

Offences under this new law are to be cognizable.¹

Statement of Objects and Reasons of Act 106 of 1976.—Untouchability has been abolished by Art. 17 of the Constitution, and in pursuance of the provision of Art. 35 of the Constitution, the Untouchability (Offences) Act, 1955 was passed by Parliament to make the practice of untouchability a cognizable offence. During the working of this Act, it was noticed that there were some lacunae in the provisions and that these loopholes needed to be plugged. In April, 1965, the Government of India appointed the Committee on Untouchability, Educational and Economic Development of the Scheduled Castes under the Chairmanship of Shri L. Elavaperumal to examine, *inter alia* the problem of untouchability *vis-a-vis* the working of the Untouchability (Offences) Act, 1955, and to make recommendations to the Government for amendments to the Act. The Committee submitted its report in January, 1969 in which it made certain recommendations with a view to plugging the loopholes and making the penal provisions more stringent. The present Bill seeks to give effect to some of the recommendations made by the said Committee.²

COMMENTS

Object and purpose of the enactment.—The Court must strive to so interpret the statute as to protect and advance the object and purpose of the enactment. Any narrow or technical interpretation of the provisions would defeat the legislative policy. The Courts must, therefore, keep the legislative policy in mind in applying the provisions of the Act to the facts of the case.³

Purposive approach of interpretation.—When the purpose and object or the reason and spirit pervading through the statute is clear, Court has to adopt purposive approach in interpreting such a statute.⁴

Intention of Legislature.—In interpreting the provision the exercise undertaken by the Court is to make explicit the intention of the Legislature which enacted the legislation.⁵

In *Prithvi Pal Singh Bedi v. Union of India*,⁶ it was held that literal meaning of the statute must be adhered to when there is no absurdity in ascertaining the

1. Published in the Gazette of India, Extraordinary, dated 26th December, 1953, Pt. II, Sec. 2.
2. Published in the Gazette of India, Extraordinary, dated 13th April, 1972, Pt. II, Sec. 2.
3. *Kameshwar Singh Srivastava v. IVth Additional District Judge, Lucknow*, A.I.R. 1987 S.C. 138 at p. 141; *Union of India v. Pradeep Kumari*, (1995) 2 S.C.C. 736 at pp. 741-742; *Babua Ram v. State of U.P.* (1995) 2 S.C.C. 689 at pp. 708-709.
4. *Hari Singh Nakwa v. Kartar Singh Bhadana*, A.I.R. 2001 P. & H. 86 at p. 98.
5. *State of Kerala v. Mathai Verghese*, A.I.R. 1987 S.C. 33 at p. 35; *Baljeet Singh v. Election Commission of India*, A.I.R. 2001 Delhi 1 at p. 9.
6. A.I.R. 1982 S.C. 1413.

legislative intendment and for that purpose the broad feature of the Act can be looked into.¹

While interpreting a statute the consideration of inconvenience and hardships should be avoided and that when the language is clear and explicit and the words used are plain and unambiguous, the Court is bound to construe them in their ordinary sense with reference to other clauses of the Act or rules, as the case may be, so far as possible, to make a consistent enactment of the whole statute or series of statutes/rules/regulations relating to the subject-matter.²

Harmonious interpretation of statute.—Any statutory provision is required to be given a harmonious interpretation keeping in view the object sought to be achieved and the same cannot be enlarged for reasons which may apparently appear to be laudable but not sustainable.³

It is well-settled principle of interpretation of statutes that nothing has to be read in or nothing has to be implied and one has to look fairly at the language used.⁴

The law relating to interpretation of statute is that if the meaning of the statute is plain, the effect must be given to it irrespective of the consequences. It is only when that language of the statute is capable of bearing more than one construction then in selecting the true meaning, regard must be given to the consequences resulting from adopting the alternative construction. If the words of the statute are susceptible to only one meaning and no alternative construction is reasonably open then only such a construction is possible which gives the general meaning of the words. Any consideration that it will result into hardship, inconvenience, injustice, has to be rejected and preference is to be given to that construction.⁵

The maxim "contemporanea expositio"—**Application of.**—The maxim "contemporanea expositio" as laid down by Coke is applied in construing ancient statutes but not to interpreting Acts which are comparatively modern. Further, it has been observed that in a modern progressive society it would be unreasonable to confine the intention of a Legislature to the meaning attributable to the word used at the time the law was made and, unless a contrary intention appears, an interpretation should be given to the words used to take in new facts and situations if the words are capable of comprehending them.⁶

1. *Jumman v. State of U.P.*, 1988 Cr. L.J. 199 at p. 203.
2. *Mohan Kumar Singhania v. Union of India*, A.I.R. 1992 S.C. 1 at p. 21; *Dena Bank v. Kirti Kumar T. Patel*, 1999 (2) S.C.C. 106.
3. *Shimoga Steels Ltd. v. Karnataka Electricity Board*, 1999 (1) Knt L.J. 1 at p. 6 (Knt).
4. *Jay Saty Marine Exports Pvt. Ltd. v. Union of India*, 1999 (2) A.L.D. 653 at p. 657 (A.P.).
5. *Kailash Chandra v. Kishan*, A.I.R. 1998 Raj. 131 at p. 136.
6. *J. K. Cotton Spinning and Weaving Mills Ltd. v. Union of India*, A.I.R. 1988 S.C. 191 at p. 204; *Municipal Corporation of Pune v. Bharat Forge Co. Ltd.*, (1995) 3 S.C.C. 434 at p. 444; *Devutt Prasad Shrivastava v. State of Bihar*, 1996 (1) Pat. L.J.R. 39 at p. 48.