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RIGHTS OF THE CONSTITUTION AND STATUTES

“RIGHTS OF THE CONSTITUTION”

The constitution of the country is built with articles, clauses, which are written in sentences, its clauses and phrases in accordance with the grammar and composition rules of English Language.

As the articles of the constitution are the integral parts of the body of constitution; similarly, also, clauses are the integral parts of articles; these should be interpreted in lieu of the grammar and composition rules of English Language.

General rules of interpretation of the Constitution

- 1. If the words are clear and unambiguous, they must be given the full effect.*
- 2. The constitution must be read as a whole.*
- 3. Principles of harmonious construction must be applied.*
- 4. The Constitution must be interpreted in a broad and literal sense.*
- 5. The court has to infer the spirit of the Constitution from the language.*
- 6. Internal and External aids may be used while interpreting.*
- 7. The Constitution prevails over other statutes.*

Further, not only the constitution protects the rights of every one, but also protects its own rights, not to permit whoever to abrogate, suspend, subvert and void as a whole or integral parts of its body.

As the constitution does not usurp the rights of others, does not allow others to usurp its rights; similarly does not allow whoever to usurp rights of others on behalf of it.

“RIGHTS OF THE STATUTES”

As the statutes are constituted by the constitution of the country; and statutes of the country are built with sections, sub-sections, which are written in sentences, its clauses and phrases in accordance with the grammar and composition rules of English Language, these should be interpreted in lieu of the grammar and composition rules of English Language.

General rules of interpretation of the statutes

There are three main rules to interpret constitutional laws,

- 1. The literal or grammatical rule*
- 2. The golden rule*
- 3. Te mischief rule and integrated approach, as these are not common laws.*

Under the literal rule/grammatical rule, it is the task of the court to give a statute's words their literal meaning regardless of whether the result is sensible or not

LINKS

<https://www.scribd.com/document/.../Literal-or-Grammatical-Rule-of-Interpretation>

<https://definitions.uslegal.com/g/grammatical-interpretation/>

learning.ufs.ac.za/ULL214_OFF/Resources/2.%20RESOURCES/2.../2.../6.pdf