

GRAPHICAL INTERPRETATION OF LAW / STATUTE (A SCIENTIFIC APPROACH TO GRAPHICAL DIGEST OF LAW / STATUTE)

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QUOTES :

"Sciench is the captured territory in the siege of truth"

- Will Durant

(: Science is a "human activity" among others and an intelligent person is quite capable of mastering it's principals and more concerned with truth)

(:Science : a more precise, more concerned with truth)

"Research is an act of searching into a matter closely and carefully, inquiry directly to the discovery of truth and in particular the trained scientific investigation of the principles and facts of any subject, based on original and first hand study of authorities or experiment"-

- Encyclopedia Britannic

"When art (including science, Engineering and Technology) is converted in to the field of science, (through engineering and technology) the goal of truth is inevitable, that is a research."

- A Techno-Legal-Expert

INTRODUCTION TO TOPIC (IN BRIEF) :

- # The Constitution of India is Supreme, its not only a Law but also a machinery to make Laws.

- # The Laws are made and executed. The aims and objectives of any Law finally is to meet the ends of Social Justice in India,
- # The Doctrine of Separation of Power, a basic feature of The of Constitution emphasis that Legislature, Executive and Judiciary should operate in their perspective domain, without activism.

(Constitutionalism)

- # The Legislature, defined with function of making law of the land. The Executive, to implement law and Judiciary, strictly, to interpret a Law.

- # In the basic structure of Constitution of India, makers of law have also accepted the Doctrine of Rule of Law, meaning Justice de Jure.

- # Focusing on the Judiciary domain, the interpretation of law; by Text, Context, Preamble of the Act and Intention /vision of Legislature (the law makers), finally expected to deliver the Justice.

- # Thus the Interpretation of Statutes / Law remains the most important component in delivering the Justice.

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When, interpretation of Statutes / Law is the prime function of the court, the skill of interpretation has to attain the optimum level, that is the subject matter of concern.

Indian Judiciary and the order, having attained the world recognition too, has produced the skill of the interpretation of law.

Thus, finally, all process of justice converse into a focal point of interpretation of Statutes / Law.

The interpretation of laws is the skill, that is required to be achieved, which is normally attained by few scholars, by exercising long span of practice and therefore here it makes us to think, Is there any science of digesting Law ?, or Is there any recognized technique developed to attain the skills of interpretation, except the long, self devised method, which, only few of them attain.

On in-depth study with skills of existing tools of engineering graphics and competent thinking on the subject, researcher felt, a new technique to give effect, to the above, could be developed, which is not existing presently, inland or abroad too.

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INTRODUCTION TO THE TOPIC (RESEARCH) (IN BRIEF)

Highlights

- Graphical Digest of the Law / Statute, for Micro-Accuracy; by a tool of GRAPHICAL METHOD.
- An unique tool, extremely user friendly, innovative/revolutionary at the same time simple in operation.
- A Scientific digest of the Law / Statute with the use of GRAPHICAL METHODS; an unique, innovative application of Engineering, Drawings, Graphics and Mathematical Notations, in the field of MODERN LAW.
- A method that encompasses, the whole structure of the Law / Statutes,
- accurately touching the Interpretation of Statutes, its Rules, for more accurately founded decisions in the; Courts, Legal Practices and Legal Education.
- A scientific, accurate and innovative approach to hatch and digest accurately, the Laws /Statutes / Precedents / Case Laws and all that, in GRAPHICS.
- The accuracy being the sole of any Law / Statutes, as contemplated (Text, Context, Preamble of the Act and Intention of the Legislature) and used in Indian Legal Practices, a simple approach to a complexity of Law / Statute.

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Interpretation of Statutes. Graphical Science and it's application in making of accurate judicial decision,

Why Graphics?

- 1) A lawyer /law professional, with high-degree of intellectual capacity, however receipts the Law / Statutes, particularly; in the ranges as under :
 1. An Extra ordinary Lawyer : 95 to 100 %
 2. A Good Lawyer : 60 to 70 %.
 3. Rest of them (lawyers) : 20 to 50 %
- 2) The reason is, the law itself is complex, being in terms of words, clauses, phrases, sentences, punctuated and grammatically drafted; to carry the meaning of the Intention of Legislature.
- 3) As in the well-known judgement, the definition of perfect Interpretation of Statute lies in a skill of absorbing the statute, encompassing the Text, Context, the Preamble of the Act and the Intention of Legislature (the Indian jurisprudence), coupled with the digest of Precedents, choosing a fitting Citation / Authorities, matching to a same "Material Legal Facts" of the Precedents and with the case in hand; all together is totally dependent on, how

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best the "Main statute" is digested - accurately.

- 4) In sequence, for perfect interpretation of statute :
 1. Firstly, to digest the Acts in question accurately.
 2. Secondly, perfectly applying the Rules of the Interpretation of Statutes.
 3. Thirdly, rightly applying the Citation / Authorities, with Precedents.
 4. Lastly, then to arrive at well-founded decisions, collectively.

"The Judge has to inject flesh and blood in the dry Skeleton, provided by the Legislature, and by a process of dynamic interpretation, invest it with a meaning which will harmonize the law with the prevailing concepts and values and make it an effective instrument for delivery of Justice"

The common factor for all above, is the accuracy of digesting, whether the Law / Statutes / Citation / Authorities / Precedents.

Therefore, accuracy of digesting is the focal point and the goal, all the way.

- 5) It is well established fact that, the perception of line, graphics, is easier than of words, para, phrases, sentences — legal parlance.
- 6) If graphics, (as stated in my research subject) is adopted, the complexity is reduced to simplicity.
- 7) Human intelligency is accurate in terms of what he sees, rather than

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what he reads (percentage, as above differs, from intelligent to ordinary).

- 8) Graphics teachers to see first, and digest latter, this is the main principle that is adopted in the Graphical Methodology, (a research subject).
- 9) Is this imaginary - ? no, it is proven fact.
- 10) Does this method teaches the law ? no; it teaches to absorb the knowledge of law leading to the accuracy. The method is a "fast carrier and accurately destined" to digest the Law / Statues, in the process of making a accurate Judicial decision.

Conclusion :

- A legal intelligent coupled with Science, Engineering and Technology for more Competent Legal Wisdom.
- Application of engineering skills in the field of Law, for accurate interpretation of Laws / Statutes.

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Law and the Constitution of India :

- # Basic Structure of The Constitution of India, Fundamental Rights, Paramountcy of the Constitution and a expression of law as Article 13(3)(a) of the Constitution :
- # The ambit of expression of "law" as Defined in Article 13(3)(a) itself, so as to ensure the paramountcy of the constitution extends also to :
- a) Temporary laws such as Ordinances, Acts as well as Permanent laws;
 - b) Stationary instruments in the nature of subordinate legislation, specifically described as "Order, bye-laws., rules, regulation, notification" having in the territory of India the force of law;
 - c) non-legislative source of law, that is to say, custom or usage having in the territory of India, the force of law.

The object of the definition in Article 13 is to ensure that instruments emanating from any source of law, permanent or temporary, legislative or judgment or any other sources, will pay homage to the constitutional provision relating to fundamental rights.

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Article 13(3)(a):

"law includes any Ordinance, order, bye-laws, rules, regulation, notification, custom or usage having in the territory of India, the force of law,

Sources of laws:

- 1) Legislative
- 2) Precedents
- 3) A contract / Treaty
- 4) Custom or usage in the territory of India

Statute

A legislative source: (read with Art, 245,246,248,249,250,252,253)

Interpretation of Statutes:

- Internal Aids & Construction;
- External Aids & Construction;
- Subsidiary rules of Interpretation;
- Operation of Statutes,
- Statutes Affecting the crown of the state,

- Statues Affecting Jurisdiction of Courts
- Expiry and Repeal of statute
- Strict Construction of Statute (Taxing statues)
- Remedial & Penal statute
- Delegated Legislation

The General clause Act 1897 : Definitions (those concerned to subject)

- "Central Act" {S. 3(7)}
- "enactment" {S. 3(19)}
- "Indian law" {S. 3(29)}
- "Regulation" {S. 3(50)}
- "rule" {S. 3(51)}
- "State Act" {S. 3(59)}
- "sub-section" {S. 3(61)}

GIST OF CONCEPT

A Graphical Interpretations of Law / Statutes :

Graphical : Scientific line diagram (i.e. Engineering Drawing)

: use of Selected Mathematical Notations.

Interpretation of Law / Statutes :

: Art. 13(3)(a) of The Constitution of India,
defines the Law.

: Literal / Logical Interpretation of Statutes (Indian Jurisprudence).

: Rules of Interpretation of Statutes.

Perception of Judicial Parlance : (Presently) :

: Varying degree of perception from highly intellectual to ordinary lawyers. (varies from 95%, 50-60% to 20 to 50%)

Perception of Indian Parlance : (Analysis) :

- : A Law / Statutes being complex in nature (Since it spans on Narration, Description, Exposition and Arguments).

: The Statute also Spans on "words, clauses, phrases, sentences, text, context, preamble of the Act and the intention of the Legislature.

: The further-.application of Rules of the Interpretation of Statutes, the latest judicial decisions / Authorities / Citations.

Perception of the Statutes in terms of Graphics, for accuracy :

: A definite, well defined Science, namely, application of Engineering Drawings, few simple

Mathematical Notations. : A feasible application, tested by the Author (researcher), however further research to give concrete shape to this

"Graphical Methodology", is the aim of this research.

Applicability of this method :

: For any Law / Statutes.

: However, more useful for the Techno-Legal Acts (which are complex in nature).

Exact & Abstract. Perception :

: Law is well defined, (i.e. exact) however the perception in the minds of the lawyers is not 100% exact (depends on varying degree of his legal intelligence in the field)

Graphical Method and Accuracy : (Vhe Research Subject and Accuracy):

: This is a tool, if adopted, a legal intelligence can be improved to achieve perfection: # **Why**

Graphical :

: It is a natural instinct of a human-being that observation (here it is graphical) is more accurate, than the skill of reading (rather, the method enhances, the skill of the lawyer towards the accuracy and perfection).

Whether method, teaches law ?:

: No, it helps the lawyers to digest the law, that he reads, possesses; more accurately.

Whether Graphical Method is Complex to study :

: No, it is easily adoptable with few exercises (that is being devised through this research).

Conclusion :

- # Any law which is accurately defined, word by word, clause by clause, phrase by phrase, sentence by sentence in the text of statute/ law, however is not rcepted accurately by receptor, the outcome istherefore all though " Law is accurately defined and is " exact", theperception in the minds of receptor is 'abstract'.
- # The success of accurate interpretation of Law, "exact from text to exact to receptor is the ideal goal", and is the aim contemplated through this method / technique.
- # Thus the gap between transmission of exact to abstract, leads to bad interpretation by which, it gets defeated before higher and higherCourts of Justice, due to inaccurate and bad interpretation.
- # Although it is always aimed to interpret accurately, the same gets defeated attributable to interpretation.
- # Only long span of dedicated practice, can lead to the accurate interpretation of law.
- # But, with new technique, that is being proposed here, in spell of

shorter span also, one can attain the required skills of accurate interpretation, by the methodology of science of digesting law by Graphics and further Accurately. Tracking and Mapping Law, for aperfect interpretation.

- # The method as above, is a simple Graphics and easy to digest and adopt.
- # A further study on this methodology to perfect the science, as above; is rhe sole aim and to further simplify the methods, so far devised.
- # Althjugh utility of this method is for all Laws / Statutes; the usefulness is tested here, presently with respect to important, however complex Laws / Statutes (related to Engineering) as listed above.
- # The Research Aims at this unexplored and complex subject, to generate and to devise a new technique (new for the Country and abroad too), as above and make it adoptable in this field of Law, which is of national interest.

Research Projection (excepts):

"The process involved is such that are one source speaks something and another source picks it up, discover its meaning and applies it do justice between other. It is this field of art to find out the meaning of words inthe context of given situation. It is to this field of art that the present study is dedicated to enable those who are interested in knowing the elements of the subjects."

Research Projection (Researcher's View):

" It is to this field of art that can be converted in to the field of science formore accurate application, by the "Graphical Method" and that is the goal ofthis research, the truth.

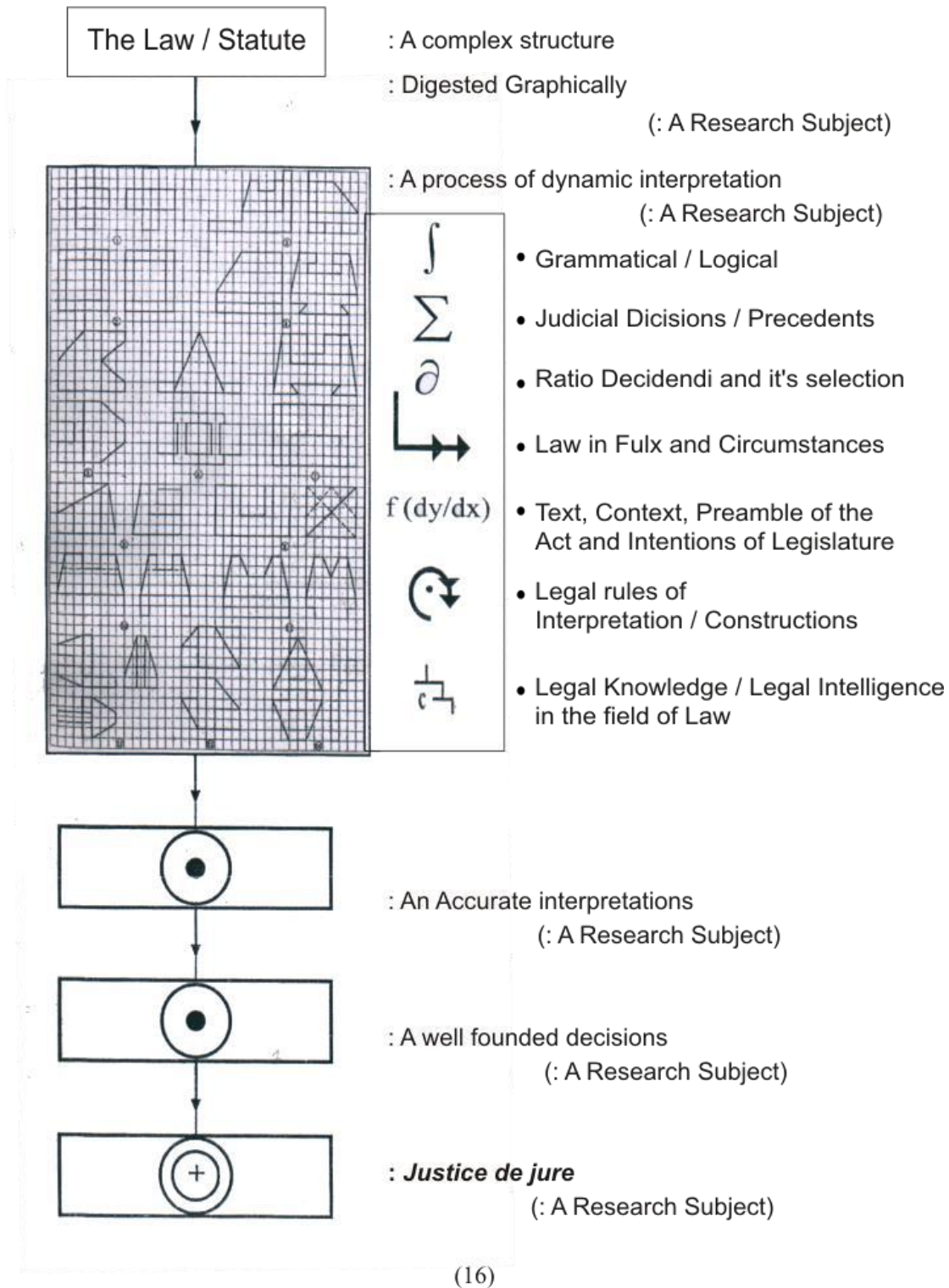
Methodology :-

Steps for Graphical interpretation of Law / Statute

Step 1 :- Accurate digest of Law / Statute (100%)

Step 2 :- Application of rules of interpretation of Statute

Step 3
Research : A Graphical Presentation at a Glance :-



Step 4 :- Decision / Judgment.

Summary:

To simplify the complexity of Law;
an innovative tool to reach the goal of
accurate interpretation of law / any statutes; however
complex, a graphical innovative technique; an
engineering application in the field of law.

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