Vikram Singh v. Union of India, (2015) 9 SCC 502, this Court was asked to construe the expression "government or any other person" contained in Section 364-A of the Indian Penal Code, 1860 with reference to *ejusdem generis*. This Court, in repelling the contention, went on to hold:

"**26.** We may before parting with this aspect of the matter also deal with the argument that the expression "*any other person*" appearing in Section 364-A IPC ought to be read ejusdem generis with the expression preceding the said words. The argument needs notice only to be rejected. The rule of ejusdem generis is a rule of construction and not a rule of law. Courts have to be very careful in applying the rule while interpreting statutory provisions. Having said that the rule applies in situations where specific words forming a distinct genus class or category are followed by general words. The first stage of any forensic application of the rule, therefore, has to be to find out whether the preceding words constitute a genus class or category so that the general words that follow them can be given the same colour as the words preceding. In cases where it is not possible to find the genus in the use of the words preceding the general words, the rule of ejusdem generis will have no application.

27. In *Siddeshwari Cotton Mills (P) Ltd.* v. *Union of India* [(1989) 2 SCC 458 : 1989 SCC (Tax) 297] M.N. Venkatachaliah, J., as His Lordship then was, examined the rationale underlying ejusdem generis as a rule of construction and observed: (SCC p. 463, para 14)

"*14*. The principle underlying this approach to statutory construction is that the subsequent general words were only intended to guard against some accidental omission in the objects of the kind mentioned earlier and were not intended to extend to objects of a wholly different kind. This is a presumption and operates unless there is some contrary indication. But the preceding words or expressions of restricted meaning must be susceptible of the import that they represent a class. If no class can be found, ejusdem generis rule is not attracted and such broad construction as the subsequent words may admit will be favoured. As a learned author puts it:

'… if a class can be found, but the specific words exhaust the class, then rejection of the rule may be favoured because its adoption would make the general words unnecessary; if, however, the specific words do not exhaust the class, then adoption of the rule may be favoured because its rejection would make the specific words unnecessary.' [See: *Construction of Statutes* by E.A. Driedger p.95 quoted by Francis Bennion in his *Statutory Construction*, pp. 829 and 830.]"

28. Relying upon the observations made by Francis Bennion in his *Statutory Construction* and English decision in *Magnhild* v. *McIntyre Bros. & Co.* [(1920) 3 KB 321] and those rendered by this Court in *Tribhuban Parkash Nayyar* v. *Union of India* [(1969) 3 SCC 99], *U.P. SEB* v. *Hari Shankar Jain* [(1978) 4 SCC 16 : 1978 SCC (L&S) 481], His Lordship summed up the legal principle in the following words: (*Siddeshwari Cotton Mills case* [(1989) 2 SCC 458 : 1989 SCC (Tax) 297], SCC p. 464, para 19)

"*19*. The preceding words in the statutory provision which, under this particular rule of

construction, control and limit the meaning of the subsequent words must represent a genus or a family which admits of a number of species or members. If there is only one species it cannot supply the idea of a genus."

29. Applying the above to the case at hand, we find that Section 364-A added to IPC made use of only two expressions viz. "*Government*" or "*any other person*". Parliament did not use multiple expressions in the provision constituting a distinct genus class or category. It used only one single expression viz. "*Government*" which does not constitute a genus, even when it may be a specie. The situation, at hand, is somewhat similar to what has been enunciated in *Craies on Statute Law* (7th Edn.) at pp. 181-82 in the following passage:

"... The modern tendency of the law, it was said [by Asquith, J. in *Allen* v. *Emerson* (1944 KB 362 : (1944) 1 All ER 344)], is 'to attenuate the application of the rule of ejusdem generis'. To invoke the application of the ejusdem generis rule there must be a distinct genus or category. The specific words must apply not to different objects of a widely differing character but to something which can be called a class or kind of objects. Where this is lacking, the rule cannot apply (*Hood-Barrs* v. *IRC* [(1946) 2 All ER 768 (CA)]), *but the mention of a single species does not constitute a genus*. (Per Lord Thankerton in *United Towns Electric Co. Ltd.* v. *Attorney General for Newfoundland* [(1939) 1 All ER 423 (PC)].) 'Unless you can find a category', said Farwell L.J. (*Tillmanns and Co.* v. *S.S. Knutsford Ltd.* [(1908) 2 KB 385 (CA)]), 'there is no room for the application of the ejusdem generis doctrine', and where the words are clearly wide in their meaning they ought not to be qualified on the ground of their association with other words. For instance, where a local Act required that 'theatres and other places of public entertainment' should be licensed, the question arose whether a 'fun-fair' for which no fee was charged for admission was within the Act. It was held to be so, and that the ejusdem generis rule did not apply to confine the words 'other places' to places of the same kind as theatres. So the insertion of such words as 'or things of whatever description' would exclude the rule. (*Attorney General* v. *Leicester Corpn.* [(1910) 2 Ch 359 : (1908-10) All ER Rep Ext 1002]) In *National Assn. of Local Govt. Officers* v. *Bolton Corpn.* [1943 AC 166 : (1942) 2 All ER 425 (HL)] Lord Simon L.C. referred to a definition of 'workman' as any person who has entered into a works under a contract with an employer whether the contract be by way of manual labour, clerical work 'or otherwise' and said: 'The use of the words "or otherwise" does not bring into play the ejusdem generis principle: for "manual labour" and "clerical work" do not belong to a single limited genus' and Lord Wright in the same case said: '*The ejusdem generis rule is often useful or convenient, but it is merely a rule of construction, not a rule of law. In the present case it is entirely inapt. It presupposes a "genus" but here the only "genus" is a contract with an employer*'.

(emphasis supplied)

30. The above passage was quoted with approval by this Court in *Grasim Industries Ltd.* v. *Collector of Customs* [(2002) 4 SCC 297] holding that Note 1(*a*) of Chapter 84 relevant to that case was clear and unambiguous. It did not speak of a class, category or genus followed by general words making the rule of ejusdem generis inapplicable."

xxx xxx xxx

"**32.** This would mean that the term "*person*" appearing in Section 364-A IPC would include a company or association or body of persons whether incorporated or not, apart from natural persons. The tenor of the provision, the context and the statutory definition of the expression "*person*" all militate against any attempt to restrict the meaning of the term "*person*" to the "*Government*" or "*foreign State*" or "*international inter-governmental organisations*" only."