



**RESEARCH PAPER**

**Universal Interpretation and Principles of Statutory Interpretation:  
An Analytical Study**

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PAPER INFO	ABSTRACT
<b>Received:</b> July 27, 2020 <b>Accepted:</b> August 25, 2020 <b>Online:</b> September 30, 2020 <b>Keywords:</b> Al' Qur'an, Composition and Preservation, Constitution, Interpretation, Literal Rule of Interpretation, Mischief, Shan-e- Nuzool	This article is based on doctrinal methodology studying the principles of interpretation in wider scope. Interpretation whether of a statute, a word or a phrase, is of great significance to reach a conclusion with regard to its meanings and the intent of the originator. It is a very important area of academia having numerous principles for construing and constructing a given word, statement or a law. There are appropriate principles of interpretation in different fields including law. It has been observed through comparative study of interpretation of statutes with general interpretation and its principles laid down in the Holy Qur'an that they both lead to the same destination. The principles laid down in both the areas are similar and better described in the holy Book. The principles of interpretation of statutes devised over centuries in their excellence conform to the fundamental principles laid down in the Qur'an. A scholar may be benefited multiply by consulting the two together or parallel. The principles of interpretation of statutes humanly devised, when studied in comparison academically with the principles of interpretation laid down in Al' Qur'an, benefit reciprocally both the scholars.
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**Introduction**

The Holy Qur'an provides principles of interpretation specifically of what is described in it itself and equally applying to interpretation of any word, phrase, covenant, instrument or a statute for necessary construing, construction and interpretation. The entire process of interpretation is based upon the above mentioned revelation (Ayat). As first and the foremost principle, it introduces 'The Book' (*Al-Qur'an*) and its genuineness. That is, firm belief in the authority to decree and reveal from God and the second principle, that while interpreting its content, it has to be kept in mind that it is supreme, perfect in its creation and decreed by God (Creator of all) with declaration that 'The Book' is free of doubt and involution. That is to say that it shall not be entered with critic's intent to find any error or mistake or correction whatsoever; rather, its Commands are well clear and without the slightest ambiguity, enfolding or entangling in any respect; they are so clear and simple in their construction that they can be understood literally by a straight

reading(literal interpretation supersedes all other principles of interpretations) without any complexity or intricacy. Qur'an calls itself the best discourse conforming in its juxtapositions which when read to believers having fear of God, shudder and tremble with fear of God. In consequence of the commands, lessons and examples given in Qur'an, their hearts and bodies open for accepting the truth and remembrance of Allah. The guidance and receptiveness for guidance is not entirely by virtue of human efforts to seeking it but by the blessings of God. Such guidance is available only to those who God wills, and in contrast, those whom God allows going astray and on wrong path, no one except God can show them the straight path and guidance. The Divine Commands reveal: "God has sent down the very best discourse, the Book conformable in its juxtapositions, which makes all of those who fear their Lord, shudder. So their hearts and bodies become receptive to the remembrance of God. This is the guidance of God with which He guides whosoever He will; but whosoever God allows to go astray has none to show him the way" (Al 'Qur'an, Az-Zumar, 23).

### **Literature Review**

Qur'an being Allah's Commands to the mankind as law and guidance (Mandatory and Directory in nature) supports its assertion of it being from God in various ways and contexts. For example, absence of variation of any kind, no matter small or big it may be, makes it distinguishable from words other than from God. It is free from any contradiction or variations whatsoever in all respects. "Do they not ponder over the Qur'ān? Had it been the word of any other but God they would surely have found a good deal of variation in it" (Al 'Qur'an, An-Nisa, 82).

It has given the most appropriate and the simplest examples to the mankind so that they can understand the truth and the reality and make their course of life accordingly. These examples include observations readily available before the mankind in everyday life which they experience. "We have given examples of every kind for men in this Qur'an so that they may contemplate" (Al 'Qur'an, Az-Zumar, 27).

In the form of a clear treatise illustrating and explaining everything needed with the utmost clarity and without even a slightest obliquity, doubt or confusion enabling them finding the guidance to the straight path. "A clear discourse which expounds all things without any obliquity, so that they may take heed for themselves" (Al 'Qur'an, Az-Zumar, 28).

Al-Qur'an reiterates its assertion of being sent from God, with utmost clarity free of variations, and in a manner and form to be understood to all mankind equally who intend to understand it. "We have sent it down as a clear discourse that you may understand" (Al 'Qur'an, Yusuf,2).

For better understanding, it narrates the best histories through revelations which were not known before (or doomed). That is to say that, such revelations was not meant for an ordinary purpose of narrating history but serving the object of guidance for mankind. "Through the revelation of this Qur'an we narrate the best of histories of which you were unaware before" (Al 'Qur'an, Yusuf, 3).

The third principle laid down is the belief that these commands are strictly for the purpose of guidance for the mankind. While interpreting the content of 'The Book', it should be done as seeking guidance for the humankind. However, it affirms that guidance is meant for "*Mutt'aqueen*" only. For clarity and convenience, the criterion for '*Mutt'aqueen*' in brief has been laid down. It seems worth noting that guidance through 'The Book' is neither perforce nor automated, but is only for those who seek it. '*Mutt'aqueen*' have been described in Al-Qur'an as those who preserve or keep themselves away from evils (mischiefs) and follow the straight path. The other criteria laid down for '*Mutt'aqueen*' in Al-Qur'an, "Who believe in the Unknown and fulfill their devotional obligations, and spend in charity of what we have given them; Who believe in what has been revealed to you (the Prophet) and what was revealed to those before you (the Prophet), and are certain of the Hereafter; They have found the guidance of their Lord and will be successful. (Al-Qur'an, Al-Baqra, 3-5).

Such are the pre-requisites for '*Mutt'aqueen*' without which their belief remains incomplete.

In order to be clear of paranoid or evil thoughts from Satan, when reciting 'The Book' (for guidance), a believer before starting (to recite) must seek refuge in Allah from Satan (*mardood*) the execrable. "So when you recite the Qur'an seek refuge in God from Satan the execrable" (Al-Qur'an, Al-Nahl, 98).

Performing such rituals, not only cleanse spiritually but remind the human brain that it is reciting Divine words for seeking guidance to remain attentive by seeking in Allah's refuge against any misdeed from Satan who is undoubtedly the worst enemy to mankind.

Thus they are the people who believe in 'The Book' as revelation from Allah the Creator of all, perfect in its construction, free from any doubt or involution whatsoever and clear in its meanings in all respects. 'The Book' must be entered for seeking 'guidance' and not with intent to review it or finding any error or correction whatsoever. And despite entering into it in the said manner, it shall provide guidance to only those who fall in the category of '*Mutt'aqueen*'. Seeking guidance from the Book is not perforce but voluntary act of mankind having freedom of discretion to opt either way.

### **Shan-e-Nuzool - Preamble**

The term, 'Shan-e-Nuzool' is referred to the specific circumstances, context or happenings in which or in answer to which a particular verse or verses, Surah or a part thereof was revealed. Its knowledge is essential to understand the true meanings of the revelation and its interpretation. Prominent interpreters of Al-Qur'an, like, Al-Whadi, IbneDaqeeq, IbneTaymiah, Ibn e Kathir and others agree on the significance of shan-e-Nuzool for understanding the real meanings of revelations and for proper interpretation. For example, "It was not you who killed them, But God did so; you did not throw what you threw, (sand into the eyes of the enemy at Badr), but God, to bring out the best in the faithful by doing them favour of His own. God is all-hearing and all-knowing" (Al-Qur'an, Al-Anfal, 17). "...you did not throw what you threw...." without the knowledge of its context would lead to differences of interpretations making it un-conclusive although it refers to an

incident taking place and scientifically explainable in a state of extreme spiritualism under the threat of extinction.

### **Classical Literature, Composition and Preservation**

Various reputed researchers and writers regard Al-Qur'an as classical and high standard literary work in Arabic classical literature (Patterson, 2008 & Ali & Rahman, 2010). It revealed in parts extending over a period of 23 years. "We have revealed the Qur'an to you gradually"

(Al 'Qur'an, Ad-Dahr, 2

It is divided into 114 Chapters called 'Surah' with different number of verses. The shortest Surah are, *Al-Kauther*, *Al-Asr* and *An-Nasr*, (3 verses in each Surah) and *Al 'Baqrah*, the longest Surah with 286 verses. Each Chapter or Surah is given a name, like Al' Fateha, Al' Baqrah and so on. The entire Qur'an is divided into 7 (seven) 'Manazil'. It contains necessary punctuations and other linguistic norms of Arabic language.

Every revelation was written under the authority and control of the Prophet (saw) and kept safely and memorized by companions. There was good number of companions who had memorized all the revelations of Al'Qur'an word by word to the highest degree of accuracy. At least 65 scribes are on record for writing the scripts of revelations made from time to time which eventually established a school in Medina (*As'hab e Suffa*) dedicated to learning from the Prophet (saw) and teaching to others. There were several different dialects in Arab tribes which all differed from each other in vocalization. The Prophet (saw) allowed teaching Qur'an in Seven (7) of the main dialects popular in Arab at that time. However, these dialects differed only when Qur'an was vocalized without a slightest difference, doubt or effect on written script. Recitation of Qur'an in any of the seven official dialects was considered valid. The placing of each verse in relevant chapter called Surah was made by the Prophet (saw) himself.

After the death of Prophet, first Caliph Abu Bakr, in consequence of the 'battle of Yamamah' where a large number of memorizers (Huffaz) were killed, in consultation with companions decided to preserve the original script of Qur'an in writing. For the sacred duty, he appointed a learned and highly reputed and trustworthy companion Zaid bin Thabit for the compilation of Qur'an. All the verses written in presence of the Prophet (saw) were written in one single collection (for the first time) and thereby verified by good number of memorizers who memorized the Qur'an at the hands of the Prophet (saw) himself. Such an effective corroboration from written to verbal and vice versa guarantees narration of the collection of verses as only those conveyed from the Prophet (saw) himself. The compilation made by a trustworthy and highly learned companion of the Prophet (saw) with highest degree of care and confidence was rightly named "Sohuf", and kept in custody and control of the Caliph (Abu Bakr).

The seven original official dialects allowed by the Prophet, with passage of time, appeared to cause issues of variant readings. The third Caliph Uthman, when informed of the issues arising from such variant recitations, decided to address it in consultation with the companions. It was unanimously decided to limit Qur'an to the original *Quraishi* dialect (the dialect of the Prophet saw). Caliph Uthman, for the sacred task appointed a committee

of 12 companions to repeat the job done by his predecessor with new demands arising from contemporary conditions with apprehension of further deterioration and differences expected to arising in future. The committee prepared the compilation corroborating it with original sources, written and memorized by heart. After being satisfied to the highest degree of accuracy, the script was carefully compared with the original 'Sohuf' prepared during Caliph Abu Bakr era. Satisfied with verification of accuracy to the highest possible degree, it was read to the Caliph and companions who unanimously agreeing, decided to destroy the original sources for uniformity and avoiding any divergence with the text in future. It was named 'Mus'huf' or 'UthmaniMus'huf' as the first written Qur'an officially kept in Caliph's office and copies sent to the governors in the Islamic world (provinces). And it is the same Qur'an we read today and shall exist to the Day of Judgment, Allah wanting.

These *Sohuf* necessarily required official teachers guiding its recitation (reading). The written text and a spoken reciter (teacher) were necessary to guide the true reading of Qur'an. In order to deal with this issue aptly, it is worth noting that the skeletal or diacritical marks essential (especially for non-Arabs) were included 30 years after the death of Caliph Uthman (The History of the Preservation of Quran).

After a brief introduction to these unmatched and the safest means of revelations (enactments), compilation, preservation and principles laid down in the Holy Qur'an we now turn to the enactments titled as 'statutes' established humanly from time to time by the competent authority of the constitution or Monarch. Interestingly, a great deal of similarity exists in these human enactments following the Divine principles. Also the principles humanly established for interpretation of human enactments remarkably appear ultimately following the course set by the Divine Commands contained in 'The Book' (Al'Qur'an).

### **Integrity and Security of Al' Qur'an and Omission or Additions in Statutes**

The integrity, preservation and security of "The Book" and its heavenly guarding in the 'guarded tablet' (*loh e mah'fooz*) has been guaranteed by God. "This is indeed the glorious Qur'an; (Preserved) on the guarded tablet" (Al 'Qur'an, Al-Buruj, 21&22).

Al' Qur'an has been securely preserved in the heavenly 'tablet' named (*loh e mah'fooz*) forever, God wanting. The Book, sent by Allah (to mankind for guidance) has been guaranteed similar protection worldly as well, by Allah. It has been observed perfectly true that it physically exists in the same shape and content as it revealed to the Prophet (saw) centuries ago and composed by Caliph Uthman. "We have sent down this Exposition, and we will guard it" (Al 'Qur'an, Al-Hijr, 9).

Similarly, in humanly made enactments, it is taken as a rule of interpretation that unless the inference is evident from the statute itself that it was intent of the legislature; nothing can either be omitted or added thereto beyond the intent of legislature. All interpretations and constructions remain within the real intent of the legislature. Lord Mersey stated that reading of words which are not in a statute is not bearable and wrong to do so if a clear necessity does not exist or is evident (Thompson v. Goold & Co., 1910).

## **Statutes and Interpretation of Statutes**

Statute is an enactment of law by the legislature under authority of the constitution or monarch. Legislature is usually a component of parliament of a sovereign state. In simple words, statute is described as 'will (commands) of the legislature' (Wilson & Galpin, 1962). Such will (of legislature) must be exercised under the express authority from the constitution or monarch which may be expressed or implied (The Constitution of Islamic Republic of Pakistan 1973, Article 141). Under the Constitution of the Islamic Republic of Pakistan 1973 as amended (hereinafter called constitution), the will of the legislature shall be expressed by the agreement of the three components namely, the National assembly, the Senate and the President. However, in circumstances where parliament is not in session, it may be expressed by the President in the form of an Ordinance for a specific period of time subject to its approval by the parliament in compliance with the provisions of the constitution.

The will or intent of the legislature is supreme and cannot be undermined or compromised even by the courts. The courts have liberty to the extent of interpreting the statutes or enactments according to the intent of the makers (Coke, 1791). The court while interpreting or construing a statute is bound to do so for the purpose of removing any doubt or ambiguity in the words of a statute to give it a clear meaning (Fawcett Properties, Ltd. v. Buckingham Council, 1961). While dealing with an ambiguity or meanings of words and phrases of a statute, as per Tindal C.J., Judges form the basis of interpretation from the intent of the legislature which is clearly expressed in the statute itself (Sussex Peerage Claim, 1848). Question arises how such intent may be deduced for interpreting or construing a statute. As a fundamental principle of interpretation, the intention of the parliament must prompt from the actual words of the statute and not externally (Bradbury v. Enfield London Borough Council, 1967). This rule applies even if it goes against the plain intention of the Parliament. Therefore, the courts are bound to interpret carefully reaching to the true intent of the makers of a statute. New words cannot be imported into a statute to give it meanings which are inconsistent with the words already existing in it. Lord Greene M.R. elaborates it further that construction and construing of any statute or a document is necessarily required to remain consistent with the words used in it. He said: 'If there is one rule of construction for statutes and other documents, it is that you must not imply anything in them which is inconsistent with the words expressly used (Re A Debtor, 1948). The powers of courts are only to expound the law that is '*jus dicere*' but in no case to make it or extending to '*jus dare*' which later duty entirely rests with the parliament. The words of a statute or a document cannot be ignored or overruled by the judges even though reforms are desired. Reforms in law are the prerogative exclusively left for the Parliament (Cheney v. Conn, 1968). If words of a statute or a document are sufficiently clear and unambiguous; the court is bound to have its regard that the words of the statute or the document speak the intent of its maker, the Legislature (Warburton Loveland, 1832).

Statutes or Acts of Parliament have their titles, short and long, the year of enactment and chapter number. Statutes have; a preamble which sets out its principal object and helps in construing and construction of the Act; marginal notes at the sides of the page purporting effect of the sections summarily and may help in interpretation of the section but they are not considered part of the statute nor inserted by the Parliament or its authority but for the purpose of convenience in understanding; schedules are very part of the enactment and may be used in construing and constructing the Act and vice versa that

is to say that schedules are interpreted in the light and ambit of the Act; and punctuation is not regarded in construction of a statute since old English statutes generally had no punctuations which were later punctuated by printers as aid to the understanding and correct reading of the text (Todd, 1953).

The legislature pronounces its will through an act called 'statute' by declaration, forbidding or commanding a specific law in written form. Statutes are binding upon the subjects and members (nationals) of the country or the society. A statute is generally a written law passed by an authorized legislature on the level of federation or state. These enactments are enforced by the executive of the state and applied by the courts in resolving and deciding the issues brought before them or taking notice by the courts. A statute may prohibit a certain act, direct a certain act, make a general or specific declaration or direct the government to devise a system to help society in its welfare.

It may originate in any of the two houses, lower house (National Assembly in Pakistan) or the upper house (Senate in Pakistan) as a proposal in the form of a 'bill' by a legislator. The relevant legislative committee peruses the proposal and after satisfying, presents it to the lower house which originated the bill for debate and discussions. If the bill obtains the majority assent in the house originating the bill, it is sent to the other house. If the other house also passes the bill with majority vote, it is sent to the President for its assent. In case the later house proposes amendments in the bill, it is sent back to the house originating the bill and after its passing from the house with majority vote it is sent to the President for his assent. On obtaining the assent of the President, it becomes a law called statute.

## **General Principles of Interpretation**

### **The Literal Rule of Interpretation**

The literal rule of interpretation is the most explicit rule in all kinds of interpretations. Al'Qur'an, calls its verses, a collection of clear and obvious laws and rules for the guidance of mankind and good news for believers. "These are the verses of the Qur'an and collection of explicit laws; guidance and good tidings for the believers" (Al' Qur'an, An-Naml, 1&2).

The Book contains revelations from the most compassionate and generous, which are well illustrious in their nature and well explained in their contexts, simple and articulate address for the people with understanding for those who seek or intend to understand it. There is no difficulty, ambiguity or complexity in its understanding plainly if listened carefully. The message is of such a nature that mankind, listening to it plainly without mischief in mind would not remain unaffected by the goodness of it. "A revelation from the most benevolent, ever-merciful; a Book whose verses have been distinguished and explained, a lucid discourse for people who understand; announcing happy news and warnings. And yet most of them are averse and do not listen" (Al' Qur'an, Ha Mim, 2, 3 & 4).

The Divine dialogue has been made in explicit manner and in the tongue of its addressee to illustrate and explain in definite and clear way the spirit of the message (revelations). If it were revealed in an alien language, it would be logical to object and

demand it to have been in the language of the addressee with the text simple and clear of all doubts whatsoever. And such demand would be logical. The distinctions between believers and non-believers are various and have been distinctly described. For example, those believing it are by virtue of their seeking guidance and observations of facts and examples around them. They receive guidance and remedy from Allah against all evils and diseases. On the other hand non-believing by others is not due to any discrepancy, short comings or doubt in its spirit or difficulty in understanding the message or text but their lack of intent to seeking guidance and acquiescence with ignorance which equates to their deafness and blindness despite having both ears and eyes physically in order but as being called from far distant. The message of The Book is simple and clear, addressed in the language of addressee, well understandable for seeking guidance by mankind.

“If We had made it a discourse in an obscure tongue, they would have say:“Why were its revelations not expounded distinctly? A foreign tongue and an Arab (audience), Say:For those who believe it is guidance and a healing; but for those who do not believe it is deafness in the ears, and blindness. They are those one calls to from far away” (Al’ Qur’an, Ha Mim, 44).

Allah calls to ‘The Book’ in witness who is clear and transparent in all respects which has been made specifically and distinctly clear so that it can be easily understood by those seeking guidance. Its security and integrity has been guaranteed by the original ‘Book’ in heavens with Allah. The Book is undoubtedly an inspiration for mankind and is the source of all laws whatsoever.“I call to witness the lucent Book; that We made it a distinctly lucid Qur'an that you may understand; It is inscribed in the original Book (of Books) with Us, sublime, dispenser of (all) laws(Al’ Qur’an, Az-Zukhruf, 2–4).

Al’ Qur’an, in order to make it ideally explicit, lucid and simple for common men and women, did not leave even a slightest doubt or ambiguity. In view of the same, it has expressly divided its verses into two categories i.e. ‘Categorical and Basic’ to the Book also referred as ‘Commands’ or ‘foundation of the Book’ (of established meanings) and others as ‘Allegorical’. How to deal with these verses has been very clearly and transparently described with practical examples. Those with perversity or twist in their (mischief minded) hearts go after the latter category i.e. ‘Allegorical or metaphorical’ seeking a twist, deviation or discord searching for their hidden meanings which no one knows but Allah and giving them their own meanings and interpretation (construction). On the other hand those with firm knowledge (and fear of God) believe in them in entirety being all from the Lord and they deal with the two categories as they are directed. That is to say that they follow the first category which is basics of the Book or commands strictly as directed and stay away from probing which they have neither been given knowledge or permitted to navigate into uncharted waters to find their meanings. The spirit of the message rests for those with wisdom and understanding and seeking guidance.“He has sent down this Book which contains some verses that are categorical and basic to the Book, and others allegorical. But those who are twisted of mind look for verses metaphorical, seeking deviation and giving to them interpretations of their own; but none knows their meaning except God; and those who are steeped in knowledge affirm: "We believe in them as all of them are from the Lord." But only those who have wisdom understand” (Al’ Qur’an, Al’Imran, 7).



Turning to the man-made rules of interpretation of statutes, the literal rule of interpretation, also called the Primary rule and the most significant in construing the statutes. Based on this principle, it is assumed that words and phrases are used in their ordinary meanings however, in cases of technical legislations they are used in respective popular technical meanings and sense (Victoria City Corp. v. Bishop of Vancouver Island, 1921). And the second rule, also termed the rule of grammar, is that words, phrases and sentences are construed in strict compliance with the rules of grammar. Lord Evershed M.R., in view of the detailed lengthy modern enactments supports the claim of literal interpretation as the only safe rule (Wilson, R., & Galpin, B., 1962). As per Jessel M.R., if in the language of a statute itself there is no indicator suggesting any alteration, modification or condition to be imposed, on the language, it necessarily requires to be construed in its ordinary and natural (popular) meanings of the words and sentences (Att. Gen. v. Mutual Tontine Westminster Chambers Association Ltd., 1876). Lord Warrington of Clyffe went further to elaborate the need and significance of the rule of literal interpretation. In his words, he describes it as the safer and more correct course when dealing with a question of interpretation or construction, at first instance to take guidance from the words themselves and arrive at their meanings without any external reference to case laws etc. (Barrell v. Fordree, 1932). As per Parke J., the legislature's intent, simply meant, what they have expressed in the enactment and nothing beyond it (R. v. Banbury (inhabitants), 1834). Lord Parker C.J., sums up the object of entire process of interpretation 'to discover the intention of Parliament and in his strict view, such intention must be deduced from the language of the statute'. Lord Morris of Borth-y-Gest, observes further and excludes the (personal) beliefs and assumptions of law makers having any role or influence in interpretation of a statute but it is limited to the language of the statute (Davies Jenkins & Co. Ltd. v. Davies, 1967).

Where the language of a statute is unambiguous and clear to the extent of giving only one meaning plainly, it must not be dragged or stretched unduly. Such enactments must be applied and enforced without any consideration of their effects which may appear harsh, absurd or against common sense (Cartledge v. E. Jopling & Sons, Ltd., 1963). As per Coleridge J., courts while applying a statute need to apply it as it is enacted without having any consideration as to what is just and expedient (Gwynne v. Burnell, 1840). According to Lord Birkenhead L.C., courts as their duty, must illustrate the law as it is and leave the remedy to others (Sutters v. Briggs, 1922).

### **The Mischief Rule and the Golden Rule**

These rules of interpretation of statutes appear human efforts leading to the path of Divine Commands. The Divine Commands suggest a body (of men and women) necessarily within a society with the task to teaching and command what is good and admirable for mankind and preventing what is bad or mischievous. In fact the task has not been limited to that particular body of men and women but it propagates to the entire society to be a society of successful people. "So let there be a body among you who may call to the good, enjoin what is esteemed and forbid what is odious, they are those who will be successful" (Al' Qur'an, Al-Imran, 104).

A community in the habit of ordering, (commanding) or implementing good for itself and others and preventing from the wrong has been regarded as the best among all

communities (societies). Such quality (of ordering what is good and forbidding wrong) is not sufficient in itself alone but necessarily with believing in God. "Of all the communities raised among men you are the best, enjoining the good, forbidding the wrong, and believing in God" (Al' Qur'an, Al-Imran, 110).

Divine Commands clearly direct all the believers (men or women) to stay together in friendship and communal relationship between them and as a community propagate and implement what is right and abstain from what is wrong. Such community of believers necessarily realizes and performs the obligations of believers spending in charity (*Zakat*) in obedience of God and His messenger (saw). And in consideration thereof, believers will be rewarded with the mercy of God who is all-mighty and all-wisdom. "Those who believe, men and women, befriend one another, and enjoin what is right and prohibit what is wrong. They observe their devotional obligations; pay the Zakat, and by God and His Apostle. God will be merciful to them, for God is all-mighty and all-wise" (Al' Qur'an, At-Taubah, 71).

The act and quality (of ordering good and forbidding wrong) has been stated as distinction between believers and hypocrites (*munafeqoon*). They all have been regarded as same and belonging to the same community which encourages and promotes (in contrast to believers) what is bad or mischief and persuade against and discourage the good. Such features of hypocrites (*munafeqoon*) deprive them of the quality of spending out of what they have been given by God in charity and welfare of the mankind by holding their wealth against spending. This is because they (*munafeqoon*) have forgotten God and so did He forget them (in guidance) and they are certainly wrongdoers. "The hypocrites (are the same) whether men or women, the one of them being of the other, they encourage what is bad and dissuade from the good, and tighten their purses (when it comes to spending in the way of God). Of God they are oblivious; so He is oblivious of them. So hypocrites are indeed transgressors" (Al' Qur'an, At-Taubah, 67).

Believers have been clearly directed to nurture tolerance, administer justice and stay away from fools. The fools mentioned here include those stubborn to their customary or arbitrary views without having touch of knowledge, reason or logic. "Insane, idiots or others with limited wisdom and understanding are excluded from the fools mentioned above. "Cultivate tolerance, enjoin justice, and avoid the fools" (Al' Qur'an, Al-Araf, 199).

We now turn to the important rules of interpretation of statutes humanly established with enormous efforts called 'the mischief rule' and 'the Golden rule'.

The mischief rule, also called 'Heydon's Case' decided in 1584 by the Barons of the Exchequer and stands as a landmark in interpretation of statutes. It sets four things to be determined and taken into account for interpreting all kinds of statutes: the common law (on the point) before the enactment; the mischief and defect for which common law lacked; the remedy provided by the enactment to cure the mischief or defect; and the true reason of the remedy provided. In 1898, Lindley M.R., reiterated the need of principles reported by Lord Coke in *Heyden's Case* to consider the position of law before the Act, the mischief which necessitated the new law and the remedy provided in the new law to curb the mischief (Re Mayfair Property Co., 1898). In practice, formal consideration of all the four principles laid down in *Heyden's Case* may not be present but consideration of the mischief

or purpose of enactment amounts to the same (Victoria Sporting Club, Ltd. v. Hannam, 1969).

The Golden rule of interpretation is said to be modification of literal rule. Parke B. calls it very useful rule in interpretation of a statute which follows to the ordinary meanings of the words and grammar rules. Variance can only be made if the ordinary meanings appear to contravene or alter the intention of the legislature which (intention) must be derived from the statute itself. If ordinary meanings lead to repugnance or absurdity, the language of the statute may be altered or modified (only in reading and for interpretation but not to alter the statute otherwise) to avoid such specific occurrence but not beyond that (Becke v. Smith, 1836). This rule is often applied in construction with reference to consequences, to avoid injustice and convenience and to prevent evasion or mischief.

### **Conclusions and Recommendations**

Interpretation of any document is an academic exercise and beyond all differences. Developments are necessary to contemporary needs both, scientifically as well as philosophically. The principles, simple and specific, laid down in the Holy Book called Al' Qur'an, being an existing worldly miracle, need to be studied with varying aspects and communicated to the humanity. It would, on one hand, propagate the Divine message to a class of humanity with wisdom and knowledge and on other hand would enable the academics to benefit from it. The commonality of academia, knowledge and wisdom needs to be highlighted to bring peace, tolerance and harmony in the society. There is much more in common among humanity than the differences if any on any matter. And this fact needs to be communicated in a safe and sincere manner as described in the Holy Qur'an. "Do not argue with the people of the Book unless in a fair way, apart from those who act wrongly, and say to them: "We believe what has been sent down to us, and we believe what has been sent down to you. Our God and your God is one, and to Him we submit" (Al' Qur'an, Al-Ankaboot, 46).

## **References**

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