

Hello students. I'm doctor Kim Rocha Couto Associate Professor at VM.Salgaocar College of Law Miramar.Panjim, Goa.Today we will be doing Unit 4 external aids of construction. The name of the module is external aids of construction Part 2.Module number 13 in this session. We will be discussing about later social, political, economic and scientific developments as an external aid. The use of dictionaries in statutory interpretation. And the use of foreign decisions in statutory interpretation. At the end of this session, students you will be able to understand the use and relevance of the following external aids. Later, social, political, economic and scientific developments. Dictionaries and foreign decisions. You will also be able to comprehend the need to use these external aids with caution. Coming to the first. External Aids For today , later, social, economic, political and scientific inventions. Any situation and circumstance which is not known or not in existence at the time the statute was passed. Maybe taken help of in order to understand a statute subsequently .In other words, developments which are subsequent to the enactment of a statute. Maybe they can help off in interpreting the words in a statute. However, it must be kept in mind that although this external aid is useful.It has to be kept in mind that the thing which is being discussed is the novel thing which is being discussed s not conceptually different from what is mentioned in the statute .Let us understand this particular external aid with the help of some cases.

The first case is attorney General versus Edison Telephone Company.In this case students,the question was whether the word Telegraph in the Telegraph Act 1863 and 1869 would include telephone within its meaning.The word Telegraph was defined in the same act to include any operators for transmitting messages or other communications by means of electrical signals.The Queens Bench Division held that telephone would be included within the meaning of the word Telegraph in the Telegraph Act,even though the telephone was invented later in 1876. In another case, state versus SD Choudhary.The prosecution wanted to examine a typewriter expert for proving certain incriminating facts against the respondent. Section 45 of the Indian Evidence Act 1872 states that when the court has to form an opinion on a point of foreign law of science or of art, or as to the identity of a handwriting, the opinions on that point from persons specially skilled in such science, art or handwriting are relevant facts.The Supreme Court held that section 45 of the Indian Evidence Act would include typewriting as well.Even though the typewriter was invented later. Now when we talk of interpretation of the Constitution, we know that the Constitution is meant to be an organic, enduring and lasting document. The provisions in the Constitution are never static.We are ever evolving and ever changing and therefore do not admit of a narrow, pedantic and syllogistic approach. We find that in Article 21 of the Constitution where the right to life has been interpreted. To include so many other rights, including the right to livelihood, right to speedy trial and other human rights. Coming to the next external aid for today for Indecisions. Can foreign decisions be used as an external aid?In order that foreign decisions, we relied upon certain precautions have to be observed by the Indian courts.First of all, the jurisprudence of both countries must be the same.Secondly, both statutes have to be in party material.Thirdly, the circumstances, the setting in which the statute was drawn up and the Indian conditions to which the statute is going to be applied have to be all kept in mind. It always has to be noted that restraint and sobriety must be maintained when foreign decisions are being used. The Supreme Court of India students has has. Refer to a number of foreignndecisions in various cases. But one case where we find as an example is Aruna Shanbaug versus Union of India. In this case, the Supreme Court relied on the UK court decision in Airdale NHS Trust versus Bland to hold that in case of incompetent patients who are in a permanently vegetative state, the withdrawal of the artificial life support

system must be done with the approval of the High Court and keeping in mind the doctrine of *parens patriae*. The third external aid that we need to consider for today, is the use of dictionaries. Dictionaries and lexicons are often referred to by codes for the purpose of finding out the

doubtful meanings in the statute. How far are dictionaries safe to be relied on by courts? Lord Carter, it says dictionaries are not to be taken as authoritative. Exponents of the meaning of the words in the statute. Exclusive reliance on the dictionary meaning may not always furnish the proper construction of the statute. So whenever dictionaries are being used in statutory interpretation. It has to be kept in mind that a dictionary can be used when the word is not defined in the same statute. Besides that? The courts have also to keep in mind the intention of the legislature, the context involvement which a particular word is used. The subject and the scheme of the Act and the legislative history of that particular provision. In order to understand this particular external aid students, we will take the help of a case *ESI Corporation versus Telco*. In this case, the question was whether apprentices are employees and the respondents are bound to contribute monetarily under the Employee State Insurance Act in respect of them. Now, in this case the dictionary meaning of the word Apprentice was relied upon and accepted by the court. The court held that an apprentice is not an employee. If the act intended that an apprentice should be included within its meaning, then that act would have made a mention of it. The fact that this word was absolute in the definition of the employee was a further indicator to that effect. Another case to highlight the use of dictionaries. Is a case of *Ram Avtar versus assistant sales tax officer*. In this case students, a question was are betel leaves vegetable? Within the meaning of this CP and bear arms Sales Tax Act and hence exempt from tax. Now, in this case, the petitioner was contending that the betel leaves are coming within the meaning of the word vegetable. He referred to the Shorter Oxford Dictionary for the meaning, saying that vegetable means of a pertaining to or obtained from plants or their parts. However, the Supreme Court held that betel leaves is not vegetable. The court took the meaning of the word vegetable as commonly understood. The dictionary meaning was not acceptable in this case. Whenever we use dictionaries, we need to keep in mind that dictionaries are not dictators of statutory interpretation, where the mood of the law and the definition furnishes a different situation. It is also important to keep in mind while using dictionaries that the courts have to keep in mind reference to the context, the legislative intention and the language which is used in this statute.

In conclusion, we can say that the three external aids which are discussed today are useful when a statute is in doubt. However, each of these have to be used with some kind of caution. In the first case, if a normal situation does not fit within the language of an existing situation. As it is conceptually different, then the courts must not. Included. Secondly, if a foreign decision does not bear relevance to the Indian jurisprudence. Then it should not be relied upon. And Thirdly, meaning of words in dictionaries must be selected only after considering various factors which have already been discussed.

Thank you.