

The Punjab
National Bank
v.
R. B. L. Banarsi
Das and Co.,

Dua, J.

far as the claim with respect to the interest is concerned, the appellant has said nothing substantial against the grant of interest at 4½ per cent per annum instead of at 9 per cent per annum. Interest thus can only be allowed at 4½ per cent per annum, which has been determined by the lower Court to be Rs. 1,147-15-4.

In view of the above findings, the cross-objections with respect to claim of proportionate costs must obviously fail; in so far as the ground with respect to interest is concerned, here again no, arguments were addressed by the respondent showing as to on which items and for which period interest at 9 per cent per annum has been calculated by the Court below. The cross-objections are thus also dismissed, but with no order as to costs.

In conclusion, therefore, the appeal is allowed and the plaintiff is granted a decree for Rs. 16,017-0-5, the parties bearing their own costs throughout.

DUA, J.—I agree.

B.R.T.

REVISIONAL CRIMINAL

Before Bishan Narain and Inder Dev Dua, JJ.

PIARA SINGH AND OTHERS,—*Petitioners*

versus

THE STATE,—*Respondent.*

Criminal Revision No. 1339 of 1959.

1960

May, 24th

Punjab Instruments (Control of Noises) Act (XXXVI of 1956)—Section 3—"premises"—meaning of—Whether

covers an open space—Object of the Act indicated—Interpretation of Statutes—Word not defined in a Statute—Resort to dictionaries and judicial interpretation of the word in other statutes—Whether satisfactory—Principles of construction of statutes stated.

Held, that the legislature has not chosen to define the word "premises" in the Punjab Instruments (Control of Noises) Act, 1956. The word "premises" has a wide and a narrow meaning and in order to get at the legislative, intent, the context, object and purpose of this statute will have to be examined. The object of the enactment appears to be to meet the evil of the indiscriminate use of loud-speakers, amplifiers and such other apparatus emitting and transmitting sound which is the source of nuisance, causing obstruction in streets and lanes and annoyance and injury to neighbours, and also endangering health of the aged and the infirm who cannot enjoy sound sleep. It is in order to control this nuisance that the enactment in question was brought on the statute book. Consistent with the object and purpose of the enactment a broader rather than a narrower construction should be placed on the word "premises". This word has been used in this statute in no more restricted sense than the word place; being an elastic and inclusive term, it is intended to cover and is equally well adapted to designate, both land or building. It includes an open or internal piece of land.

Held, that when a word is not defined in a statute, for finding the intention of the legislature, resort has to be made to dictionaries and judicial interpretation of the word as used in other statutes. But these methods are not as satisfactory as a precise and clear legislative definition in the statute itself. Dictionaries can hardly be taken as authoritative exponents of the meanings of the words used in legislative enactments, for the plainest words may be controlled by reference to the contexts. Similarly lexicons would only define an expression in terms of a decision given by a Court of law and unless this decision was given under the Act in which the expression is used, it involves a dangerous method of interpretation.

Held, that statutes are not mere exercises in literary composition, but being instruments of Government, while

construing them the general purpose underlying the enactment is of more important aid to their meaning than any rule which grammar or formal logic may suggest. More so, because the purpose is generally embedded in words which are not always pedantically expressed. In this sense, statutory meaning is more to be felt than to be demonstrated.

Petition under section 439, Criminal Procedure Code for revision of the order of Shri A. N. Bhanot, Additional Sessions Judge, Ambala, dated 1st October, 1959, affirming that of Shri M. L. Grover, Magistrate, 1st Class, Jagadhri, dated the 30th July, 1959, convicting the petitioners.

BALBIR SINGH BINDRA, ADVOCATE, for the Petitioner.

N. L. SALOOJA, ADVOCATE-GENERAL, for the Respondent.

JUDGMENT

Dua, J.

DUA, J.—This case raises a question of considerable importance and difficulty, and it is precisely for this reason that it has been referred by the learned Single Judge for decision by larger Bench. The facts have been stated in the referring order and need not be repeated.

The question which arises for consideration is whether the word 'premises' occurring in section 3 of the Punjab Instruments (Control of Noises) Act (Act No. 36 of 1956) covers an open ground and, therefore, the petitioners have been rightly convicted for having committed an offence under the said section. It will be helpful at this stage to reproduce section 3.

“3. *Restriction on the use of instruments.*—
No person shall use or operate any instrument in or upon any premises at such pitch or volume as to be audible beyond the precincts thereof except under the written permission of the

District Magistrate or any officer authorised by him in this behalf and under such conditions as may be attached to it.”

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It is not disputed that no such permission of the District Magistrate or any officer authorised by him in this behalf was taken. The counsel for the petitioners has contended that the use of the word ‘precincts’ in this section suggests that the ‘premises’ could not have been intended to cover the case of open ground like the one in question. He has placed reliance on a Division Bench judgment of the Madras High Court in *Public Prosecutor v. Rajanga Chetti and others* (1), where the word ‘premises’ as used in Madras District Municipalities Act and Local Boards Act was construed to mean a building with land adjacent to it and a building was in the context held to be a necessary criterion. An installation of oil engine in an open field was not held to be an installation in the premises within the meaning of the relevant statutes. Another case to which our attention has been invited is *In re. K. V. V. Sarma* (2), also a decision of the Madras High Court by the same learned Judges, who decided *Rajanga Chetti’s case* (1). In the last noted case the term ‘precincts’ was held to be usually understood as a space enclosed by walls. There also both the expressions ‘premises’ and ‘precincts’ came up for consideration, though the precise question which the Court was called upon to decide was whether the buildings in question were factories or not.

It is unfortunate that in the case in hand the Legislature has not chosen to define the expression ‘premises’. We have, therefore, to fall back upon other aids for finding the intention of the Legisla-

(1) A.I.R. 1954 Mad. 285

(2) 1953 Cr. L.J. 532

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ture; for example by reference to the context and object and purpose of the legislative measure in question. We may further have resort to dictionaries and judicial interpretation of this word as used in other statutes; but it cannot be denied that these methods are not as satisfactory as a precise and clear legislative definition in the statute itself. Dictionaries can hardly be taken as authoritative exponents of the meanings of the words used in legislative enactments, for the plainest words may be controlled by a reference to the context,—(*vide Rup Lal Mehra v. Emperor* (1). Similarly lexicons would only define an expression in terms of a decision given by a Court of law, and unless this decision was given under the Act in which the expression is used “it involves” in the words of Ram Lall J., (as he then was) in *Firm Karm Narain—Daulat Ram v. Messrs Volkart Bros.* (2), a dangerous method of interpretation”.

The word ‘premises’ has obviously a wide and a narrow meaning and in order to get at the legislative intent the contents of a particular statute will have to be examined (see *Barnard and another v. Gorman* (3). Dealing first with the dictionary meanings, according to Oxford English Dictionary the word ‘premises’ means the matters or things stated or mentioned previously; what has just been said; the aforesaid, the foregoing’: In legal phraseology, according to this dictionary, it refers to that part in the beginning of a deed or conveyance which sets forth the names of the grantor, bequest, specified in the premises of the deed: so consideration or reason of the grant’. As a special use it means ‘the subject of a conveyance or grantee, and things ‘granted, together with the

(1) A.I.R. 1945 Lah. 158

(2) A.I.R. 1946 Lah. 116 (F.B.) at p. 128

(3) (1941) A.C. 378

expressed when referred to collectively in the later part of the document it means the houses, lands, or tenements above-said or beforementioned'. It also means 'a house or building with its grounds or other appurtenances'. According to Webster International Dictionary it means 'matters previously stated or set forth; hence: the part of a deed constituting all that precedes the *habendum*'. It also means 'the property conveyed in a deed; hence, in general, a piece of land or real estate; sometimes, especially in fire insurance papers, a building or buildings on land'. I have reproduced only those meanings which are relevant for our purposes. According to Roland Burrows' Words and Phrases Judicially Defined, Volume 4, among other meanings, the word 'premises' is stated to be commonly used as comprising land and houses and other matters. It then deals with the meaning of this word in various statutes, but at page 325 it is stated that "the word 'premises' although in popular language it is applied to buildings, in legal language means, the subject or thing previously expressed." In Words and Phrases, Permanent Edition, Volume 33, also various meanings of the word 'premises' are given. At page 356 it is stated that 'premises' often means the land and this is considered to be the popular and ordinary acceptance, when the subject requires such a meaning to be attached to it. For this view reliance is placed on *Smith v. Pollard* (1). In *Rignall v. State* (2), the following observations occur—

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"The word 'premises' has varying meanings, usually determined by the context, and when used with respect to property means land, tenements, * * * *"

(1) 19 Vt. 272, 277

(2) 98 South 444 (Supreme Court of Mississippi).

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In *Smith v. State* Court of Criminal Appeals of Texas also observed that the word 'premises' has no fixed legal significance.

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If this be the position, then we have obviously to consider both the object and purpose of the statute which we are construing, because in order to get at the true import of a statute it is permissible to view the enactment in retrospect, to look at the reason for enacting it, the evil it was to end and the object to subserve; it is equally permissible for us to consider the meaning of the word 'precincts' which also occurs in the section in order to find the true legislative intent.

The object of the enactment appears to be to meet the evil of the indiscriminate use of loudspeakers, amplifiers and such other apparatus emitting and transmitting sound which is the source of nuisance causing obstruction in streets and lanes and annoyance and injury to neighbours, and also endangering health of the aged and the infirm who cannot enjoy sound sleep. It is in order to control this nuisance that the enactment in question was brought on the statute book. It must also be borne in mind that statutes are not mere exercises in literary composition, but being instruments of Government, while construing them the general purpose underlying the enactment is of more important aid to their meaning than any rule which grammar or formal logic may suggest. More so, because the purpose is generally embedded in words which are not always pedantically expressed. In this sense statutory meaning is more to be felt than to be demonstrated. So far as the object and purpose of this statute are concerned, I would be inclined to place a broader rather than a narrower construction on the word 'premises'.

Now the use of the word 'precincts' has also been contended to serve as some aid to the meaning of the word 'premises'. It is argued that if the word 'precincts' does not mean an open space of land, then it is strongly suggestive of the legislative intent that the word 'premises' also does not mean an open space of land. According to the Oxford Dictionary the word 'precinct' means the space enclosed by the walls or other boundaries of a particular place or building, or by an imaginary line drawn around it. According to Webster International Dictionary the word 'precinct' means the enclosure bounded by the walls or other limits of a building or place or by an imaginary line around it. It also means a surrounding or enclosing line or surface; a boundary. These meanings do not, in my view, confine the term 'precincts' to buildings alone; nor is it necessarily restricted to a place enclosed only by walls. The meaning of this word thus also depends on the context and its subject, the word having no fixed legal significance. In view of the above discussion, although the meaning of the word 'premises' is not as definite and clear as it ought to be in a statute, which creates offences and provides punishments, nevertheless, in my opinion, it does cover the case of an open or internal piece of land.

This word appears to have been used in the statute before us in no more restricted sense than the word 'place'; being an elastic and inclusive term, in my view it is intended to cover, and is equally well adapted to designate, both land or building. While coming to this conclusion and in my attempt to find the key to this legislative enactment, I confess, I have been influenced, to some extent, by modern stress and strain in our civil life and the imperative necessity of minimising, to the utmost extent, the evil of the

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criminate use of loud-speakers, amplifiers and other similar instruments, by providing effective statutory control over their user. The necessity of the subject dealt with by the statute before us does require the wider meaning to be given to the word 'premises' so as to include open space of land.

No arguments were addressed to us on the merits or facts of the case, and indeed, whether or not in a given case the precincts or the premises can with certainty be fixed has to be decided on its own peculiar facts. In the present case, this question has not been agitated before us, and after perusing the record of the case I do not think any plausible argument could possibly be advanced against the correctness or the validity of the impugned judgment on the facts and circumstances disclosed on this record.

I have not referred to an unreported decision of Bhandari, C.J., in *Ram Sarup v. The State*, Criminal Revision No. 1084 of 1959, decided on 5th of November, 1959, because there the facts were entirely different and the decision is of no guidance in the present case. Similarly, *Emperor v. Ramchandra* (1), is equally unavailing, because there the word 'premises' as used in City of Bombay Municipal Act was being construed, which obviously was in a different context. On similar grounds *P. Venkatachala Udayan v. Executive Officer* (2), is of little assistance. The facts in *Bai Jamna v. Bai Jadav* (3), were also very much different, and indeed there the word 'premises' as used in Bombay Act III of 1876 was merely held to include houses for the purposes of that Act.

(1) 7 I.C. 935

(2) A.I.R. 1950 Mad. 38

(3) I. L. R. 4 Bom. 168

It is clear that this decision is hardly of any assistance to us.

I may at this stage also state that Wharton's Law Lexicon and Law Lexicon by R. Aiyar have been of no practical assistance in the present case as the decisions noticed in them merely construed the words in question, used in the various enactments, in their own context and background. In Stroud's Judicial Dictionary, Volume 3, however, there is a reference to *Andrews v. Andrews* (1), in which it is observed by Kennedy L. J. that "there are cases which indicate that 'premises' may have a wider meaning". But this general observation hardly affords any real guidance. It is precisely for this reason that I have refrained from referring to these books.

In view of the foregoing discussion this revision must fail and is, therefore, dismissed.

Before concluding, however, I cannot help drawing the attention of the Government to the fact that in criminal statutes it is always desirable to be specific, unambiguous, and precise and to use language with a well-recognised and definite meaning, so that the citizens may know as to when they are going to incur the liability in a penal statute.

BISHAN NARAIN, J.—I agree.

K. S. K.

Bishan Narain, J.

APPELLATE CIVIL

Before Tek Chand and Shamsheer Bahadur, JJ.

THE PUNJAB NATIONAL BANK, LTD.—Appellant

versus

ARURA MAL DURGA DAS AND OTHERS,—Respondents.

Regular First Appeal No. 141 of 1954.

Indian Contract Act (IX of 1872)—Whether exhaustive of the law relating to contracts—Section 170—Banker's

(1) (1908) 2 K.B. 567

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