

PREFACE

“Words spoken or written are the means of communication. Where they are possible of giving one and only one meaning there is no problem. But where there is a possibility of two meanings, a problem arises and the real intention is to be sorted out. If two persons communicating with each other are sitting together; they can by subsequent conversation clear the confusion and make things clear. But what will happen if a provision in any statute is found to convey more than one meaning? The Judges and the Lawyers whose duty is to interpret statutes have no opportunity to converse with the Legislature which had enacted a particular statute. The Legislature, after enacting statutes becomes functus officio so far as those statutes are concerned. It is not their function to interpret the statutes. Thus two functions are clearly demarcated. Legislature enacts and the Judges interpret.” - Justice A. K. Srivastava, Judge, Delhi High Court at New Delhi.

The greatest difficulty in interpreting a statute is to get at the intention of the Legislature without reading our own ideas and ideologies into it. Although, this book has been written essentially for professionals like company secretaries, it is hoped that this book would act as a reliable guide to Statutory Interpretation and would be of interest to practitioners, academicians, lawyers and even for Hon'ble Judges.

Increased awareness and expectations of the stakeholders in every spectrum of economic activity have increased over the years, leading to the need and necessity for the professionals like us to keep ourselves abreast with the latest regulatory framework and norms. The piled up cases in the courts is of significant concern and it is burdening the judicial process. Therefore, it is time that professionals stand up as strong pillars to meet the ends of justice by helping the judiciary in expeditious disposal of cases by providing a clear understanding of the law.

Throughout the book seamless references have been made to literary expositions from the past.

In a concise form, copiously cited statutory interpretations held by the Hon'ble High Courts and the Hon'ble Supreme Court of India, make the book delightful.

I am deeply grateful to Dr. K R Chandratre, Past President, ICSI and Practicing Company Secretary, Pune for preparing the manuscript of the book, which bears testimony to his knowledge and scholarship.

I compliment initiatives of the Pune Chapter of ICSI requesting Dr. Chandratre to write this book. My sincere thanks are due to the Secretariat of the Institute for seeing the work through the press.

I have great pleasure in introducing this book to the professional fraternity.

(R. Sridharan)

President

The Institute of Company Secretaries of India

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