

Rule of Ejusdem Generis

Ejusdem Generis means "of the same kind and nature".

When a list of two or more specific descriptors are followed by more general descriptors, the otherwise wide meaning of the general descriptors must be restricted to the same class, if any, of the specific words that precede them. In this rule a specific word, class or species needs to be mentioned so that the whole statute revolves around it and the statute will be only meant for these specific words. However the specific words should not have a wide approach as they would exhaust the whole statute.

This rule provides that where words of specific meaning are followed by general words, the general words will be construed as being limited to persons or things of the same general kind or class as those enumerated by the specific words.

To invoke the application of ejusdem generis rule, there has to be a distinct genus or category. The specific words must apply not to the different objects of a widely differing character, but, to something, which can be called a class or kind of objects. Where this is lacking, the rule will not be applicable. For the invocation of the rule, there must be one distinct genus or category. The specific words must apply not to different objects of a widely varying character but to words, which convey things or object of one class or kind, where this generic unity is absent, the rule cannot apply.

The rule can be illustrated by a reference to the decision of the Kerala High Court in the case of Kerala Cooperative Consumers' Federation Ltd v CIT (1988) 170 ITR 455 (Ker). In this decision, the court was required to interpret the meaning of the phrase 'Body of Individuals'. It has said that in construing the words 'Body of Individuals' occurring in section 2(31) of the Income Tax Act along-side the words 'Association of Persons', the words 'Body of Individuals' would have to be understood in the same background, context and meaning given to the words "Association of Persons".

The Supreme Court in Siddeshwari Cotton Mills (P) Ltd v UOI, AIR 1989 SC 1019, while interpreting the expression 'any other process' appearing along-with the words 'bleaching, mercerizing, dyeing, printing, water-proofing, rubberizing, shrink-proofing, organic processing in section 2(f) of the Central Excise & Salt Act, 1944 (as it stood prior to its substitution by Central Excise Tariff Act, 1985) read with Notification No 230 and 231 dated 15th July, 1977 with the aid of the principle of Ejusdem Generis has said that the foregoing words, which precede the expression 'or any other process' contemplate process, which import a change of a lasting nature must share one or the other of these incidents.

The rule of Ejusdem Generis applies as mentioned by the Supreme Court in Amarchandra Chakraborty v Collector of Excise, AIR 1972 SC 1863 when:

- The statute contains an enumeration of specific words.
- The subjects of enumeration constitute a class or category.
- That class or category is not exhausted by the enumeration.
- The general item follows the enumeration.
- There is no indication of a different legislative intent.

Noscitur a Sociis

Noscitur a Sociis literally means "It is known from its associates". The rule of language is used by the courts to help interpret legislation. Under the doctrine of "noscitur a sociis" the questionable meaning of a word or doubtful words can be derived from its association with other words within the context of the phrase. This means that words in a list within a statute have meanings that are related to each other.

In *Foster v Diphwys Casson* ((1887) 18 QBD 428), the case involved a statute which stated that explosives taken into a mine must be in a "case or canister". Here the defendant used a cloth bag. The courts had to consider whether a cloth bag was within the definition. Under *noscitur a sociis*, it was held that the bag could not have been within the statutory definition, because parliament's intention in using 'case or container' was referring to something of the same strength as a canister.

Expressio Unius Est Exclusio Alterius

The Expression literally means "the express mention of one thing excludes all others". Where one or more things are specifically included in some list and others have been excluded it automatically means that all others have been excluded. However, sometimes a list in a statute is illustrative, not exclusionary. This is usually indicated by a word such as "includes" or "such as".

Thus a statute granting certain rights to "police, fire, and sanitation employees" would be interpreted to exclude other public employees not enumerated from the legislation. This is based on presumed legislative intent and where for some reason this intent cannot be reasonably inferred the court is free to draw a different conclusion.

The maxim has wide application and has been used by courts to interpret constitutions, treaties, wills, and contracts as well as statutes. Nevertheless, *Expressio Unius Est Exclusio Alterius* does have its limitations. Courts have held that the maxim should be disregarded where an expanded interpretation of a statute will lead to beneficial results or will serve the purpose for which the statute was enacted. The general meaning of "Expression of one thing is the exclusion of another" is also known as The Negative Implication Rule. This rule assumes that the legislature intentionally specified one set of criteria as opposed to the other. Therefore, if the issue to be decided addresses an item not specifically named in the statute, it must be assumed the statute does not apply.

Contemporanea Expositio

Contemporanea expositio est optima et fortissima in lege: meaning Contemporaneous exposition is the best and strongest in law. It is said that the best exposition of a statute or any other document is that which it has received from contemporary authority. This maxim has been confirmed by the Apex Court in *Desh Bandhu Gupta vs. Delhi Stock Exchange Assn. Ltd.* AIR 1979 SC 1049, 1054

The maxim *Contemporanea expositio* as laid down by Lord Coke was applied to construing ancient statutes, but usually not applied to interpreting Acts or statutes which are comparatively modern. The meaning publicly given by contemporary or long professional usage is presumed to be true one, even where the language has etymologically or popularly a different meaning. It is obvious that the language of a statute must be understood in the sense in which it was understood when it was passed, and those who lived at or near that time when it was passed may reasonably be supposed to be better acquainted than their descendants with the circumstances to which it had relation, as well as with the sense then attached to legislative expressions.

Usages and practice developed under a statute is indicative of the meaning ascribed to its words by contemporary opinion and in case of an ancient statute, such reference to usage and practice is admissible. This principle of '*contemporanea exposito*' was applied by the Supreme Court in *National and Grindlays Bank v Municipal Corporation for Greater Bombay*, AIR 1969 SC 1048 while construing *Bombay Municipal Corporation Act, 1888*. The apex court also referred to the actual practice in the matter of appointment of judges of Supreme Court and High Court in the context of interpreting Articles 74 and 124 of the Constitution and observed that the practice being in conformity with the constitutional scheme should be accorded legal sanction by permissible constitutional interpretation. (*Supreme Court Advocates on Record Association v Union of India*, AIR 1994 SC 268.)