOLOGY

The project involves secondary research. The use of electronic research has been used to gather information and data about this topic. Books, case laws and other references, as guided, have been primarily helpful in giving the project a firm structure. Websites, Dictionaries and articles have also been referred.

3 INTRODUCTION

Salmond described interpretation as "the process by which the courts seek to ascertain the meaning of the legislature through the medium of authoritative forms in which it is expressed".[1] Present era is dominated by legislative explosion. The trend is to govern each and every aspect of social behaviour through a variety of enacted laws. Real facts and circumstances confronted with the written laws raise several issues and conflicts. Solutions are to be found by the judiciary. The task of the judges is to decide the exact meaning of the laws and determine the scope and spirit behind the written words. Through the technique of interpretation, they have to resolve the conflict. Thus, interpretation is both a science as well as a creative art.[2]

[1] SALMOND, SALMOND ON JURISPRUDENCE, 152 (Sweet and Maxwell,11th ed.).

[2] Sushil Verma, *Interpretation of statutes,* 52 Annual Survey of Indian Law (Dec 17, 2020), http://14.139.60.114:8080/jspui/bitstream/123456789/43234/1/24_Interpretation%20of%20Statutes%20%28717-732%29.pdf.

Laws enacted by the legislature are interpreted by judiciary. Enacted laws, especially the modern Acts and Rules, are drafted by the legal experts and it could be expected that the language will leave little room for interpretation or construction. But the experience of all, who must bear and share the task of application of law, has been different. It is quite often observed that courts are busy unfolding the meaning of ambiguous words and expressions and resolving its inconsistencies. The age-old process of the application of the enacted laws has led the formulation of certain rules of interpretation or construction.

Today, one of the most important steps for the growth and advancement of legal atmosphere is the development of judicial and administrative functions for interpreting a particular piece of legislation.[3] The subject of statutory interpretation is turning out to critical since a vast growth in the number of cases involving statutory interpretation has been evidenced.[4] The subject of statutory interpretation is turning out to critical since a vast growth in the number of cases involving statutory interpretation has been evidenced with enormous growth in the field of literature for statutory interpretation.[5]

Judicial crafting begins where legislative drafting ends. Rules of interpretation of statutes are the tools available to judicial craftsmen. Judicious selection and use of these tools are an arduous task full of great responsibility. It requires a combination of high degree of skill as well as deep sense of knowledge to arrive at convincing decisions. In the aforesaid scheme of the things the role of judiciary is significant. Judiciary is assigned the exclusive authority to decide the precise meaning of the legal provisions.

In other words, it has to declare what the law is? The language and the words used in the legislation might not be clear or comprehensive enough to convey the real intention of the legislature and, therefore, require an authentic interpretation by judiciary.

Khehar J visualized prominently in a recent pronouncement about this fact that "the cause, effect and the width of a provision, which is the basis of a challenge, may sometimes not be apparent from a plain reading thereof. The interpretation placed by this Court on a particular provision, would most certainly depict a holistic understanding thereof, wherein the plain reading would have naturally been considered, but in addition thereto, the vital silences hidden therein, based on a harmonious construction of the provision, in conjunction with the surrounding provisions, would also have been taken into consideration."[6] The 99th Constitutional Amendment Act as well as National Judicial Appointment Commission Act has been declared unconstitutional in this case.

The Supreme Court has stated that interpretation of statute being an exercise in the ascertainment of meaning, everything which is logically relevant should be admissible.[7] ***O.Chennappa, Reddy J***. has observed : "Where internal aids are not forthcoming, we can always have recourse to external aids to discover the object of the legislation. External aids are not ruled out. This is now a well settled principle of modern statutory construction."[8]

[3] Frederick J. de Sloovère, *Extrinsic Aids in the Interpretation of Statutes*, 88 U. PA. L. REV. 527,555 (1940).
[4] Glendon M. Jr. Fisher, William J. Harbison, *Trends in the Use of Extrinsic Aids in Statutory Interpretation*, 3 VAND. L. REV. 586 (1950).
[5] Sanders and Wade, *Legal Writings on Statutory Construction*, 3 VAND. L. REV. 569 (1950).
[6] SCORA v. Union of India (2016) 5 SCC 1.
[7] K.P. Varghese v Income Tax Officer Ernakulam, AIR 1981 SC 1922.
[8] B. Prabhakar Rao and others v State of A.P. and others, AIR 1986 SC 120.

4 BACKGROUND: DAYS OF LITERALISM

The traditional approach for the interpretation of the statute was simply to look up at the plain meaning of the statute with the belief that statute is the best guide for the interpretation of intent of the legislature.

The court, on this premise, went on interpreting the statute as this prevented the judiciary from blatant law making in its reading of statute.[9] But slowly, the judiciary felt the need for aids to interpretation of statutes; internal aids and external aids because of the unavoidable problems of legislative drafting. But unfortunately, the external aids to interpretation was considered as irrelevant and inadmissible since the very statute was considered as sufficient source of interpretation[10] of the true intent and object of the legislation, and thus external aids were regarded as unnecessary.

It was believed that external aid might come in conflict with the plain meaning of the statute.[11] slowly such reasoning overlooked the necessity of bringing out new mechanisms for interpretation in cases when the internal aid fails,[12] and the need for arriving at the most satisfactory meaning of the legislation might get defeated.[13]

It is therefore erroneous to assume that extrinsic factual aids have no value in shedding new light upon language that only appears to be plain.[14]

Hence, the need for a broader contextual interpretation was required when the scope of deriving at the true intent has a limited scope and along with this, the need for more reformatory aids was taken into consideration to curb the erroneous application of the statute.[15]

5 EXTERNAL AIDS TO INTERPRETATION IN INDIA: STRINGENT OPPOSITION TO GRADUAL ACCEPTANCE

There has been some conflict as to the admissibility of extrinsic aids in construction of provisions of the statutes. The extrinsic aids to construe a statute may include debates in the parliament, report of the parliamentary Committees, Commissions, Statement of Objects and Reasons, Notes on Clauses, any international treaty or international agreement which is referred to in the statute, any other documents relevant to the subject matter of the statute, etc.

"It has also been felt that our courts have not been following uniform approach to principles of statutory construction especially regarding tools relating to external aids."

Before the admissibility of the 183rd law commission report, various questions were raised as to the credibility of external aids. Doubts were raised as to the reliability of external aids of interpretation while construing any statute. In cases such as

[9] Frank, *Words and Music: Some Remarks on Statutory Interpretation*, 47 COLUM. L. REV. 1259, 1270 (1947).
[10] Hamilton v. Rathbone, I75 U. S. 4I4 (1899).
[11] Frederick J. de Sloovère, *Extrinsic Aids in the Interpretation of Statutes*, 88 U. PA. L. REV. 527-555 (1940).
[12] *Ibid.*
[13] Pound, *Common Law and Legislation* 21 HARV. L. REV. 383 (1908).
[14] United States v. Shreveport Grain & Elevator Co., 287 U. S. 77 (I932).
[15] Davies, *The Interpretation of Statutes in the Light of Their Policy by the English Courts*, 35 COL. L. REV. 5I9, 527 (1935).

A.K..Gopalan v. Union of India,[16]

"It was pointed out that external aids are not permissible unless statute was vague or ambiguous. It was settled that proceedings or discussions in assembly, reports, and debates are to be used with great caution and only when latent ambiguity is to be resolved. The basic premise was that the intention of the legislature is to be gathered from the language of the statute itself and no external evidences is admissible to construe those words."

In **Kesavananda Bharti v. State of Kerala**,[17] ***Sikri C.J***. disallowing speeches to be aids of statutory interpretation by quoting the famous lines "those who did not speak may not have agreed with those who did; and those who spoke might differ from each other." ***Justice Shelat, Grover, Jagmohan Reddy, Palekar and Mathew*** were of the opinion that speeches in the Constituent Assembly could always be perused to find out the true intention of the framers of the Constitution regarding interpretation of the Constitution of India.

In **S.S. Bola v. B.D. Sardarna**,[18] SC laid down that when the words used in a statute can be interpreted in a clear and unambiguous manner directly depicting the intention of legislature, statements and objects and reasons cannot be used as an aid to interpret the statute.

However, there has been an emergence of a new trend about external aids to interpretation. The courts have been inclined lately to take advantage of every available material which may be helpful in understanding the intention of the legislature.[19] In the case of Subramanian Swamy v. Union of India,[20] which is also known as Defamation judgement, the constitutional validity of section 499 IPC[21] was in question. The debate of the Constituent Assembly can be taken aid of for the purpose of understanding the intention of the framers of the Constitution.

5.1 The 183rd Law Commission of India report analysis

The Law Commission had received a reference dated 28.1.2002 from the Legislative Department, Ministry of Law, Justice and Company affairs, Government of India for examining the Commission's 60th Report on the General Clauses Act, 1897 submitted to the Government of India in the year 1974. The reference specifically seeks the Commission's view on the issue whether extrinsic aids should be made admissible in construction or interpretation of a statute.[22]

It has also been felt that our courts have not been following uniform approach to principles of statutory construction especially regarding tools relating to external aids.[23] If the language is clear and unambiguous, no need of interpretation

[16] [1950] S.C.R. 88.
[17] AIR 1973 SC 1461.
[18] AIR 1997 SC 3126.
[19] T.BHATTACHARYYA, THE INTERPRETATION OF STATUTES 257 (11th ed. 2020).
[20] AIR 2016 SC 2728.
[21] The Indian Penal Code, 1860.
[22] Law Commission of India, A continuum on the General Clauses Act, 1897 with special reference to the admissibility and codification of external aids to interpretation of statutes, Report No. 183(2002).
[23] *Ibid.*

would arise. In this regard, a Constitution Bench of five Judges of the Supreme Court in R.S. Nayak v A.R. Antulay,[24] has held:

"… If the words of the Statute are clear and unambiguous, it is the plainest duty of the Court to give effect to the natural meaning of the words used in the provision. The question of construction arises only in the event of an ambiguity or the plain meaning of the words used in the Statute would be self-defeating."

The commission reviewed certain case laws such as **B. Prabhakar Rao and others v State of A.P**. and others,[25] where Justice ***O.Chennappa Reddy*** observed that in cases where internal aids are not sufficient to discover the object of legislation, then external aids can always be used in such matters. In District Mining Officer and others v. Tata Iron & Steel Co. and another SC has observed that external aids can be resorted to in order to ascertain the true meaning and intent of legislature.

The Supreme Court has accepted the necessity of external aids in interpretation of statutory provision. ***O.Chennappa Reddy*** J. in **B. Prabhakar Rao and others v State of A.P. and others,[26]** has observed:

"Where internal aids are not forthcoming, we can always have recourse to external aids to discover the object of the legislation. External aids are not ruled out. This is now a well settled principle of modern statutory construction."

So far as admissibility and utility of these external aids are concerned, law is almost settled in our country now. The Supreme Court in **K.P. Varghese v Income Tax Officer Ernakulam**,[27] has stated that interpretation of statute being an exercise in the ascertainment of meaning, everything which is logically relevant should be admissible.

Recently, in **District Mining Officer and others v Tata Iron & Steel Co. and another**,[28] Supreme Court has observed:

"It is also a cardinal principle of construction that external aids are brought in by widening the concept of context as including not only other enacting provisions of the same statute, but its preamble, the existing state of law, other statutes in Pari Materia and the mischief which the statute was intended to remedy."

Henceforth, where the language is vague and ambiguous, or does not clearly spell out the object and spirit of the act, external aids in parliamentary debates, reports of drafting or select committees may be permissible to determine and locate the real intention of the legislature. Thus, external aids are used when a statute is not clear, cloudy, uncertain, or susceptible to one or more meanings or shades of meaning.[29]

[24] AIR 1984 SC 684.
[25] AIR 1986 SC 120.
[26] *Ibid.*
[27] AIR 1981 SC 1922.
[28] (2001) 7 SCC 358.
[29] Anandji Hari Das And Co. Pvt Ltd. v. Engg. Majdoor Sangh, AIR 1975 SC 946.

5.2 Pepper v. Hart- the new era of interpretation

The dilemma of acceptance of extrinsic aid of construction changed radically with the judgment of **Pepper v. Hart**[30] where Lord Brown Wilkinson abolished the exclusionary rule and replaced it with the inclusionary rule of accepting parliamentary materials as an external aid to construction in order to overcome the lacunae of statutory interpretation.[31]

The House of Lords observed:

"Reference to parliamentary material should be permitted as an aid to the construction of legislation which is ambiguous or obscure or the literal meaning of which leads to absurdity. Even in such cases references in courts to the parliamentary material should only be permitted where such material clearly discloses the mischief aimed at or the legislative intention lying behind ambiguous or obscure words. In case of statements made in the Parliament, as at present advised, I cannot foresee that any statement other than the statement of the minister or other promoter of the bill is likely to these criteria."

Purposive Approach means courts while interpreting a statute can make use of a much wider range of materials in order to arrive at the most authentic and true meaning of the legislation. Thus, it could be aptly said that after this case, the courts have more wilfully accepted the principle of Extrinsic aids for interpretation of statutes and have tried developing a cordial relationship between courts and parliament.

After the **183rd Law Commission Report**[32] and the historic landmark judgment of **Pepper v. Hart,**[33] external aids became admissible for the interpretation of statutes. Thus, whenever literal construction leads to absurdity, external aid of construction can be resorted to. However, recourse to extrinsic aid in interpreting a statutory provision would be justified only within well recognized limits and primarily the effect of statutory provision must be judged on a fair and reasonable construction of the words used by the statute itself.[34] Thus where the words of the statute are clear, unambiguous, and explicit, there is no scope to have recourse to external aid for their construction.[35] The courts would not be justified in putting up external aid in such cases as it would lead to violence of the plain language of the provision.[36]

Following are some known external aids, which are admissible for the interpretation of statutory provisions: an analytical framework for its static and dynamic uses

[30] [1992] UKHL 3.
[31] SC Styles, *The Rule of Parliament: Statutory Interpretation After Pepper v. Hart*, 14 OXFORD JLS 151, 158 (1994).
[32] *Supra* note 22.
[33] *Supra* note 30.
[34] State of Punjab v. Sodhi Sukhdev Singh, AIR 1961 SC 1413.
[35] P.K Unni v. Nirmila Industries, AIR 1990 SXC 933.
[36] Ashok Kumar Alias Golu v. UOI, AIR 1991 SC 1792.

6 EXTERNAL AIDS TO INTERPRETATION OF STATUTES

For ascertaining the purpose of a statute, one is not restricted to the internal aid furnished by statute itself. The external aids are also brought in by widening the concept of 'context' as including not only other enacting provisions of the same statute, but its preamble, the existing state of law, other statutes in Pari Materia, and mischief which the statute was intended to remedy.[37] Before the birth of any statute, it has to primarily pass through various stages such as drafting of a bill, debates over such bills, inserting necessary amendments to it, parliamentary speeches and only then it becomes a statute. Now, these proposals of bills, debates, speeches, amendments help us read the actual mind of the framers of the statute and the prevailing necessities for the enactment of such statutes. Hence, these could be used as an aid whenever the courts are in dilemma as to ascertain the true meaning and intent of the legislature.

6.1 PARLIAMENTARY HISTORY

Before the approval of parliamentary history as an aid to interpretation, two objections were made[38]:

- Parliamentary materials are not readily available,
- Recourse to Parliamentary material will amount to questioning the freedom of speech and debates in Parliament.

However, such objections were set aside as non-availability of parliamentary history does not creates any practical problems and that this does not violates the freedom of speech and expression as the courts only take into consideration whatever has been said or done . The interpretation of a statute depends upon the intention of the parliament while it was drafting the statute, and undoubtedly the intention is gathered from the words of the statute[39] for it is well accepted that beliefs and assumptions of those who frame acts of parliament cannot make law.[40]

Thus, the legitimate recourse to sought the evil is to look upon the history as to why the statute was enacted and this also gives a fair idea as to why the statute was constructed.[41]

6.1.1 Debates

Earlier in England, parliamentary history was inadmissible as part of interpretation of statutes, however, the position drifted after the house of Lords in **Pepper v. Hart**[42] decided for the inclusionary rule. Subsequently, the change in India's position with respect to admissibility of parliamentary history could be viewed through a series of judicial pronouncements.

[37] District Mining Officer v. Tata Iran and Steel Co., AIR 2001 SC 3134.

[38] Stephane, *Parliamentary Debates in Statutory Interpretation: A Question of Admissibility or of Weight*? 43 REVUE DE DROIT DE MCGILL 287,324 (1998).

[39] Capper v. Baldwin, (1965) 2 QB 53.

[40] Davies Jenkins and Co. Ltd v. Davies, (1968) AC 1097.

[41] State of West Bengal v. Nipendra Nath Bagchi, AIR 1966 SC 447.

[42] *Supra* note 30.

Courts often take recourse to parliamentary material like debates in Constituent Assembly, speeches of the movers of the Bill, Reports of Committees or Commission, Statement of Objects and Reasons of the Bill, etc. As per traditional English view, these parliamentary material or Hansard were inadmissible as external aids, on the basis of 'exclusionary rule'.[43] [The Rule of Exclusion, which is generally followed in England, insists that, in interpreting statutes, the proceedings in the Legislatures, including speeches delivered when the statute was discussed and adopted, cannot be cited in courts].[44] This "exclusionary rule" was slowly given up and finally in **Pepper v Hart**,[45] it was held that parliamentary material or Hansard may be admissible as an external aid for interpretation of a statute, subject to parliamentary privilege, under following circumstances; where

(a) legislation is ambiguous or obscure or leads to an absurdity;

(b) the material relied on consists of one or more statements by a minister or other promoter of the Bill, together, if necessary, with such other parliamentary material as is necessary to understand such statements and their effect; and

(c) the statements relied on are clear.

Indian Courts, in early days followed the 'exclusionary rule' which prevailed in England and refused to admit parliamentary material or Constituent Assembly debates for the purpose of interpretation of statutory or constitutional provision, but on many occasions, the court used this aid in resolving question of construction. The trend now is that the legislative history within circumspect limits may be consulted by the courts in resolving he ambiguities.

In **State of Travancore- Cochin & others v Bombay Co. Ltd**.,[46] and **Aswini Kumar Ghose & another v Arbinda Bose and another**,[47] it was held that the speeches made by members of Constituent Assembly in the course of debates on draft Constitution or debates in Parliament on a Bill, are not admissible as external aid to construction. However, in subsequent cases, the Supreme Court relaxed this 'exclusionary rule, much before the law laid down in England in 'Pepper' case. ***Krishna Iyer*** J. in **State of Mysore v R.V. Bidop**,[48] quoted a passage from Crawford on Statutory Construction in which exclusionary rule was criticized.

"The rule of Exclusion has been criticized by jurists as artificial. The trend of academic opinion and the practice in the European system suggests that interpretation of statute being an exercise in the ascertainment of meaning, everything which is logically relevant should be admissible."

He further observed: "There is a strong case for whittling down the Rule of Exclusion followed in the British courts and for less apologetic reference to legislative proceedings and like materials to read the meaning of the words of a statute."

[43] *Supra* note 22.
[44] State of Mysore v. R.V. Bidap, AIR 1977, 3 SCC 337.
[45] (1993) 1 ALLER 42 (HL).
[46] AIR 1952 SC 366.
[47] AIR 1952 SC 369.
[48] AIR 1973 SC 2555.

The Supreme Court in a number of cases referred to debates in the Constituent Assembly for interpretation of Constitutional provisions. Recently, the Supreme Court in **S.R. Chaudhuri v State of Punjab and others**,[49] has stated that it is a settled position that debates in the Constituent Assembly may be relied upon as an aid to interpret a Constitutional provision because it is the function of the Court to find out the intention of the framers of the Constitution.

6.2 Statement of objects and reason

It was excluded as a rule for interpretation because of extremely limited scope and thus cannot be relied upon.[50] The rationale being that it may or may not correspond to the objective which the majority of the house had in mind at the time of passing of the bill. There is a considerable time gap between the introduction where such statement is provided and ultimate passage of the bill, thereby making it unreliable. The statement of objects and reasons of an act help us find the lacunae in the act and the mischief could be easily remedied for.[51] Although it is accepted that these might not help up in attaining the actual intent of the legislature. In the case of **State of H. P v. K.C. Mahanjan**,[52] the apex court observed that statement of objects and reasons can be looked into for the purpose of interpretation for a limited purpose in order to understand the background of the affairs.

In **Devadoss (dead) by L. Rs, v. Veera Makali Amman Koil Athalurit**,[53] is permissible to refer to it for understanding the background, the antecedent state of affairs, the surrounding circumstances in relation to the statute and the evil which the statute sought to remedy. But it cannot be used to ascertain the true meaning and effect of the substantive provision of the statute.[54]

6.3 Reports of Parliamentary Committees and Commissions

No reference was permissible as regards the report the committee which brought out the legislation.[55] One of the reasons was that the intention of the parliament as manifested in the statute expressly cannot be curtailed down by referring to such materials.[56]

The parliament while enacting a statute seeks recommendation by the committee to check for any kind of ambiguity or uncertainty in the act. Similarly, the courts to ascertain the intention behind the provisions might look up into such reports of the commission.[57] In 1986, the courts acquiesced for collecting information regarding enactment to be utilised as external aids to construction.[58]

Reports of Commissions including Law Commission or Committees including Parliamentary Committees preceding the introduction of a Bill can also be referred to in the Court as evidence of historical facts or of surrounding circumstances or of mischief or evil intended to be remedied. Obviously, courts can take recourse to these materials as an external aid for

[49] AIR 2001 7 SCC 126.
[50] Ashwini Kumar Ghose v. Arabinda Bose, AIR 1953 SC 75.
[51] Shree Siddheshwar Sahakari v. State of Maharashtra, AIR 1984 Bom 81.
[52] AIR 1992 SC 1277.
[53] AIR 1998 SC 750.
[54] *Supra* note 22.
[55] State of Maharashtra v. Dattatraya Balwant Upadhyay (1976) Mah LJ 550.
[56] State of Uttar Pradesh v. Bar Council, AIR 1976 All 186.
[57] Davis v. Johnson (1978) 1 All. E.R. 1132.
[58] Himachal Road TPT Corp. v. Sushila Devi, AIR 1986 HP 78.

interpretation of the Act.[59] The Supreme **Court in Rosy v. State of Kerala**,[60] considered Law Commission of India, 41st Report for interpretation of Sec. 200(2) of the Code of Criminal Procedure. In **Mithilesh Kumari v. Prem Bihari Khare**,[61] a report by law Commission of India on benami transactions given before the passing of Benami (Prohibition) Act was held to be considered as an external aid. It has been held that a report by Law Commission would not prevail over clear and unambiguous provisions contained therein.[62]

6.4 Reference to other statutes

It is a settled principle that for the purpose of interpretations or construction of a statutory provisions, courts can refer to or can take help of the other statutes. It is also known as statutory aids. The General Clauses Act, 1897 is an example of statutory aid. Apart from this, Court can take recourse to other statutes which are in Pari malaria i.e. statute dealing with same subject matter or forming part of the same system. Supreme Court in **Common Cause, A Registered Society v Union of India**,[63] took recourse to section 13A and 139 (4B) of the Income Tax Act 1961 for the purpose of interpretation of Explanation I to section 77 (1) of the Representation of the People Act, 1951.

The application of this rule of construction has the merit of avoiding any contradiction between series of statutes dealing with the same subject, it allows the use of earlier statute to throw light on the meaning of a phrase used in a later statute in the same context. On the same logic when words in an earlier statute have received an authoritative exposition by a superior court, use of same words in similar context in a later statute will give rise to the presumption that the legislature intends that the same interpretation should be followed for construction of those words in the later statute.[64] In case where an old Act has been repealed, it loses its operative force. Nevertheless, such a repealed part may still be taken into account for construing the un-repealed part. For interpretation or construction of a statutory provision, courts can refer to or can take help of other statutes. It is also known as 'statutory aids.' The General Clauses Act, 1897 is an example of the statutory aid. A later statute is normally not used as an aid to construction of an earlier statute, but when an earlier statue is truly ambiguous, a later statute may in certain circumstances serve as the parliamentary exposition of the former.[65]

6.5 Usage and practices

Usages and practice developed under a statute is indicative of the meaning ascribed to its words by contemporary opinion and in case of ancient statute, such reference to usage and practice is an admissible external aid to its construction and interpretation. But this principle is not applicable to the modern statute and it is confined to the construction of ambiguous language used in old statute. This principle of *'contemporanea exposito'* was applied by the Supreme Court in National and **Grindlays Bank v Municipal Corporation for Greater Bombay**,[66] while construing Bombay Municipal Corporation Act, 1888. The apex court also referred to the actual practice in the matter of appointment of judges of Supreme Court and High Court in the context of interpreting Articles 74 and 124 of the Constitution and observed that the

[59] *Supra* note 22.
[60] AIR 2000 SCC 230.
[61] AIR 1989 SC 1247.
[62] G. Sekar v. Geetha, 2649 AIR 2009 SC 2649.
[63] AIR 1996 SC 3081.
[64] Bengal Imunity Co. Ltd. v State of Bihar, AIR 1955 SC 661.
[65] *Supra* note 22.
[66] AIR 1969 SC 1048.

practice being in conformity with the constitutional scheme should be accorded legal sanction by permissible constitutional interpretation.[67]

6.6 Dictionaries

When a word is not defined in the statute itself, and it is permissible to refer to dictionaries to find out the general sense in which that word is understood in common parlance.[68] However, in the selection of one out of the various meanings of a word, regard must always be had to the scheme, context and legislative history.

7 CONCLUSION

Like all histories, legislative history is written by people, some of whom take great care to be objective and some of whom manipulate the account of what has occurred. Legislative history is evidence used to reach legal conclusions. Like any evidence used in legal proceeding, it must be tested for the integrity, veracity, and reliability.

O.Chennappa Reddy J has profoundly stated in **B. Prabhakar Rao and others v State of A.P. and others**,[69] "Where internal aids are not forthcoming, we can always have recourse to external aids to discover the object of the legislation. External aids are not ruled out. This is now a well settled principle of modern statutory construction."

where the intention of the legislature is to be found from the language employed in the statute itself and only when it is obscure or ambiguous, we can resort to external aids of interpretation. As they now function, canons of construction and judicial precedents limiting the use of extrinsic aids are, fortunately, regarded as only persuasive. That courts cannot with canons of construction and linguistic techniques achieve such adjustments without full use of extrinsic aids is coming to be recognized.[70]

Significant differences are similarly found with respect to the use and purpose of extrinsic aids in the interpreting of statutes and of other writings. But courts have at last come to realize the significance of what goes on behind the scenes in enacting modern legislation, even though an unfortunate hesitancy persists in employing all such sources of information.

[67] Supreme Court Advocates on Record Association v Union of India, AIR 1994 SC 268.
[68] Municipal Board Sarahanpur v Imperial Tabacco of India Ltd. (1999) 1 SCC 566.
[69] AIR 1986 SC 120.
[70] Miller, *The Value of Legislative History of Federal Statutes* 73 U. OF PA. L. REV 158 (1925).