

## Quadrant II - Notes

**Paper Code: IST 0318**

**Module Name: External Aids -III**

**Module No:14**

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Reference to other statutes is an external aid to interpretation .It is Permissible to refer to other statutes in case of ambiguity or doubt. This external aid is an extension of the principle “statute to be read as a whole in its context.”

‘Context’ in its widest sense includes statutes in pari materia. Pari materia’= statutes dealing with same subject matter, persons or things . Rule permits reference to other statutes in pari materia.

- (i) Use of earlier statutes
- (ii) Use of later statutes

### **Object of the Rule**

1. To avoid any contradiction between statutes dealing with the same subject.
2. Allows use of meaning in earlier statute.
3. Clears ambiguity.

### **Caution to be observed while using this aid**

Intention of Legislature should not be different.

Alleigmeine Gold v. Customs and Excise

- ☐ Are gold and silver coins = goods u/ Customs and Excise Act 1952?
- ☐ Reference to earlier Customs Acts - from 1833, 1876,1893,1932 and 1939.
- ☐ Court of Appeal held: It would include gold and silver coins. Goods in those series of Acts included gold, silver, and bullion.
- ☐ Otherwise, requirement would have to be specified.
- ☐ Reference to earlier Acts –permissible .
- ☐ Legislature is presumed to know the state of law at the time of passing the later Act.

“Where words used in an Act have received judicial construction from the superior courts, and Legislature has repeated the words without alteration in a subsequent statute , it is conceived that the Legislature must be taken to have used them according to that meaning.”- James L.J.

### **Assistance of earlier statutes – Cases**

Bengal Immunity Co. v. State of Bihar

- ☐ SC: Art. 245 and 246 Constitution are in pari materia with secs. 99 and 100 of Government of India Act, 1935.
- ☐ Reproduction of same words in later statute – even though previous statute is repealed – needs same interpretation.

#### **Assistance of Later statutes**

- ☐ Later Acts are generally not useful.
- ☐ Serve only in case of ambiguity of the former in certain circumstances.
- ☐ Useful as parliamentary exposition of words in earlier statute. “Subsequent legislation on the same subject may be looked into in order to see what is the proper construction to be put on an earlier Act, where the earlier Act is ambiguous” -Lord Sterndale

#### **Ammini v. State of Kerala**

- ☐ S. 293 Code of Criminal Procedure, 1973 – Reports of Govt. scientific experts have to be accepted as valid evidence.
- ☐ S. 293(4) – lists the scientific experts
- ☐ S. 293(4)(e) – Director, **Dy. Director, Asst. Director (inserted by amendment)**, of CFSL.
- ☐ Report signed by Joint Director.
- ☐ Validity of report challenged.  
SC: Looking at the amendment – held that Joint Director who is higher than Deputy Director is deemed to be included in word Director, otherwise he would be expressly included.

#### **Reference by :**

- ❖ Incorporation
- ❖ Reference
  - ☐ Legislative devices are adopted for the sake of brevity and convenience to avoid verbatim reproduction.
  - ☐ When an earlier Act or its provisions are incorporated by reference into a later Act, the effect is the incorporated provisions become part and parcel of the later law as if they had been bodily transposed into it.

#### **Case: Mahindra and Mahindra v. Union of India**

Under S 55 MRTP Act, 1955 - appeal from the order of MRTP Commission to SC would lie on one or more grounds specified in sec. 100 Code of Civil Procedure, 1908.

- ☐ Sec. 100 CPC – amended in 1976 and grounds were narrowed down.
- ☐ Would amendment affect MRTP Act?

SC: Substitution of new section 100 in CPC had no effect on sec. 55 MRTP Act.

Thus it can be said that Reference to other statutes is a useful external aid to statutory interpretation. It allows statutes in pari materia to be read as a whole

forming part of the same system. But Courts need to use this aid with caution keeping in mind the legislative intention.