

Golden Rule in Penal Statutes: A Critical Study of Judicial Interpretation in Criminal Cases

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Abstract: In the criminal jurisprudence, the interpretation of statutes serves as the bridge between legislative intent and the delivery of justice. While the Literal Rule remains the primary tool for interpreting penal provisions given the necessity for strict construction, it occasionally leads to outcomes that are "manifestly absurd" or "unjust."¹ This paper examines the Golden Rule, which functions as a judicial safety valve to modify the literal meaning of words to avoid such absurdity. Through an analysis of landmark and contemporary Indian cases, this study explores how the judiciary balances the principle of *strictissimi juris* (strict construction) in criminal law with the need to prevent unworkable legal results.

Keywords: *Statutory Interpretation, Golden Rule, Penal Statutes, Strict Construction, Judicial Activism, Purposive Interpretation, Constitutional Conformity, Absurdity, Legislative Intent, and Strictissimi Juris.*

Introduction: The interpretation of penal statutes is governed by a fundamental tenet: a person should not be deprived of life or liberty unless the law clearly and unambiguously mandates it. The statutory interpretation is the bedrock upon which judicial legitimacy rests in any constitutional democracy.² The word 'statute' derives from the Latin *statutum*, meaning that which has been 'set up or established'.³ Generally, this necessitates the Literal Rule, where words are given their plain and ordinary meaning. However, language is often imperfect. The Golden Rule is often called *Wensleydale's Rule*. The Golden Rule, originally articulated in the English case of *Grey v. Pearson*.⁴ It allows a court to depart from the literal meaning if it would lead to an absurdity, repugnancy, or inconsistency with the rest of the statute. The rule, propounded for the first time by Lord Wensleydale (*Grey v. Pearson*), declared as follows: "I have been long and deeply impressed with the wisdom of the rule, now, I believe, universally adopted, at least in the Courts of Law in Westminster Hall, that in construing wills and indeed statutes, and all written instruments, the grammatical and ordinary sense of the words is to be adhered to, unless that would lead to some absurdity, or some repugnance or inconsistency with the rest of the instrument, in which case the grammatical and ordinary sense of the words may be modified, to avoid that absurdity

¹ G.P. Singh, principles of statutory interpretation 145 (15th ed. 2021)

Khoobi Tiwari, Role of the Judiciary in the Interpretation of Statutes: A Jurisprudential Analysis, Govt. J. Yoganandam Chhattisgarh College 3 (2025).

³ Id. at 3.

⁴ *Gray v. Pearson*, (1857) 61 Eng. Rep. 1235; 6 H.L. Cas. 61.

and inconsistency, but no farther.⁵ This is laid down by Mr Justice Burton, in a very excellent opinion, which is to be found in *Warburton v. Loveland*⁶

In criminal law, applying the Golden Rule requires a careful and balanced approach. If courts interpret a penal provision too broadly, it may amount to judicial overreach and undermine the principle of legality, which requires that criminal liability be clearly defined by law. At the same time, an overly strict and literal interpretation may create technical loopholes that allow offenders to avoid liability, even when such an outcome was never intended by the legislature. The challenge, therefore, is to strike a balance between respecting the precise wording of the law and ensuring that justice is not defeated by the limitations of language.

Statement of Problem:

One of the most significant challenges in criminal jurisprudence is maintaining a balance between two equally important principles. On the one hand, penal laws must be interpreted strictly to protect individuals from arbitrary prosecution and punishment, as no person should be convicted under vague or uncertain legal provisions. On the other hand, there are situations where a purely literal interpretation of a statute may produce results that are clearly unreasonable, unjust, or contrary to the very purpose for which the law was enacted. In such cases, the Golden Rule of Interpretation becomes necessary to prevent the law from producing irrational consequences.

This tension is particularly evident in penal statutes, where the language of the legislation may contain ambiguities, drafting errors, or unforeseen gaps. A rigid literal interpretation may enable offenders to exploit technical loopholes and escape criminal liability, while in other situations it may criminalize conduct that the legislature never intended to punish or create legal uncertainties that adversely affect fundamental rights. These challenges raise an important question about the proper limits of judicial interpretation.

A major concern is that there is no universally accepted standard for determining when an interpretation becomes so "absurd" or "unjust" that it justifies the application of the Golden Rule. As a result, different courts may reach different conclusions in similar circumstances, reducing predictability and consistency in criminal justice. Moreover, when judges depart from the literal meaning of statutory language, concerns are often raised regarding the separation of powers, as judicial interpretation may appear to cross the line into judicial legislation. This continuing tension between strict adherence to statutory text and the need to achieve substantive justice remains one of the most debated issues in the interpretation of penal laws.

Research Objectives:

1. To analyse the jurisprudential evolution of the Golden Rule from its common law roots to its indigenization in the Indian legal system.
2. To examine the conflict between rigid literalism and purposive interpretation, specifically within the context of penal and fiscal statutes.
3. To evaluate the impact of landmark and contemporary judicial pronouncements on the interpretation of criminal laws like the UAPA, PMLA, and BNS.
4. To propose a balanced framework that ensures the Golden Rule is used to protect constitutional values without compromising the certainty of the law.

Hypothesis: The Golden Rule is a necessary complement to the Literal Rule in interpreting penal statutes, balancing legal certainty with justice in India's constitutional framework.

Research Methodology: The present study adopts a doctrinal and analytical legal research methodology to examine the application of the Golden Rule of Interpretation in penal statutes within the Indian legal system. The research primarily focuses on analysing statutory provisions, constitutional principles, and judicial decisions to understand how courts have interpreted penal laws while balancing legal certainty with the demands of justice. The primary sources of the study include the Constitution

⁵ Saji Koduvath, 'Golden Rule of Interpretation is Misapplied in Several Cases in India', Indian Law Live (Mar. 22, 2025), <https://indianlawlive.net/2025/03/22/golden-rule-of-interpretation-is-not-the-application-of-plain-meaning-of-the-words/>.

⁶ *Warburton v. Loveland*, (1831) 2 Dow & Cl 480: 6 ER 806] (see ante, p. 76. n.)

of India, the General Clauses Act, 1897, relevant penal statutes, and landmark as well as contemporary judgments of the Supreme Court of India and various High Courts. These judicial decisions have been accessed through reliable legal databases such as SCC Online and Manupatra to ensure authenticity and comprehensiveness.

The secondary sources comprise leading textbooks and treatises on statutory interpretation, particularly the works of Justice G.P. Singh, Vepa P. Sarathi, and Rupert Cross, along with research articles, law journals, commentaries, reports, and other scholarly publications. These sources provide the theoretical foundation for understanding the evolution and application of the Golden Rule in both common law and Indian jurisprudence. The study employs an analytical approach by critically examining statutory provisions and judicial precedents to assess the circumstances in which courts have departed from a strictly literal interpretation in favour of the Golden Rule. It further analyses how Indian courts have balanced the principles of legality, legislative intent, and constitutional values while interpreting penal statutes. Through this doctrinal analysis, the research seeks to identify emerging judicial trends and evaluate whether the Golden Rule has contributed to a more balanced, rights-oriented, and constitutionally consistent approach to criminal law interpretation.

Literature Review:

The existing literature on statutory interpretation highlights a clear shift in judicial philosophy. Classical theories established by English jurists like Lord Wensleydale in *Grey v. Pearson* (1857) argue that the Golden Rule is a necessary exception to the Literal Rule when absurdity arises.

In the Indian context, Justice G.P. Singh notes that Indian courts have developed a distinctive approach that balances the "letter of the law" with its "spirit," reading statutes through the lens of fundamental rights. Recent scholarly contributions by Upendra Baxi and S.P. Sathe analyse how judicial activism has encouraged courts to move beyond the text to ensure social transformation. However, contemporary academic discourse (2024 to 2026) expresses concerns regarding the unpredictability and judicial overreach that can occur when the Golden Rule is applied without consistent thresholds.

Golden Rule: Meaning and Concept:

The Golden Rule of Interpretation is an important principle that helps courts ensure that the law is applied in a fair and practical manner. Unlike the Literal Rule, which requires judges to follow the exact wording of a statute, the Golden Rule permits a limited departure from the ordinary meaning of the words when a literal interpretation would lead to an absurd, unjust, or unreasonable result. Its purpose is not to rewrite legislation but to give effect to what the legislature actually intended while avoiding outcomes that would defeat the purpose of the law.

This rule assumes particular importance in the interpretation of penal statutes. Criminal laws directly affect the life and liberty of individuals, and therefore a purely literal reading may sometimes punish conduct that the legislature never intended to criminalize or, conversely, allow a guilty person to escape liability because of an unintended drafting defect. In such situations, the Golden Rule enables the judiciary to interpret the provision in a way that promotes justice without exceeding the boundaries of judicial interpretation. One of the greatest strengths of the Golden Rule is that it strikes a careful balance between legal certainty and fairness. It respects the text enacted by the legislature while recognizing that language is not always capable of anticipating every factual situation. Rather than encouraging judicial law-making, it provides judges with a limited and principled discretion to remove inconsistencies and prevent irrational outcomes. In the Indian legal system, the Golden Rule has also acquired constitutional significance. Courts have frequently relied upon it to read down statutory provisions so that they remain consistent with the Constitution and the fundamental rights guaranteed to citizens. This approach not only preserves the validity of legislation wherever possible but also reinforces the constitutional commitment to justice, fairness, and the rule of law.

The Principle of Criminal Law: Strict Construction vs. The Golden Rule: The core principle of criminal law involved here is the Strict Construction of Penal Statutes.

- The Rule: If there are two possible interpretations of a penal provision, the one that is favourable to the accused must be adopted.⁷
- The Conflict: Strict construction sometimes results in a "legal vacuum" where a clear mischief goes unpunished because the literal text did not technically cover it.
- The Golden Rule Solution: The Golden Rule permits the court to "read down" or "read in" words to ensure the statute remains unworkable or produces a result the legislature could not have intended.⁸

Landmark Judgments:

Ramji Missar v. State of Bihar (1963): Context: This case involved the interpretation of the Probation of Offenders Act, 1958.

Issue: Whether the "age" of the offender for the purpose of granting probation should be considered at the time of the commission of the offense or at the time of the judgment.

Judicial Interpretation: A literal reading might have suggested that from the date of the offense. However, the Court applied a modified approach (akin to the Golden Rule) to hold that the date of the judgment is also relevant. This ensured the beneficial purpose of the act (i.e., rehabilitation) was not frustrated by the passage of time during the trial.⁹

State of Madhya Pradesh v. Azad Bharat Financial Company (1967):

Context: Interpretation of Section 11 of the Opium Act, 1878, which stated that a vehicle used for transporting opium "shall be" confiscated.

Issue: Whether "shall be" makes confiscation mandatory even if the owner of the vehicle did not know about the crime.

Judicial Interpretation: The Supreme Court held that a literal, mandatory interpretation would lead to an absurd and unjust result for innocent owners. By applying the Golden Rule, the Court interpreted "shall be" as "may be," allowing judicial discretion to prevent the punishment of an innocent party.¹⁰

Tirath Singh v. Bachittar Singh (1955):

This is one of the most-cited Supreme Court cases on the application of the Golden Rule to procedural law. Case Context: The case concerned the Representation of the People Act, 1951, specifically Section 99, which mandated that the Tribunal must issue a notice to any person "who is not a party to the petition" before naming them for a corrupt practice. The Legal Conflict: A literal reading of the provision suggested that even if a person was *already* a party to the election petition (such as the candidate whose election was being challenged), the Tribunal still had to issue a fresh notice before naming them for disqualification.

Judicial Interpretation: The Supreme Court concluded that a strict, literal reading would lead to an illogical result, ordering a new trial for someone who had already been examined at all stages of the process. Application of the Golden Rule: The Court adjusted the literal meaning, ruling that the requirement of a notice applied only to *non-parties*. Justice Ayyar noted that when the language of a statute leads to "absurdity or anomaly," the court must modify it to reflect the legislature's true intent.¹¹

State of Punjab v. Qaisar Jehan Begum (1963):

This landmark ruling illustrates the Golden Rule's role in ensuring that "technical" timelines do not defeat the "substantive" right to justice.

Case Context: Under Section 18 of the Land Acquisition Act, a person must file an application for reference within six months of the "date of the Collector's award".

The Legal Conflict: In this case, the respondents were not present when the award was made and were not given immediate notice of it. A literal interpretation of "date of the award" would mean the timeline began the moment the Collector signed the document, even if the affected party was unaware of it.

⁷ G.P. Singh, principles of statutory interpretation 145 (15th ed. 2021).

⁸ Golden Rule of Interpretation, IPLEADERS (May 10, 2022)

⁹ Ramji Missar v. State of Bihar, AIR 1963 SC 1088.

¹⁰ State of Madhya Pradesh v. Azad Bharat Fin. Co., AIR 1967 SC 276.

¹¹ Tirath Singh v. Bachittar Singh, AIR 1955 SC 830.

Judicial Interpretation: The Court found that a literal reading would be manifestly unjust, as it could bar a person from seeking a legal remedy before they even knew the remedy was necessary.

Application of the Golden Rule: The Supreme Court "read in" the requirement of knowledge. It held that the "date of the award" must be interpreted as the date when the party received notice of the award or had constructive knowledge of its contents. This departure from the literal text was necessary to avoid the "absurdity" of a right being extinguished without the holder's knowledge.¹²

Huzaif Abdul Aziz Shaikh v. State of Maharashtra (Bombay HC, 2026):

Context: A 2026 case involving the interpretation of "furthering the agenda" of a banned organization under the UAPA.

Issue: Whether a mere financial transaction without evidence of criminal intent (*Mens Rea*) constitutes a penal offense.

Judicial Interpretation: The Court cautioned against a "myopic" or purely literal reading of transaction logs. Applying the spirit of the Golden Rule, the Court held that interpreting "support" to include innocent or general communication would lead to the absurd result of criminalizing non-criminal social interactions. The court insisted on a construction that requires "prima facie" evidence of actual criminal advancement.¹³

Pankaj Bansal v. Union of India:

Context: Interpreting the "grounds of arrest" under the PMLA.

Issue: Whether providing grounds of arrest "as soon as may be" (Article 22(1)) allows for oral communication or requires a written record.

Judicial Interpretation: The Supreme Court applied the Golden Rule to harmoniously construe the PMLA with constitutional safeguards. The Court ruled that to avoid the "absurdity" of an arrestee not knowing why they are detained (which would make a legal challenge impossible), the "grounds of arrest" must be provided in writing. A literal interpretation allowing oral communication was rejected as it would render the constitutional right to counsel unworkable.¹⁴

In Re: Sexual Offences Guidelines:

Context: Distinction between "preparation" and "attempt" in sexual offenses.

Issue: Whether rigid textual definitions of "attempt" under the IPC/BNS lead to insensitive results in sexual assault cases.

Judicial Interpretation: In this 2026 *Suo Motu* case, the Supreme Court moved beyond a literal reading of "attempt." It applied a purposive/golden construction to ensure that the law covers conduct that has moved significantly toward the crime, even if the "final act" was not reached. This prevents the "absurd" result of an aggressor being acquitted simply because the statutory definition was too narrow to catch the specific nature of the advance.¹⁵

Manoj Kumar v. The State of Haryana (Supreme Court, 2024):

Issue: A conviction under Section 25 of the Arms Act based on recovery statements made while in custody.

Literal Conflict: The prosecution sought a literal reliance on recovery memos as conclusive proof of possession, despite clear discrepancies in the testimonies of recovery witnesses.

Golden Rule Application: The Court looked at the absurdity of maintaining a conviction when the "recovery" process itself was filled with contradictions (e.g., searching for a weapon twice in different locations based on conflicting statements). By applying a common-sense modification to the weight given to "plain" recovery documents, the Court ensured that the law did not produce an unjust conviction based on faulty procedural evidence.¹⁶

Rawman Metal v. Union of India (Bombay HC, 2025):

Issue: Interpretation of Rule 86-A regarding the "blocking" of Input Tax Credit (ITC).

¹² State of Punjab v. Mst. Qaisar Jehan Begum, AIR 1963 SC 1604

¹³ Huzaif Abdul Aziz Shaikh v. State of Maharashtra, 2026 INBOM 422.

¹⁴ Pankaj Bansal v. Union of India, (2024) 4 SCC 112.

¹⁵ In Re: Order Dated 17.03.2025 v. SMW(CrI) No. 1/2025, 2026 INSC 165.

¹⁶ Manoj Kumar v. State of Haryana, 2024 INSC 412 (India).

The Conflict: The Government argued that even if a taxpayer has zero balance in their ledger, the authorities can "block" it by creating a negative balance—an interpretation aimed at preventing fraud. Golden Rule Application: The Court referenced the Golden Rule and the foundational case of *Grey v. Pearson* to determine if the government's interpretation was necessary to avoid "absurdity". However, it concluded that in taxing/penal provisions, the Court cannot "read words into" an Act unless it is absolutely necessary to make the statute meaningful. It held that a literal reading (that you can only block what is *available*) must stand, as creating a "negative balance" would be an unauthorized expansion of the law.¹⁷

Comparative Analysis & Critical Observations

This paper highlights a "tilt" in the Indian judiciary toward the Purposive Interpretation and the Golden Rule.

Textualism vs. Context: While English courts (like in the *Sussex Peerage Case*) historically preferred rigid literalism, Indian courts increasingly read penal statutes through the lens of Constitutional Conformity¹⁸.

Predictability: A major criticism of the Golden Rule in criminal cases is that it can lead to unpredictability. If a judge can change the meaning of a word to avoid what *they* perceive as "absurd," it may violate the principle that the law must be certain (*lex certa*).¹⁹

Conclusion and Suggestions:

The Golden Rule serves as a vital instrument in the Indian judiciary's arsenal to ensure that the letter of the law does not kill its spirit. In penal statutes, where the stakes involve human liberty, the rule is applied cautiously. The transition from the landmark *Azad Bharat* case (1967) to recent 2026 rulings shows a judiciary that is increasingly rights-oriented, using the Golden Rule to ensure that procedural gaps and linguistic ambiguities do not defeat constitutional justice.²⁰

Establishment of Clear "Absurdity" Thresholds: To prevent the Golden Rule from becoming a tool for uncontrolled judicial activism, the judiciary should develop a more precise definition of what constitutes a "manifestly absurd" result. A mere disagreement with legislative policy should not qualify as absurdity; rather, it should be reserved for cases where the literal text makes the statute unworkable or internally contradictory.

Prioritizing Constitutional Values in Penal Interpretation: Given the "transformative" nature of the Indian Constitution, courts should explicitly prioritize an interpretation that protects fundamental rights under Article 21 (Right to Life and Liberty) over a rigid literalism that might lead to unfair detention.

Judicial Restraint in Fiscal and Penal Matters: While the Golden Rule is useful, the principle of *strictissimi juris* must remain the primary anchor in criminal law. Suggestions include that courts should only use the Golden Rule to "read down" or "limit" a penal provision to protect the accused, rather than using it to "expand" the scope of a crime to cover an uncovered mischief.

Legislative Clarity and Feedback Loops: Parliament should take note of landmark instances where the Golden Rule was applied to fix "absurdities." The Law Commission of India should periodically review statutes that have required significant judicial "re-writing" and propose legislative amendments to clarify the text, thereby reducing the need for judicial intervention.

Consistency in Bench Philosophies: To address the issue of unpredictability, there is a need for larger benches to settle conflicting interpretations of common legal terms. This would ensure that the Golden Rule is applied uniformly across different High Courts and Benches of the Supreme Court, providing certainty to citizens and law enforcement.

Cautious Use of Extrinsic Aids: While Indian courts liberalize the use of parliamentary debates and Law Commission reports to ascertain legislative intent, these materials should serve as *confirmatory tools* rather than primary bases for departing from a literal text. This restriction preserves the primacy of the enacted word of law.

¹⁷ *Rawman Metal Indus. v. Union of India*, 2025 INBOM 114.

¹⁸ S.P. SATHE, JUDICIAL ACTIVISM IN INDIA 54 (2002).

¹⁹ G.P. SINGH, *supra* note 1, at 150.

²⁰ INDIA CONST. art. 21.

“The Golden Rule must act as a scalpel to excise linguistic anomalies threatening a statute's health, rather than a pen to overwrite the legislature's democratically expressed will.”

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