DISCLAIMER

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Managing Editor of IJLRA. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of IJLRA.

Though every effort has been made to ensure that the information in Volume I Issue VIII is accurate and appropriately cited/referenced, neither the Editorial Board nor IJLRA shall be held liable or responsible in any manner whatsoever for any consequences for any action taken by anyone on the basis of information in the Journal.

Copyright © International Journal for Legal Research & Analysis
EDITORIAL TEAM

EDITORS
Ms. Ezhiloviya S.P.
Nalsar Passout

Ms. Priya Singh
West Bengal National University of Juridical Science

Mr. Ritesh Kumar
Nalsar Passout

Mrs. Pooja Kothari
Practicing Advocate

Dr. Shweta Dhand
Assistant Professor
ABOUT US

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 is an Online Journal is Quarterly, Peer Review, Academic Journal, Published online, that seeks to provide an interactive platform for the publication of Short Articles, Long Articles, Book Review, Case Comments, Research Papers, Essay in the field of Law & Multidisciplinary issue. Our aim is to upgrade the level of interaction and discourse about contemporary issues of law. We are eager to become a highly cited academic publication, through quality contributions from students, academics, professionals from the industry, the bar and the bench. INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.
“A STUDY REGARDING ROLE OF NOSCITUR A SOCIIS IN
STATUTORY INTERPRETATION”

Sagar Kumar
NALSAR University of Law.
Simranjeet Kaur
Maharashtra National Law University, Aurangabad.

ABSTRACT

The principle of Noscitur a sociis is used in the interpretation of statutes, which means that when two or more words are mixed that are vulnerable to similar meaning; they are understood to be used in their cognate context. In the article, the basics of the rule of Noscitur a sociis will be highlighted. However, since it is in contrast with other principles of interpretation, such as the study of the legislative purpose behind the provision and the meaning rule, it is also unclear whether it is relevant. Therefore, to understand the situations in which this principle is not applicable, the article will also highlight the exceptions to the principle of Noscitur a sociis.

There are even situations when many do not differentiate between the principle of noscitur a sociis and the principle of Ejusdem generis. These principles have their origin as canons of construction of common law to help interpret domestic law contracts and statutes. There is a degree of overlap in both the principles, where Ejusdem generis can be seen as a particular application of the more general canon of Noscitur a sociis. The Ejusdem generis principle is a facet of the principle of Noscitur a sociis. Therefore, the principle of Noscitur a sociis is broader than the principle of Ejusdem generis because this principle puts the words in the context of the whole phrase and not just in relation to the nearby words. But there is a subtle distinction that will be pointed out with the help of decided cases.

Further, the article will deal with the meaning of the principle of Noscitur a sociis and the exceptions to the said principle, which will be pointed out through the decided cases. The comparative understanding between the principles of Noscitur a sociis and Ejusdem generis and the judicial interpretation of the principle of Noscitur a sociis will then be discussed later in the article.

KEYWORDS: Noscitur a Sociis, Ejusdem Generis, Comparative Understanding, Judicial Interpretation.
**TABLE OF CONTENTS**

I. INTRODUCTION .................................................................6

II. RESEARCH METHODOLOGY .................................................6

III. MEANING ........................................................................6

IV. EXCEPTIONS .....................................................................7

V. COMPARATIVE UNDERSTANDING: NOSCITUR A SOCIIS AND EJUSDEM GENERIS .................................................................8

VI. JUDICIAL INTERPRETATION ..............................................10

VII. CONCLUSION .................................................................14

VIII. REFERENCES ..................................................................15
I. INTRODUCTION

To decide the meaning of a questionable phrase, *Noscitur a sociis* is a construction rule based on the interpretation of related terms. It can be applied to the construction of words in the act of Parliament by referring to the words contained in immediate relation to them. According to Maxwell, when two or more terms are coupled together that are prone to comparable interpretation, they are known to be used in their cognate sense, they take colour from each other.¹ According to Crawford², to determine the meaning of any word or phrase that is ambiguous or prone to more than one meaning, the court may adequately resort to other terms associated with the ambiguous word in the statute.³

This rule applies only where the Legislature’s expectation is questionable or otherwise not explicit in associating terms of import with words of narrower significance. The principle of *Noscitur a sociis* means to know the meaning by association and does not apply in cases where legislatures intent is plain and free from uncertainty. There is a considerable distinction between *Noscitur a sociis* and *Ejusdem generis*. In this article, what we strive to achieve is that How has the principle of *Noscitur a sociis* been interpreted by the courts in various judgments, and how has the differentiation been drawn between the principle of *Noscitur a sociis* and *Ejusdem generis*.

II. RESEARCH METHODOLOGY

The researcher uses doctrinal methods of study to dig into the subject and plan a research project to go along with this subject. To construct up the theories, the descriptive study design has been implemented. Blue Book Mode of Citation is used for footnotes.

III. MEANING

The principle of *Noscitur a sociis* is one of the court’s rules used by the court for statutory interpretation of laws. ‘Noscere’ means to know, and ‘sociis’ means association/society. The Latin phrase means, “to know the meaning by association or according to the context”, or, as Lord Macmillan put it felicitously, “A word is known by the company it keeps”.⁴ This doctrine “stands for the principle that a word or phrase is given meaning by its context or

---

¹ Kerala State Housing Board and Others v. Ramapriya Hotels (P) Ltd. and Others, (1998) 5 SCC 672.
² EARL L. CRAWFORD, CONSTRUCTION OF STATUTES 45.
setting”. It is possible to derive the uncertain meaning of a dubious term from its connection with other words. Therefore, general terms should not be read in isolation, as general words are juxtaposed with particular words.

The rule that a word is known by the company it keeps is not ineluctable. It is applied wisely only where a word can have many meanings so that giving unintended breadth to a statute may be avoided. It is possible to determine the definition of a questionable word by a reference to the meaning of words associated with it.

In Maxwell, this rule is explained in the interpretation of statutes in the following terms "when two or more words are mixed that are vulnerable to similar meaning; they are understood to be used in their cognate context". Coupling words together indicates that they are to be interpreted in the same way. Where the meaning of a particular word is doubtful or unclear, or where a specific phrase is inoperative when taken separately, its purpose is to be decided by looking at adjacent words or expressions that occur in other parts of the same text.

IV. EXCEPTIONS

In contexts where it is clear that the narrower terms were purposely used to make the meaning of the specified term correspondingly broader, Noscitur a sociis cannot prevail. It may also be applied where the meaning of the terms of broader import is doubtful; but where the legislature’s intent is plain and free from uncertainty in the usage of broader words, the construction rule cannot be applied. The principle of Noscitur a sociis, like the other canons, is just an aid to meaning, not ironclad rule. Thus, it has no value if the statute evidences a meaning contrary to its presumptions.

In State of Bombay v. Hospital Mazdoor Sabha, it was noted that "it must be borne in mind that noscitur a sociis is merely a construction rule and cannot prevail in cases where it is obvious that the broader terms have been used deliberately to make the meaning of the specified term correspondingly wider. It is only where the legislature’s purpose is questionable or otherwise to equate broader words with words of narrower significance. It can also be used where the meaning of the terms of broader import is doubtful; however,

7Supra Note 1.
where the legislature’s intent is plain and free of uncertainty in the use of broader words, the construction rule in question cannot be put into service”.

In Lokmat Newspapers Pvt. Ltd. v. Shankarprasad, it was observed that the rule of Noscitur a sociis is applicable only when two words in a statute have a similar meaning. Since the words ‘discharge’ and ‘dismissal’ used in a statutory provision do not have the same analogous meaning; hence, the rule of Noscitur a sociis cannot be applied.

Thus, it can be said that the rule of Noscitur a sociis does not apply where the arrangement of the words conveys a clear and definite meaning or where the word has itself been defined in the statute. Moreover, when the words are expressly excluded in a statute, they cannot be included using this rule. Lastly, when the words are given a broader connotation intentionally by the legislature, this rule cannot be invoked to narrow down the meaning of the words.

V. COMPARATIVE UNDERSTANDING: NOSCITUR A SOCIIS AND EJUSDEM GENERIS

In Latin Ejusdem generis means ‘of the same kind’ and Noscitur a sociis means ‘recognized by its partners’. Ejusdem generis is a principle of construction, which means that when restricted words flank general words in a statutory text, the meaning of the general words is taken to be restricted by implication with the meaning of restricted words. It requires that when a general term follows a list of specific terms, the general term is confined to items of the same kind. It is a concept that emerges “from the linguistic inference by which the verbal sense regards terms with a broader meaning (when taken in isolation) as reduced in scope”. It can be used as an example of ellipsis, or dependency or inference. Unless there is some contrary indication, this principle is supposed to apply.

This ejusdem generis principle is a facet of the principle of Noscitur a sociis. Therefore, the doctrine of Noscitur a sociis is broader than the doctrine of Ejusdem generis because this rule puts the words in the context of the whole phrase and not just in relation to the nearby words. These canons “together instruct that words in a series should be interpreted in relation to one another.” Accordingly, “under the established interpretative canons of Noscitur a sociis and Ejusdem generis, where general words follow specific words. The general words are

---

construed to embrace only objects similar to those enumerated by the specific words”.\textsuperscript{14} Many do not differentiate between this principle and the \textit{Ejusdem generis} principle. But there is a subtle distinction as pointed out in \textit{State of Bombay v. Hospital Mazdoor Sabha}\textsuperscript{15} discussed below:

"\textit{Associated words take their meaning from each other under the doctrine of noscitur a sociis, the concept of which is that the interpretation of a dubious word may be ascertained by contrast to the meaning of words related to it; such rule is broader than the rule \textit{Ejusdem generis}. The other rule is only an illustration or specific application of the broader maxim noscitur a sociis.}"

A similar thing was observed in \textit{Oswal Agro Mills Ltd. and Others v. Collector of Central Excise and Others}\textsuperscript{16}, where the Supreme Court said that the rule of \textit{noscitur a sociis} is broader than the doctrine of \textit{ejusdem generis}.

But the concept of \textit{Ejusdem generis} applies, like all other linguistic canons of construction, only when no contrary intention occurs. In the instant case of \textit{Maharashtra University of Health Sciences and Others v. Satchikitsa Prasarak Mandal and Others}\textsuperscript{17}, a contrary intention is indicated in as much as the definition of ‘teachers’ under Section 2(35) of the said Act, is in two parts. The first section deals with enumerated categories, but a separate group of individuals is envisaged in the second part, which begins with the phrase "and other’’ and’’ is disjunctive here. The first section deals with enumerated categories, but a separate group of individuals is envisaged in the second part, which begins with the phrase ‘‘and other’’ and’’ is disjunctive here. Thus, the concept of \textit{ejusdem generis} cannot be applied when reading such a term.

It must be held in mind that \textit{Noscitur a sociis} is merely a construction rule and cannot prevail in cases where it is obvious that the broader phrases have been used purposely to make the meaning of the specified term correspondingly broader. It is only where it is questionable or otherwise not explicit that the purpose of the legislature to equate broader terms with words of narrower meaning can be usefully extended to the present rule of construction.

\textsuperscript{15}Supranote 3.
\textsuperscript{17}Supranote 5.
The principle of interpretation known as *Noscitur a sociis* has received approval from the Supreme Court in *Godfrey Phillips India Ltd. and Another v. State of U.P. and Others*\(^{18}\). However, its indiscriminate application has been cautioned against and unless the ‘societas’ of which the ‘sociis’ belong, are identified, the theory of *Noscitur a sociis* may be a treacherous one. If there is no other factor than contiguity to show the ‘societas’, the danger may be present. But where, as here, there is a term of broad detonation that is not free of ambiguity, the inclusion of terms such as ‘including’ is appropriately representative of society. The test for application for the principle of *Noscitur a sociis* as laid down in *Hospital Mazdoor Sabha Case*\(^{19}\), does not exclude the application of the principle of *Noscitur a sociis* to the present case for the interpretation of the word ‘luxuries’ in Schedule VII List II Entry 62, since the sense of the word ‘luxury’ in Entry 62 is questionable and has been described with respect to authority, it has been amply demonstrated and constructed in different senses.

In *Ahmedabad (P) Primary Teachers’ Assn. v. Administrative Officer*\(^{20}\), the court resorted to the rule of *Noscitur a sociis* which is wider in scope than the rule of *Ejusdem generis* for construing the definition of ‘employee’ under the Payment of Gratuity Act, 1972, implicitly recognizing that the words ‘skilled’, ‘unskilled’ and ‘manual’ does not belong to the same genus and, therefore, the principle of *Ejusdem generis* could not be applied. However, the court has even by applying the rule of *Noscitur a sociis* held that ‘teachers’ are not ‘employee’ restricting the meaning of otherwise broad term ‘skilled’ in beneficial legislation like the Payment of Gratuity Act.

VI. **JUDICIAL INTERPRETATION**

Limehouse illustrates that, in the face of clear meaning, the Court-as scholars of statutory interpretation argue it should-is prepared to forego the *Noscitur a sociis* canon and look to interpretative methods providing a more definitive sense of congressional intent.\(^{21}\) Although scholars have long cautioned against elevating *Noscitur a sociis* as an interpretative methodology over more accepted techniques, such as plain meaning or legislative history,
nothing in their analyses suggests that an interpreter, if she fails to divine intent through conventional means, cannot then rely entirely on Noscitur a sociis.  

In Oswal Agro Mills Ltd. and Others v. Collector of Central Excise and Others, the Supreme Court explained the meaning of noscitur a sociis as: “It is no doubt true that the rule of noscitur a sociis, meaning thereby, that is a legitimate rule of construction to construe words in the Act of Parliament with reference to words found in immediate connection with them, that is when two or more words which are susceptible of similar meaning are merged, they are considered to be used in their sense of cognition. They take their colour from each other as it where the more general definition is limited to a context similar to a less general one.”

In State of Assam v. R Muhammad, the Supreme Court applied the rule of noscitur a sociis to arrive at the meaning of the word ‘posting’ used in Article 233(1) of the Constitution of India, 1950. The court held that since the word ‘posting’ occurs in association with the word’s ‘appointment’ and ‘promotion’, it took its colour from them and so it means ‘assignment of an appointee or a promotion to a position’ and does not mean the transfer of a person from one station to another.

In Dole v. United Steelworkers of America, the application of Noscitur a sociis necessarily constrained the scope of statutory provision. It was observed that once the court invokes this principle, it virtually ensures a constriction of a statute’s ambit, if only because the interpretation of statutory phrases is read in conjunction with their neighbours. In this case, the court did not rely on this canon as its only theory of interpretation, it also invoked the provision’s ordinary meaning, the purpose of the Act as a whole, and the Act’s legislative history. By invoking a variety of interpretative methodologies, the court necessarily strengthened its decision.

Constructing words in Parliament's Act with reference to words found in immediate connection with them is a good rule of construction. This was observed in the case of Rasila S. Mehta and Others v. Custodian, Mariman Bhavan, Mumbai. The appellants

23Supra note 7.
24AIR 1967 SC 903.
27Supranote 12.
contended that since they have not been charged for any offence, they cannot be notified under the Act. According to the appellants, the phrase ‘involved in the offence’ could only mean ‘accused of the offence’, and since they are not charged with any offence, they cannot be notified. In construing the words as mentioned above, which are used in association with each other, the rule of construction – Noscitur a sociis may be applied. In juxtaposition, the actual order of these three words suggests that the sense of one takes colour from the other. The idea is stated differently: it is possible to assess the meaning of uncertain terms by reference to the context of words associated with them.

In Devendra M. Surti v. State of Gujarat\textsuperscript{28}, the court had to interpret the term ‘profession’ under Section 2(4) of the Bombay Shops and Establishments Act, 1948. By referring to other similar terms’ enterprise ‘and’ trade associated with it, the clinical specialist’s private pharmacy was not included under the word ‘career’. In Brown v. Gardner,\textsuperscript{29} the application of Noscitur a sociis again had a limiting impact, as the term “injury” was read narrowly in conjunction with its use in other portions of the statute. Moreover, the Court again refrained from relying exclusively on Noscitur a sociis in its decision. Justice Souter’s textualist opinion used interpretative methods characteristic of the new textualist camp, methods such as considering the statute in context with related statutes and drawing “reasonable inferences” from the statutory language.

When two or more words which were capable of being understood analogously were coupled together, they had to be understood in the analogous common sense and not in the general sense. Applying this rule of Noscitur a sociis, the words ‘perfumes’ in the entry was to be understood in conjunction with ‘depilatories’ and cosmetics. In other terms, the term ‘perfumes’ only applied to preparations that were widely recognized on the market for use as perfumes on the human body. In other terms, the term 'perfumes' only applied to preparations that were widely recognized on the market for use as perfumes on the human body. We are in no doubt that the term “perfumery” in Entry No. 16 draws color from the words “cosmetics” and “toilet products”.

In the said Entry No. 16, the word ‘perfumery’ can only apply to those perfumery articles that are used on the person, as cosmetics and toilet goods are. The word ‘perfumery’ in the context in which it, is used has, therefore, no application to ‘dhoop’ and ‘aggarbatti’\textsuperscript{30}. It was

\textsuperscript{30}Pardeep Aggarbatti v. the State of Punjab, (1997) 8 SCC 511.
held that entries in the Schedules of sales tax and excise statutes list some articles separately and some articles are grouped. When they are grouped, each word in the entry draws colour from the other words therein. This is the doctrine of *Noscitur a sociis*.

The test for application of *Noscitur a sociis* was laid down in *Hospital Mazdoor Sabha Case*\(^\text{31}\), wherein the court rejected the application of the principle *Noscitur a sociis* in interpreting the words of wide amplitude used in the definition of ‘industry’, in reality, it applied this principle to constitute the rationale to the exceptions carved out by it. Later on, the same was clarified and applied in *Godfrey Phillips India Ltd. v. State of U.P.*\(^\text{32}\), where it was found that the words in the definition were of very wide and definite import. It was suggested that these words should be read in a restricted sense regarding the included items on the principle of *Noscitur a sociis*. The suggestion was rejected following the guidelines given in the case, as mentioned above. Recently, the same case was relied on in *Parle Agro (P) Ltd. v. CCT*\(^\text{33}\), wherein the appellants before the Committee of Commissioners as well as the High Court have pleaded that Entry 71 Item 5 mentioned ‘similar other products not specifically mentioned under any other entry in this list or any other schedule’, the consideration of the commodities as included in other items referred to in Entry 71 was required. It was contended that ‘Appy Fizz’, a fruit juice-based drink, is more akin to other commodities included in Entry 71 other than that included in Section 6(1)(a). It was held that the doctrine of *Noscitur a sociis* was thoroughly attracted after interpreting Item 5 of Entry 71 because Clause 5 of Entry 71 had to take colour and sense from the other things contained in Entry 71.

Also, the court observed that *Noscitur a sociis* is a valid construction rule for constructing the words of an act of Parliament with regard to the words considered to be immediately related to them. The court also observed that the rule is most useful ‘when the legislature’s purpose is doubtful or otherwise not plain in associating broader terms with words of the narrowest meaning.’\(^\text{34}\)

---

31*Supranote 3.*  
32*Supra note 9.*  
33*Parle Agro (P) Ltd. v. CCT*, (2017) 7 SCC 540.  
34*Subramanian Swamy v. Union of India*, (2016) 7 SCC 221.
VII. CONCLUSION

The will of the legislature is conveyed in the form of statutes, and certain words of the statute are probably vague when the judiciary applies the statute. Often the full provision of the statute is not apparent. Therefore, to resolve the issue of uncertainty, the judiciary interprets or clarifies it. Interpretation is the way of interpreting the meaning of the enactment by giving its ordinary and natural meaning to the terms of an enactment. Noscitur a sociis is one of the concepts of statute interpretation, and by referring to the terms associated with it, it is meant to assess the meaning of questionable words. Although it is difficult to draw any general conclusions to explain the Court’s reluctance to use Noscitur a sociis as an interpretative tool, a perfunctory examination of statutory interpretation case law suggests that the Court does not regard Noscitur a sociis as one of the more useful tools within its interpretative array.35

To be recalled, this rule is to be followed only where the legislature's expectation is debatable or otherwise not explicit in associating terms of import with words of narrower value. But where it is clear that a thing has been described by the law as including some issues, in the light of the specific instances provided in the section, it will not be right to interpret the general terms.

---

35 One potential interpretation outside the scope of this empirical review is that the Court acknowledges that canon is to be used only after attempts to assess legislative intent through other means, such as the plain/ordinary sense of statutory terms, the historical context in which the law was enacted, and the interrelation of various sections of the statute with each other.
VIII. REFERENCES

CASES

Kerala State Housing Board and Others v. Ramapriya Hotels (P) Ltd. and Others, (1998) 5
SCC 672. ........................................................................................................................................... 1
Maharashtra University of Health Sciences and Others v. Satchikitsa Prasarak Mandal and
Others, (2010) 3 SCC 786. ................................................................................................................. 3
Oswal Agro Mills Ltd. and Others v. Collector of Central Excise and Others, (1993) Supp (3)
SCC 716. ............................................................................................................................................. 4
Pardeep Aggarbatti v. the State of Punjab, (1997) 8 SCC 511.................................................... 7
Parle Agro (P) Ltd. v. CCT, (2017) 7 SCC 540 ............................................................................. 8
Rasila S. Mehta and Others v. Custodian, Mariman Bhavan, Mumbai, (2011) 6 SCC 220 .... 6
Subba Rao v. Commissioner of Income tax, Madras, (1956) SCR 577, 584.......................... 1
Subramanian Swamy v. Union of India, (2016) 7 SCC 221. ................................................. 8

BOOKS

EARL L. CRAWFORD, CONSTRUCTION OF STATUES 45. .......................................................... 1
VEPA P. SARATHI, INTERPRETATION OF STATUTES 10 (4th ed. 2019).......................... 1
WILLAIM N. ESKRIDGE JR, CASES AND MATERIALS ON LEGISLATION AND
REGULATIONS: STATUTES AND THE CREATION OF PUBLIC POLICY 638 (2d ed.
1995) .................................................................................................................................................. 2

US CASES

JOURNALS

David A. Schlesinger, Chevron Unlatined: The Inapplicability of the Canon *Noscitur a sociis* under Prong One of the Chevron Framework, 5 N.Y.U. ENVTL. L.J. 657 (1996) ............ 5