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NOSCITUR A SOCIIS- Kirti Jaiswal¹**INTRODUCTION**

Every part of the law, including every word and phrase, must be viewed in the context of how it will be applied rather than on its own. Every element of the provision must be given a specific meaning and impact in the situation in which it is made. In light of this, the judiciary has created the noscitur a sociis rule to put the basic rule into practise. According to the Merriam Webster Dictionary, noscitur a sociis refers to “the meaning of an unclear or ambiguous word (as in a statute or contract) should be determined by considering the words with which it is associated in the context.”²

The legal maxim noscitur a sociis is Latin for "it is known by the company it keeps". The word sociis means "society" in Latin. The maxim states that if a word or phrase has a hazy or ambiguous meaning, it should be interpreted in light of the words or phrases that come before or after it. It is a construction rule that aids in clarifying ambiguity.³ This constructional rule is very important for determining the meaning of terms in a statutory provision.⁴

According to Maxwell's interpretation of this rule, when two or more words that can be given comparable meanings are employed together, the terms are taken to be used in their cognate sense⁵. They literally borrow hues from one another, with the broader term being limited to an equivalent notion of the narrower one⁶.

The concept of noscitur a sociis, which is more expansive than the dictum Eiusdem Generis, holds that words that are associated with one another acquire their meaning from one another.

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²Merriam Webster, Noscitur A Sociis, <https://www.merriam-webster.com/legal/noscitur%20a%20sociis>

³*K. Janardhan Pillai v. Union of India*, (1981) 2 SCC 45: AIR 1981 SC 1485.

⁴*CBI v. Braj Bhushan Prasad*, (2001) 9 SCC 432: AIR 2001 SC 4014; *K. Bhagirathi G. Shenoy v. K.P. Ballakuraya*, (1999) SC 2143.

⁵*M.K. Ranganathan v. Govt. of Madras*, AIR 1955 SC 604: (1955) 2 SCR 374.

⁶*Maxwell (10th Edn.); Leelabai Gajanan Pansare v. Oriental Insurance Co. Ltd.*, (2008) 9 SCC 720: AIR 2009 SC 523.

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Its underlying tenet is that a word's meaning may be determined by comparing it to the meanings of words that are associated with it.⁷

APPLICABILITY & SCOPE

Everything logically relevant should be considered when interpreting a statute's phrase, clause, or sentence. Noscitur a sociis, which states that words in an Act of Parliament should be construed with phrases near them, is correct.

This legal interpretation concept applies only to ambiguous laws. No gray regions, no rule. The rule cannot be used to remove related words. The rule of noscitur a sociis does not apply when the legislature, or Parliament, purposely adds terms to widen the scope.

This statute interpretation principle was stated by Lord Macmillan as follows: "the meaning of a word is to be judged by the company it keeps." The idea behind the aforementioned guideline is defined in "Words and Phrases" as checking whether or not one understands a word by learning its synonyms.

“NOSCITUR A SOCIIS” & “EJUSDEM GENERIS”

The principle of ejusdem generis developed from the precedent of noscitur a sociis. The rule of noscitur a sociis is seen to be more generalizable than the rule of ejusdem generis.

Understanding the ejusdem generis rule is necessary to comprehend how the two doctrines differ from one another. The applicability of this rule has been established in the case of *“Kavalappara Kottarathil Kochuni v. State of Madras”*⁸. Here, it was stated that the rule should only be used when general terms follow other words, and these other words all fall under the same general category. The rule *“...is not an inviolable rule of law, but is only permissible inference in the absence of a contrary indication,”* it has also been said in this instance.

This case law has done a good job of explaining how the ejusdem generis rule applies in this situation. It states that it only applies when a list or genus is already existent and not in any other situation. An illustration of the same would be the inclusion of a tomato on a shopping list, for instance. Tomato should be classified as a vegetable if the list includes items like

⁷*State of Bombay v. Hospital Mazdoor Sabha*, AIR 1960 SC 610: (1960) 2 SCR 866.

⁸*Kavalappara Kottarathil Kochuni v. State of Madras*, AIR 1960 SC 1080.

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"tomato, potato, onion, and garlic," but if it also includes items like "papaya, apples, bananas, and melon," it is obvious that the tomato should be treated as a fruit.

The rule of *noscitur a sociis* is applicable when a word's meaning is unclear and it is necessary to interpret the term in light of its surrounding words. However, the *eiusdem generis* rule is only relevant in situations when a category or class of objects are present. The fact that the rule of *eiusdem generis* is only applicable when specific requirements are met, thus limiting the rule's applicability, is another way the two rules differ from one another. These conditions are—

- “(1) the statute contains an enumeration of specific words,
- (2) the subjects of enumeration constitute a category,
- (3) that class or category is not exhausted by the enumeration,
- (4) the general terms follow the enumeration, and
- (5) there is no indication of a different legislative intent.”⁹

All of these circumstances demonstrate that the mention of a single class does not imply or constitute a category¹⁰, and that the rule is not applicable if the item in issue can be found in two different classes of items¹¹.

A component of *noscitur a sociis* is the *eiusdem generis* principle. In *“Maharashtra University of Health Sciences v. Satchikitsa Prasarak Mandal”*¹², the court considered the rule of *noscitur a sociis*, which is a subset of *eiusdem generis*, in relation to *eiusdem generis*. When broad terms in a statute are bookended by narrow terms, the breadth of the terms is implied to be limited to that of the narrow terms. This is known as the construction principle of *eiusdem generis*, which means "of the same kind or nature."

This is a principle derived "from the linguistic implication by which words with literally broad meanings (when taken in isolation) are treated as having a limited scope due to the verbal context." It could be considered an example of ellipsis or dependence on implication. Unless there is evidence to the contrary, this concept is assumed to apply.

⁹*Amar Chandra v. Collector of Excise*, 1972 AIR 1863.

¹⁰*United Town Electric Co Ltd v. AG for Newfoundland*, (1939) 1 ALL ER 423 (PC).

¹¹*Indramani Pyarelal Gupta (Dr) v. WR Natu*, AIR 1963 SC 274.

¹²*Maharashtra University of Health Sciences v. Satchikitsa Prasarak Mandal*, (2010) 3 SCC 786: AIR 2010 SC 1325.

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APPLICATION OF THE RULE OF NOSCITUR A SOCIIS

There have been several court cases where the rule of noscitur a sociis has been used.

The court determined the following in *Rohit Pulp and Paper Mills Ltd. v. CCE*¹³:

A general word is given a specific interpretation based on its context, according to a well-established rule of statutory interpretation. We may legally apply the 'noscitur a sociis' principle in the situation at hand. The simple meaning of this term is that 'one should judge a book by the company it keeps'.

At the same time, the court stressed that such maxims and precedents should not be adopted mechanically; they are only useful in as much as they provide advice by compendiously summarising ideas based on common sense and logic norms.

In *Rainbow Steels Ltd. v. CST*¹⁴, The definition of "old" in the context of an entry in a taxing traffic that said "Old, discarded, unserviceable or obsolete machinery, stores or vehicles including waste products" had to be understood by the court.

Despite the fact that the tariff item began with the use of the broad term "old," the court came to the judgement that "the machinery must be old machinery in the sense that it has become non-functional or non-usable" in order to be included in the category of "old machinery occurring in the entry." In other words, the condition of the equipment similar to that suggested by the phrases after it was thought to be significant for the purposes of the statute rather than just its age, which would be relevant in a broader sense.

In the case of "*Pardeep Aggarbatti v. State of Punjab*"¹⁵, it was a question of whether "dhoop" and "agarbatti" were subject to taxation under the terms of the Punjab General Sales Tax Act, 1948. At the time, Entry 16 of Schedule A to the aforementioned Act stated as follows:

16. Cosmetics, perfumery and toilet goods, excluding toothpaste, tooth powder, kumkum and soap.

The said Entry 16 was broken up into Entries 16 and 16-A by a subsequent notification. Thereafter the new entries read thus:

¹³*Rohit Pulp and Paper Mills Ltd. v. CCE*, (1990) 3 SCC 447.

¹⁴*Rainbow Steels Ltd. v. CST*, (1981) 2 SCC 141: AIR 1981 SC 2101.

¹⁵*Pardeep Aggarbatti v. State of Punjab*, (1997) 8 SCC 511: AIR 1998 SC 171.

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16. Cosmetics and toilet goods excluding toothpaste, tooth powder, kumkum and soap.

16-A. Perfumery including dhoop and aggarbatti.

The term "perfumery" in the entry gets its colour from the words "cosmetics" and "toilet goods" in the entry, and when read that way, the word "perfumery" in the stated item can only refer to perfumery objects that are used on the person, as cosmetics and toilet goods are. As a result, the term "perfumery" has no application to "dhoop" and "aggarbatti" in the context in which it is employed. Using the principle of *noscitur a sociis*, it was discovered that some articles are listed separately in the schedules of sales tax and excise statutes, while others are grouped together. When they are grouped together, each word in the entry takes on the colour of the words around it. As a result, it was determined that the word "perfumes" in the item under consideration was not confined by the words preceding and following it. The terms "scent" and "perfumes" both referred to things that created fragrances.

In another case, the Supreme Court ruled that the words "raw materials," "component part," "sub-assembly part," and "intermediate part" must all be interpreted together when interpreting the word "consumables" in S5B of the Andhra Pradesh Goods and Services Act 1957. S5B authorised the imposition of the tax on raw materials and the other words mentioned above. The word "consumables" in this case implies that the good being used must be a means of obtaining the desired end result. However, because the assessee had not used the natural gas in a consumable manner, the Court ruled that the assessee was not entitled to the concessional rate specified in S5B.¹⁶

WHEN DOES NOSCITUR A SOCIIS NOT APPLY?

However, when words indicating specific classes are followed by broad words, interpretation in accordance with the concepts of *noscitur a sociis* or *eiusdem generis* is not always necessary. A genus must be formed or a category must be disclosed with reference to which the general words can and are intended to be restricted before the general words can be construed in this way.¹⁷

The principle behind the rule of *noscitur a sociis* is that the meaning of a word that is in doubt can be determined by comparing it to other terms that are related to it. Thus, this rule will no

¹⁶*Coastal Chemicals Ltd. v. Commercial Tax Officer, A.P. and Ors.*, (1999) 8 SCC 465.

¹⁷*Jagdish Chandra Gupta v. Kajaria Traders (India) Ltd.*, AIR 1964 SC 1882: (1964) 8 SCR 50.

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longer hold true when words are unambiguous or have a clear definition. It has been noted that in numerous instances:

Noscitur a sociis is merely a construction rule, so it doesn't apply when it's clear that the broader terms were picked on purpose to make the specified word's meaning more general. In cases where it is unclear whether or not the legislature intended to couple wider terms with words of lesser importance, the current rule of construction should be applied. It can also be used when the meaning of terms with a wider connotation is ambiguous; however, the rule of construction in question cannot be used where the legislature's intent in adopting words with a wider connotation is obvious and unambiguous.¹⁸

CONCLUSION

Several scenarios when the noscitur a sociis concept was applied are covered in this article. In an effort to provide a comprehensive picture, the ejusdem generis branch rule and its variations are also shown. In spite of the judicial system's best efforts, there is the ongoing need for vigilance while applying either of the two canons of interpretation.

Noscitur a sociis cannot be used when it is obvious that the bigger terms were used on purpose to make the defined word's scope correspondingly wider. It can also be used where the meaning of terms with a wider meaning import is ambiguous; however, the rule of construction cannot be used when the Legislature's intent in adopting words with a wider meaning import is obvious and unambiguous.

The canons of ejusdem generis and noscitur a sociis are employed by the judiciary to remove ambiguity in the language of law provisions, allowing for the best possible interpretation of the provisions. The key thing on which the courts are more focused is on fulfilling the legislature's goal when establishing such law. It is critical for implementing the rule of ejusdem generis that a genus has a collection of specialised words that are followed by some general word. Similarly, in order to apply the rule of noscitur a sociis, some more and less general terms must be present, with the more general deriving its meaning from its linked words.

¹⁸*Godfrey Phillips India Ltd. v. State of U.P.*, (2005) 2 SCC 515: AIR 2005 SC 1103, 549; *State of Bombay v. Hospital Mazdoor Sabha*, (1960) 2 SCR 866; *Corpn. of the City of Nagpur v. Employees*, AIR 1960 SC 675: (1960) 2 SCR 942.

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