LL.B. VI Term

Paper : LB – 6041 - Interpretation of Statutes and Principle of Legislation

Prescribed Books:

Recommended Books:

Topic 1 : General

(a) Nature and Kinds of Indian Laws: Statutory, Non-statutory, Codified, Uncodified, State-made and State-recognised laws; Meaning and Scope of ‘statute’
(b) Meaning, Objects and Scope of ‘interpretation’ and ‘construction’
(c) Basic Sources of Statutory Interpretation
   (i) The General Clauses Act, 1897 : Nature, Scope and Relevance (with special reference to sections 6 to 8 of the Act)
   (ii) Definition clauses in various Legislations : Nature and Interpretative Role

Topic 2 : General Theories and Rules of Interpretation

(a) The Function of the Court is to interpret the law and not to legislate

(b) Statute must be read as a whole

(c) The Primary Rule : Literal Construction
   (i) Literal rule
7. Jugalkishore v. Raw Cotton Co. AIR 1955 SC 376 33
8. B.N. Mutto v. T.K. Nandi (Dr.) (1979) 1 SCC 361 36
9. Ramavtar Budhaiprasad v. Assistant Sales Tax Officer, AIR 1961 SC 1325 44
ii


(ii) **Golden Rule**


18. *Nokes v. Doncaster Amalgamated Collieries* (1940) AC 1014

(d) **Mischief Rule of Construction : Heydon’s Case**

19. *Heydon’s case* (1584) 3 Co. Rep. 7


(e) **Construction Ut res magis valeat quam pereat**


(f) **Rule of Purposive Construction**


29. *All India Reporter Karamchari Sangh v. All India Reporters Ltd.*, AIR 1988 SC 1325


(g) **Rule of Strict Interpretation (Penal and Tax Statutes)**


32. *George Banerji v. Emperor* (1917) 18 Cr L J 45


34. *A.S. Sulochana v. C. Dharmalingam*, AIR 1987 SC 242

35. *R. v. Oakes* (1959) 2 All ER 92
(h) Rule of Harmonious Construction


(i) Principles of *Ejusdem Generis* and *Noscitur a sociis*

42. *Oswal Agro Mills Ltd. v. CCE*, 1993 Supp(3) SCC 716 216
43. *Ashbury Railway Carriage & Iron Co. v. Riche* (1875) LR 7 HL 653
44. *Brownsea Havens Properties v. Poole Corp.*, (1958) 1 All ER 205

**Topic 3 : Intrinsic/Internal Aids to Interpretation**

*(Parts of the statute and their interpretative role)*

(a) Language, phraseology, clauses and punctuation
(b) Short and long titles, preamble, marginal headings, parts and their captions, chapters and their captions, marginal and section-headings
(c) Explanations, exceptions, examples, provisos and schedules
(d) Defining legal expressions like ‘means’, ‘includes’, ‘that is to say’, etc.
(e) Phrases like ‘grammatical variations and cognate expressions’; ‘without prejudice to the generality of…..’, etc.


**Topic 4 : Extrinsic/External Aids to Interpretation**

(a) Role of Constituent Assembly debates in the interpretation of the Constitution of India
(b) Legislative history- Legislative Intention, Statement of objects and reasons, legislative debates, Committee reports, etc.
(c) International-law and human-rights documents
48. *Shashi Kant Laxman Kale v. Union of India*, AIR 1990 SC 2114:
(1990) 4 SCC 366


**IMPORTANT NOTE:**

1. The students are advised to read only the books prescribed above along with legislations and cases.
2. The topics and cases given above are not exhaustive. The teachers teaching the course shall be at liberty to add new topics/cases.
3. The students are required to study the legislations as amended up-to-date and consult the latest editions of books.

* * * * *
LL.B. VI Term

Interpretation of Statutes and Principle of Legislation

Cases Selected and Edited By

FACULTY OF LAW
UNIVERSITY OF DELHI, DELHI- 110 007
JANUARY 2018