



MEANING, NATURE CONCEPT AND CLASSIFICATION OF STATUTES

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MEANING OF STATUTES

The term “Statutes” has a specific legal meaning. As per Black’s Law Dictionary, a “Statute” refers to a formal written rule created by a legislative authority, such as a country, state, city or county. Statutes often dictate what is allowed or not allowed or they lay out official policies. This term is typically used to distinguish laws created by legislative bodies from the judgments made by common law courts and the rules established by government agencies.

According to Article 13(3) (a) of the Indian Constitution, the definition of “law” includes ordinances, orders, by-laws, rules, regulations, notifications, customs or practices that have the power of law within the territory of India. A Statute, essentially, represents the intent of the legislative body. It may include various components, such as a short title, long title, preamble, marginal notes, section headings, interpretation clauses, provisions, examples, exceptions, saving clauses, explanations, schedules and punctuation. These elements collectively make up the content and structure of a statute.

NATURE AND CONCEPT OF STATUTES

A statute is a formal written law created by a legislative body, such as a state or country. Statutes are a way for the legislature to convey its will to the public. They can be used to create laws, establish policies, and dictate what is allowed or prohibited.

A statute, is a law that has been enacted by a legislature, which is the body that has been granted the power by a constitution to enact legislation, or laws. When a statute is passed, it becomes law and therefore part of statutory law

CLASSIFICATION OF STATUTES

Statutes generally refer to the laws and regulations of every sort, every provision of law which permits or prohibit anything. A Statute may generally be classified with reference to its

1. Duration
2. nature of operation
3. object and
4. extent of application

1. CLASSIFICATION OF STATUTES BY DURATION

- **Temporary Statute:** A temporary statute is one that specifies a fixed period of operation and validity within the statute itself. It remains in effect until the specified time elapses unless repealed earlier. If the legislature wishes to extend its effect, a new enactment is required. For example, the Finance Act is a temporary statute, requiring annual reauthorization.
- **Permanent Statute:** A permanent statute doesn't have a predefined expiration date. However, this doesn't make the statute unchangeable. It can be amended or repealed by another act.

2. CLASSIFICATION OF STATUTES BY METHOD

- **Mandatory, Imperative or Obligatory Statute:** A mandatory statute compels the performance of certain actions or dictates that specific things must be carried out in a particular manner or form. Non-compliance typically leads to legal consequences.
- **Directory or Permissive Statute:** A directory statute merely provides guidance or permission for actions without compelling their performance. In some cases, statutes prescribe conditions or forms that are considered essential for the regulated action and their omission can render the action invalid. In other cases, these prescriptions are seen as non-binding and failure to follow them might result in penalties if any are stipulated by the statute.

3. CLASSIFICATION OF STATUTES WITH REFERENCE TO OBJECT

➤Codifying Statute

A codifying statute is one that aims to comprehensively outline the entire body of law on a specific subject. It seeks to provide a thorough and authoritative statement of the key legal rules pertaining to that subject. This includes existing provisions from various statutes on the subject and may also incorporate common law principles.

An example is the Bill of Exchange Act of 1882 in England, which codified laws regarding bills of exchange, cheques and promissory notes. Similarly, the Hindu Succession Act of 1956 in India is a codifying statute that addresses intestate succession among Hindus.

➤ **Consolidating Statute**

A consolidating statute consolidates all statutory enactments related to a particular subject into a single law, making it easier to access and understand. It brings together existing statutory provisions on the subject, often with minor modifications.

For example, in England, the Law of Property Act of 1925 consolidated the acts of 1922 and 1924. In India, the Code of Criminal procedure of 1973 is a consolidating statute concerning criminal procedures. Such statutes not only compile earlier laws but also repeal the earlier acts for the sake of clarity.

➤ **Declaratory Statute**

A declaratory statute is one that clarifies and removes doubts or misunderstandings about the meaning of terms or expressions within the common law or statutory law. When courts have interpreted an expression differently from what the legislature intended, a declaratory statute is passed to set the correct meaning of that expression.

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➤Enabling Statute

An enabling statute is a law that allows something that was previously forbidden, with or without specific rules on how to do it. It widens the scope of what's allowed under common law. An enabling statute makes an action lawful, even if it wouldn't be otherwise. Any conditions set by an enabling statute for the public good must be followed because they are essential. An example is Section 49-A(1) and 49-A(2) of the Advocates Act of 1961, as amended by Act 21 of 1964.

➤Disabling Statute

A disabling statute is one that limits or reduces a right granted by common law. It's a law that restricts a common law right.

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➤Penal Statute

A penal statute is a law that punishes certain actions or wrongdoings. This type of law can be in the form of a detailed criminal code with many sections that define punishments for different wrongs. For example, the Criminal Procedure Code, the Indian Penal Code, the Prevention of Food Adulteration Act of 1954 and the Arms Act of 1959 are all examples of penal statutes.

Penalties for breaking these laws can include fines, the loss of property, imprisonment or even the death penalty. When the law enforces obedience not through individual lawsuits but by imposing punishments as commanded by the law, it's considered a penal statute. Penalties can only be imposed when the law explicitly states so and any doubts should benefit the accused.

CONT.

➤Taxing Statute

A taxing statute is a law that imposes taxes on income or certain types of transactions. Examples include income tax, wealth tax, sales tax and gift tax. These taxes help the government collect money to support public welfare. However, it's essential that a statute clearly states that taxes must be paid and any doubts about this should benefit the person being taxed.

➤Explanatory Statute

An explanatory statute is a law that explains another law. It's created to fill in gaps or clarify confusing parts of a previous law. An explanatory statute aims to make the meaning of an expression used in an earlier law clearer. For instance, in Britain, the Royal Mines Act of 1688 was passed to encourage the mining of certain base metals. The Royal Mines Act of 1963 was enacted to provide a better explanation of the earlier law.

CONT.

➤ **Amending Statute**

An amending statute is a law that adds to or changes the original law to improve it or better achieve its original purpose. It doesn't cancel out the old law; it becomes part of it. Examples include the Direct Taxes Amendments Act of 1974 and the Land Acquisition (Amendments) Act of 1984.

➤ **Repealing Statute**

A repealing statute is a law that cancels out an earlier law. It can do this explicitly by saying so in the statute or implicitly through its language. For example, the Hyderabad District Municipalities Act of 1956 repealed the Hyderabad Municipal and Town Committees Act of 1951.

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Remedial statute

A remedial is one whereby a new favour or a new remedy is conferred. The main object of passing such a statute is to make improvements in the enforcement of one's rights or for redress of wrongs and remove defects or mistakes in the former law. Some illustrations of remedial statutes are the Maternity Benefits Act, 1961 and the Workmen's compensation act 1923. In remedial acts the words "for remedy whereof" have been used immediately before the language of the enactment.

4. CLASSIFICATION WITH REFERENCE TO THE EXTENT OF APPLICATION

Such a mode classifies a statute as:

- Public statute
- Private statute

A public statute is one which relates to a matter of public policy. Such a statute may be general, local or personal in nature. A private statute concerns with matters which are individual in nature or is related to a body which has no public consequence. In the United Kingdom, proof of a public Act is not necessary in a court but a private Act has to be proved.

A system that regulates interactions between the government and persons is known as public law. This type of law includes constitutional law, criminal law, and international law.

A legal system that regulates interactions between individuals is known as private law. This type of law includes family law, property law, and tort law.

CONCLUSION

In concluding lines I want to say that the classification of statutes refers to the categorization of laws based on their distinctive characteristics or purposes. Statutes can be grouped into various categories depending on their intent, effect or content. Common classifications include remedial statutes, which aim to correct legal flaws and penal statutes, which outline punishments for specific actions.

Enabling statutes expand legal permissions, while explanatory statutes clarify unclear provisions in prior laws. Amending statutes modify existing laws and repealing statutes annul or replace earlier regulations. Curative or validating statutes rectify legal defects. These classifications aid in understanding and interpreting the diverse functions and implications of statutory law.