



**NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM**

**PROGRAMME: B.A., LL.B (HONS) FYIC**

**DETAILS OF COURSE OFFERED**

**ODD/EVEN SEMESTER – ACADEMIC YEAR 2024-2025**

SL. No	COURSE CODE	COURSE TITLE	L	T	P	CR	CH
1	BL802	PRINCIPLE OF LEGISLATION AND INTERPRETATION OF STATUTES	4	1			

- A. CODE AND TITLE OF THE COURSE: 802 PRINCIPLE OF LEGISLATION AND INTERPRETATION OF STATUTES
- B. COURSE CREDIT: 4 (TOTAL MARKS 200)
- C. MEDIUM OF INSTRUCTION: ENGLISH
- D. COURSE COMPILED BY: SAHEB CHOWDHURY
- E. COURSE INSTRUCTOR: NIHAL CHHETRI

## **1. COURSE OBJECTIVES :**

- The most important objective that course will try to fulfil is to make students understand and appreciate the different ways of justifiable argumentation.
- To familiarize the students with the theoretical and practical perspective of interpretation of statutes;
- To develop awareness of the of the inherent limitations of the legislature and the law making process;
- To familiarize the students with judicial creativity and innovation by the judiciary while interpreting the intent of the legislatures;
- To understand and articulate vital, controversial issues in the matter related to interpretation of statutes;
- To introduce the students the alternative rules of interpretation develop by ancient jurist, as the mimansa rules of interpretation; and
- To lay emphasis on the logical reasoning and the ability to apply the various tools interpretation followed in the common law legal systems

## **2. TEACHING METHODOLOGY**

The National law University, Assam (NLUA) framed its own teaching methodology to train students in learning and understanding of legal problems. The teaching methodology is not traditional lecture method but participatory teaching with discussion on legal principles and precedents in class room. The students are informed in advance the topic for discussion and the topic of project/ assignment they have to prepare. The students will prepare their topics from the source suggested to them. The students are also encouraged to do independent research on their respective assignments. In the classroom every student id required to present his/ her topic and to have his/ her doubt cleared through discussion. The teacher will be helping and guiding the students in their pursuit of learning. The teaching will be based on class room activities, movie review, report writing, mock trials, debates etc. further lectures are designed on the implicit active participation of students, those students who are inactive will find it difficult to cope up with the class.

## **3. COURSE LEARNING OUTCOMES**

On completion of the Course, the students are expected to develop a comprehensive understanding of the various philosophical aspects of interpretation. They are also expected to understand the developing nature of the subject, where they can apply and use various principles in the enhancement of their legal knowledge and mooted skills development. Students are expected to have understood the nuances of each module of the course, and thereafter, shall be in a position to undertake cases about interpretation of statutes with confidence and clarity.

#### 4. COURSE EVALUATION METHOD

The Course shall be assessed for 200 marks. The Evaluation Scheme would be as follows: Internal Assessment: 70% (140 marks), Semester End Examination: 30% (60 marks)

Sl. No.	Marks Distribution	
1.	Project Work	40 marks
2.	Seminar	20 marks
3.	Mid Semester Examination	40 marks
4.	Assignment	30 marks
5.	Attendance in class	10 marks
6.	Semester End Examination	60 marks

#### 5. DETAILED STRUCTURE OF THE COURSE (SPECIFYING COURSE MODULES AND SUB-MODULES)

##### MODULE 1

**Principles of Legislation and Introduction to Interpretation of Statutes Law making-** the legislature, executive and the judiciary, the principle of utility, relevance of John Rawls and Robert Nozick and different thinkers- individual interest to community interest, operation of these principles upon legislation, distinction between morals and legislation, law, interpretation and justice relationship. Meaning, objects and scope of interpretation, commencement, operation and repeal of statutes, legislative gap and patch work, purpose of interpretation of statutes, classification of statutes, basic sources of interpretation

of statutes- the General Clauses Act, 1897: Nature Scope and Relevance (Ss. 6-8),  
Mimansa rules of interpretation.

## **MODULE 2**

### **Aids to Interpretation and General Rules of Statutory Interpretation; there Relevance Internal Aids**

Title, preamble, headings and marginal notes, sections and sub sections,  
punctuation mark, illustrations, exceptions, proviso, saving clauses, explanations  
and schedules, non obstante clause

#### External Aids

Dictionaries, translation, travaux prepatories, statutes in pari material,  
contemporanea exposito, debates, stare decisis, inquiry commission reports and  
law commission reports, parliamentary History, role of constituent assembly  
debates in the interpretation of the statute of the constitution of India.

#### Primary Rules

Literal Rule, golden rule, mischief rule (rule in the Heydon's case), rule of  
harmonious construction.

#### Secondary Rules

Nocitur a soiiis (associated words), same words have same meaning, ejusdem  
generis, reddendo singular sigulis`, utres magis valeat quam pereat,  
contemporanea expositio est fortissimo in lege.

## **MODULE 3**

### **Presumptions in Interpretation and Important Maxims**

Statutes are valid, statutes are territorial in operation, presumption as to  
jurisdiction, presumption against what is convenient or absurd, presumption that  
legislature knows the existing law and does not intend to alter it except by express  
enactment, presumption that legislature does not intend what is inconvenient and  
unreasonable, presumption against intending injustice, presumption to against  
impairing obligations or permitting advantage from one's own wrong,

prospective operation of statutes. Delegatus non potest delegare, expression unius exclusion alterius, generalia specialibus non derogant, in pari delicto potior est condition possidentis, utresvalet potior quam pareat, expressum facit cessare taciturn, jure nature sunt immutabilia, im bonam partem.

#### **MODULE 4**

##### **Interpretation with reference to the Subject Matter and Purpose and Principles of Constitutional Interpretation**

Restrictive and beneficial construction: taxing statutes, penal statutes, welfare legislation, interpretation of substantive and adjunctive statutes, interpretation of directory and mandatory provisions, interpretation of enabling statutes, interpretation of codifying and consolidating statutes, interpretation of statutes conferring rights, interpretation of statutes conferring power. Harmonious construction, doctrine of pith and substance, colourable legislation, ancillary powers, occupied field, residuary power, doctrine of repugnancy.

#### **6. PRESCRIBED READINGS**

- Vepa P. Sarathi, *Interpretation of Statutes*, Eastern Book Publication, 2011 pp 325-391.
- Amita Dhanda, NS Bindra's *Interpretation of Statutes*, 11th Edition, LexisNexis, pp 548-591, 669-713.
- V.R. Jayadevan, *Judicial Creativity in Constitutional Interpretation*.
- William N. Eskridge Jr., *Dynamic Statutory Interpretation*, USA, 2013, pp 107- 174.
- G.P. Singh, *Principles of Statutory Interpretation*, 12th Edition 2010, pp- 809- 848.