

Interpretation of Statutes and cases

Amita Dhanda

Professor Emerita

NALSAR University of Law

Scheme of Lectures

- Discuss What is Interpretation and the Perspective with which to Approach it
- Apply First Lecture to read Animal Welfare Act and other Statutes
- Look at Case law with that perspective

What is interpretation ?

Pronouncing \ Finding \ Extracting\ Deciphering
MEANING

- Each Verb Alters the task of interpretation
- Or stay with one verb let us say **finding**
- But the could mean
 - something lying there and you recover it
 - something hidden and you unearth it
 - something needed and you create it

Implements used for Interpretation

- Text
 - Context
 - Interpreter
 - Canons
 - Precedents
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- All of these together or separately contribute to the process of interpretation

Interpretation is a community exercise

- It could be a **community of officials** or people holding positions of authority
 - legislature- executive- judiciary- animal welfare board – environment officials
- It could also be a **community of people**
 - animal lovers- owners of animals- those who have animals as guides- those who fear animals

Different Rules for Different Kinds of Statutes

- Presume the constitutionality of all Statutes
- Welfare Statutes are to be read liberally
- Penal Statutes are to be read strictly
- Fiscal Statutes to be read strictly
- Regulatory Statutes are to be rendered workable

Is it dynamic or static ?

- There are rules of interpretation which present interpretation as a static exercise
 - the literal or plain rule
 - the mischief rule
 - the intention of the legislature
- Others which make interpretation more dynamic
 - not form but spirit
 - purpose of the law
 - make the law workable and not a dead letter

Is it evolving or constant ?

- Again rules for both positions
- The original rule speaks of constancy
- The dynamic rule refers to evolution

Is it political or technical ?

- Technical when you speak of a way of reading a legal text
- The legal text can be read in that one way alone
- If possible to be read in more than one way
- Then which way you choose to read it becomes a matter of choice
- How should the power dynamics operate in the law is a political choice

What this will mean to you

- Need to know there is a choice
- With you and the others
- Interpretation is an exercise in persuasion
- Need to know how to practice it
- will start practice by reading statutes, not just by what they say but what they could say
- Then do same for case law.