



NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM

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

DETAILS OF COURSE OFFERED

ODD SEMESTER (IX) – ACADEMIC YEAR

SL. NO	COURSE CODE	COURSE TITLE	L	T/P	CR	CH
1	904 CN SP V	INTERPRETATION OF STATUTES AND PRINCIPLES OF LEGISLATION	4 PER WEEK	1 PER WEEK	4	

A. CODE AND TITLE OF THE COURSE: 904 CN SP V , INTERPRETATION OF STATUTES AND PRINCIPLES OF LEGISLATION

B. COURSE CREDIT: FOUR (TOTAL MARKS 200)

C. MEDIUM OF INSTRUCTION: ENGLISH

D. COURSE COMPILED BY: SAHEB CHOWDHURY

E. COURSE INSTRUCTOR: SAHEB CHOWDHURY

1. COURSE OBJECTIVES

This syllabus is divided into four modules and each module deals with different aspects of interpretation and its techniques. The course is intended to introduce the students to the legislative process, the ensuing judicial process and the canons of statutory interpretation. In this regard, while designing the course, care has been taken to adequately address the theoretical and practical aspects of the subject. The aim of the course is to enable the students to develop understanding and the application of various rules of interpretation and to train them to critically examine the limitations inherent in the legislature and the law making process giving the students scope for appreciation of judicial process in ascertaining of the intent of the legislature and the establishment of the law. Further, here it is humble submission that the provided study material is just the fraction of the vast and ever-growing body of Interpretation as a method and subject.

The objectives of the course in a more concise form are as follows:

- The most important objective that this course will try to fulfil is to make students understand and appreciate the different ways of justifiable argumentation in Interpretation of Statutes.
- 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;
- 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 is 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 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 enhancement of their legal knowledge and mooted skill 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 pertaining to 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)

External Assessment: 30% (60 marks)

Sl · N o.	Internal Assessment	
1	2 Assignments	2 x 20 marks = 40 marks
2	Seminar/Group Discussion	20 marks
3	Class Test (Twice in a Semester)	2 x 35 marks = 70 marks
4	Attendance in Class	10 marks
5	Semester End Examination	60 marks

5. DETAILED STRUCTURE OF THE COURSE

MODULE I

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 II

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

Nocistur 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 III

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, utresvaleat potior quam pareat, expressum facit cessare taciturn, jure nature sunt immutabilia, im bonam partem.

MODULE IV

Principles of Constitutional Interpretation

Harmonious construction, doctrine of pith and substance, colourable legislation, ancillary powers, occupied field, residuary power, doctrine of repugnancy.

Interpretation with reference to the Subject Matter and Purpose

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.

6. PRESCRIBED READINGS

1. Amita Dhanda, NS Bindra's Interpretation of Statutes, 11th Edition, LexisNexis.
2. V.P. Sarathi, Interpretation of Statutes, Eastern Book Publication, 2011.
3. G.P. Singh, Principles of Statutory Interpretation, 12th edition 2010.
4. P. St. J. Langan, Maxwell on the Interpretation of Statutes 2006 Edition.
5. Benjamin N. Cardozo, The Nature of the Judicial Process
6. Lon L. Fuller, The Morality of Law, Rev. edn. (Yale University Press, 1969), pp. 33-94.
7. Joseph Raz, Between Authority and Interpretation, Oxford University Press, pp 223-323.
8. Upendra baxi, Bentham's Theory of Legislation.
9. Roscoe Pound, An Introduction to the Philosophy of Law (1922) at 48.

10. William N. Eskridge Jr., *Dynamic Statutory Interpretation*, USA, 2013, pp 205- 275 and pp 13- 48.
11. Robert A. Katzmann, *Judging Statutes*, Oxford University Press, 2014.
12. Frederick Schauer, *Thinking Like a Lawyer*, Harvard University press, pp 1- 13;148-171
13. Ronald Dworkin, *Hard Cases*, *Harvard Law Review*, Volume 88, Number 6.
14. Max Radin, *Statutory Interpretation*, 43 *Harvard Law Review* 863 (1930).
15. Oliver Wendell Holmes, *The Theory of Legal Interpretation*, 12 *Harvard Law Review* (1899), at 419.
16. Roscoe Pound, *Common Law and Legislation* (1908) *Harvard law Review* 383.
17. Patrick J. Kelley, *Theories of Legislation and Statutory Interpretation: Natural Law and the Intention of the Legislature*, *Washington University Review*, 2009.
18. Glanville Williams, *Language and the Law*, 61 *Law Quarterly Review* (1945), at 302- 03.
19. Justice Markandey Katju, *The Mimansa Principles of Interpretation*, (1993) 1 *SCC (Jour)*16.
20. Justice B.N. Srikrishna, *Maxwell v. Mimansa*, (2004) 6 *SCC (Jour)* 49.
21. Gerald C. Mac Callum, Jr., *Legislative Intent*, *Wisconsin Alumni Research Foundation*.
22. Kenneth Hayne, *Statutes, Intentions and the Courts: What Place Does the Notion of Intention (Legislative or Parliamentary) Have in Statutory Construction?*, *Oxford University Commonwealth Law Journal.*, 2013.
23. Quintin Johnstone, *An Evaluation of the Rules of Statutory Interpretation*, *Yale Law School Legal Scholarship Repository*.
24. Felix Frankfurter, *Some Reflections of the Reading of Statutes*, 47 *Columbia law Review* (1947), 535.
25. V.R. Jayadevan, *Judicial Creativity in Constitutional Interpretation*.
26. Nicola Preston, *The Interpretation of Taxing Statutes: The English Perspective*, *Akron Tax Journal*.
27. William N. Eskridge Jr., *Nino's Nightmare: Legal Process Theory as a Jurisprudence of Toggling Between Facts and Norms*, *Yale Law School*.
28. Samuel L. Bray, *The Mischief Rule*, *Georgetown Law Journal*, 2019.
29. Richard F. Duncan, *Justice Scalia and the Rule of Law: Originalism vs. The Living Constitution*, *University of Nebraska College of Law, Faculty Publications*, 2016.
30. Ronald Dworkin, *Law as Interpretation*, *The University of Chicago Press*.
31. *Stanford Encyclopedia of Philosophy*, *Legal Interpretivism*.
32. Max Radin, *Statutory Interpretation*, *Harv. L. Rev.* (1930).
33. Veronica Dougherty, *Absurdity and the Limits of Literalism: Defining the Absurd Result Principle in Statutory Interpretation*, *Cleveland State University*, 1994.

Statutory References:

The General Causes Act, 1897

Judicial References:

Grey v. Pearson (1857)6H.L.C, at 106

Maharao Sahib Shri Bhim Singhji v. Union of India, AIR 1981 SC 234

I R Coelho (Dead) By LRS v. St. of Tamil Nadu & Ors. AIR 2007 SC 861

District Mining Officer and Ors. v. Tata Iron and Steel Co. and Ors. AIR 2001 SC 3134

In Re Kerala Education Bill, AIR 1958 SC 956

Aswini Kumar Ghose v. Arbinda Bose, AIR 1952 SC

SK Gupta v. K.P. Jain, (1979) 3 SCC 54

Bengal Immunity Co. Ltd. V. State of Bihar, AIR 1955 SC 661

Commissioner of Income tax v. Ajanta Electricals, 1995 (3) Scale 33

Nityanand Sharma v. State of Bihar, (1996) SCC (3) 576

Dominion of India v. Shrinbai A Irani, AIR 1954 SC 596

PEK Kalliani Amma v. K Devi, AIR 1996 SC 1963

Pepper (Inspector of Taxes) v. Hart, [1993]1 All E.R. 42

Zameer Ahmed Latifur Rehman Sheikh v. State of Maharashtra, 2007 (6) Bom Cr 294

Raymond synthetics Limited and others v. UOI and Others, AIR 1991 SC 847

Waman Rao v. Union of India, (1981) 2 SCC 362

New Delhi Municipal Committee v. Allied Motor Pvt. Ltd., AIR 1996 SC 388

Philo Riggs v. Elmer E. Palmer, 115 N.Y. 506

A.V. Fernandez v. State of Kerala, AIR 1957 SC 667

MV Joshi v. MU Shimpi and Another, AIR 1961 SC1494

Kehar Singh v. State, AIR 1988 SC 1883

Harbhajan Singh v. press Council of India and Ors., AIR 2002 SC 1351

Grey v. Pearson, [1857] 6 H.L.C. 61

Narayanaswami v. Pannersevan, (1972) 3 SCC 717

S.R. Batra & Anr. V. Smt. Taruna Batra, (2007) 3 SCC 169

Heydon's Case, [1584] EWHC Excheq. J 36

The Commissioner of Income Tax v. Sodra Devi, AIR 1957 SC 832

Bengal Immunity Co. v. State of Bihar, AIR 1955 SC 661

Good Year India Ltd. V. State of Haryana and Another, AIR 1990 SC 781

Sri Venkataramana Devaru and Others v. The State of Mysore, AIR 1958 SC 255

State of Gujarat v. Mirzapur Moti Kureshi Kassab Jamat & Ors., AIR 2006 SC 216

Commrs v. Savoy Hotel, (1966) 2 All ER 299

Pradeep Aggarbatti, Ludhiana v. State of Punjab, AIR 1998 SC 171

AG v. Brown, (1920) 1 KB 773

State of Karnataka and Ors. v. Kempaiah, (1998) 6 SCC 103

Mayor, Councilors Burgesses v. T Electric Power Board, AIR 1993 PC 216

Union of India v. Jubbi, AIR 1968 SC 360
Craxfors (Ramsgate) Ltd. V. Williams &Steer Manufacturer Co., [1954] 1
WLR 10
Anotenelli v. Secretary of State, (1998) 1 All ER 997 (CA)
Pyare Lal Sahrma v. Managing Director, J& K Industries Ltd., AIR 1989 SC
1854
Nalinaksya v. Shyam Sunder, AIR 1953 SC 148
Pyx Granite Co. Ltd. V. Ministry of Housing and Local Govt., (1960) Ac260
Barraclough v. Brown, All ER Rep 239 (HL)
Adbur Rahim v. Abu Mohd., AIR 1928 PC 16
Seksari Cottomn Mills v. State of Bombay, AIR 1953 SC 278
State of Punjab v. Jullunder Vegetables Syndicate, AIR 1966 SC 121
Atlas Cycles Industries Ltd. Haryana State, AIR 1972 SC 121
Fisher v. Bell, (1960) 3 All ER 731
M. Narayan Nambiar v. State of Kerala, AIR 1963 SC 1116 11
Western India Plywood Ltd. v. P. Ashokan, AIR 1997 SC 3883
Sri Shibu Chandra Dhar v. Sri Pasupati Nath Auddya, AIR 2002 SC 1252
Smt. Rani Kusum v. Smt. Kanchan Devi and Ors., AIR 2005 SC 3304
B. Shah v. Presiding Officer, Labour Court, Coimbatore & Ors., AIR 1978 SC
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