

LL.B. VI Term

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

Prescribed Books:

1. P. St. J. Langan, *Maxwell on the Interpretation of Statutes* (12th ed., 1969)
2. Vepa P. Sarathi, *Interpretation of Statutes* (4th ed., 2003)
3. G.P. Singh, *Principles of Statutory Interpretation* (11th ed., 2008)

Recommended Books:

S.G.G. Edgar, *Craies on Statute Law* (1999)

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
 1. *P. Ramachandra Rao v. State of Karnataka* (2002) 4 SCC 578 1
 2. *Padma Sundara Rao v. State of Tamil Nadu* (2002) 3 SCC 533 17
 3. *D.M., Aravali Golf Club v. Chander Hass*, 2007 (14) SCALE 1 22
- (b) Statute must be read as a whole
 4. *Padma Sundara Rao v. State of Tamil Nadu* (2002) 3 SCC 533
 5. *Bhatia International v. Bulk Trading S.A.* (2002) 4 SCC 105
- (c) The Primary Rule : Literal Construction
 - (i) Literal rule
 6. *Tej Kiran Jain v. N. Sanjiva Reddy* (1970) 2 SCC 272 31
 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

10.	<i>M/s. Motipur Zamindary Co. (Private) Ltd. v. State of Bihar,</i> AIR 1962 SC 660	46
11.	<i>State of West Bengal v. Wasi Ahmed</i> (1977) 2 SCC 246	49
12.	<i>M.V. Joshi v. M.U. Shimpi</i> , AIR 1961 SC 1494	51
13.	<i>The Queen v. Charles Arthur Hill Heaten Ellis</i> (1844) 6 Q.B. 499	58
14.	<i>Matthews v.Dobbins</i> [1963] 1 ALL ER 417	
(ii)	Golden Rule	
15.	<i>Lee v. Knapp</i> (1967) 2 Q.B.442	61
16.	<i>G. Narayanaswami v. Pannersevan</i> (1972) 3 SCC 717	63
17.	<i>Union of India v. Filip Tiago De Gama of Vedem Vasco De Gama,</i> AIR 1980 SC 981 : (1990) 1 SCC 277	71
18.	<i>Nokes v. Doncaster Amalgamated Collieries</i> (1940) AC 1014	77
(d)	Mischief Rule of Construction : <i>Heydon's Case</i>	
19.	<i>Heydon's case</i> (1584) 3 Co. Rep. 7	
20.	<i>R.M.D.C. v. Union of India</i> , AIR 1957 SC 628	82
21.	<i>Commissioner of Income-tax. v. Smt. Sodra Devi</i> , AIR 1957 SC 832	94
22.	<i>Utkal Contractors & Joinery (P) Ltd. v. State of Orissa,</i> AIR 1987 SC 1454	114
23.	<i>Smith v. Hughes</i> (1960) 1 W.L.R.830	123
(e)	Construction <i>Ut res magis valeat quam pereat</i>	
24.	<i>Avtar Singh v. State of Punjab</i> , AIR 1955 SC 1107	124
25.	<i>Corporation of Calcutta v. Liberty Cinema</i> , AIR 1965 SC 661	128
26.	<i>M. Pentiah v. Muddala Veeramallapa</i> , AIR 1961 SC 1107	
(f)	Rule of Purposive Construction	
27.	<i>Rev. Stainislaus v. State of M.P.</i> , AIR 1977 SC 108	131
28.	<i>S.R. Chaudhuri v. State of Punjab</i> (2001) 7 SCC 126	136
29.	<i>All India Reporter Karamchari Sangh v. All India Reporters Ltd.,</i> AIR 1988 SC 1325	148
30.	<i>State of Mysore v. R.V. Bidap</i> , AIR 1973 SC 255 : (1974) 3 SCC 337	155
(g)	Rule of Strict Interpretation (Penal and Tax Statutes)	
31.	<i>Bowers v. Gloucester Corporation</i> (1963) 1 Q.B.881	165
32.	<i>George Banerji v. Emperor</i> (1917) 18 Cr L J 45	167
33.	<i>The Empress Mills, Nagpur v. The Municipal Committee, Wardha,</i> AIR 1958 SC 341	168
34.	<i>A.S. Sulochana v. C. Dharmalingam</i> , AIR 1987 SC 242	174
35.	<i>R. v. Oakes</i> (1959) 2 All ER 92	

(h)	Rule of Harmonious Construction	
36.	<i>Sri Venkataramana Devaru v. State of Mysore</i> , AIR 1958 SC 255	176
37.	<i>K.M. Nanavati v. State of Bombay</i> , AIR 1961 SC 112	185
38.	<i>Calcutta Gas Co. v. State of West Bengal</i> , AIR 1962 SC 1044	198
39.	<i>Sirsilk Ltd. v. Govt. of Andhra Pradesh</i> , AIR 1964 SC 160 : (1964) 2 SCR 448	206
40.	<i>The Remington Rand of India Ltd. v. The Workmen</i> , AIR 1968 SC 224 : (1968) 1 SCR 164	211
(i)	Principles of <i>Ejusdem Generis</i> and <i>Noscitur a sociis</i>	
41.	<i>Calcutta Municipal Corporation v. East India Hotels Ltd.</i> , AIR 1996 SC 419	212
42.	<i>Oswal Agro Mills Ltd. v. CCE</i> , 1993 Supp(3) SCC 716	216
43.	<i>Ashbury Railway Carriage & Iron Co. v. Riche</i> (1875) LR 7 HL 653	
44.	<i>Brownsea Havens Properties v. Poole Corpn.</i> (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.	
45.	<i>Biswambhar Singh v. State of Orissa</i> , AIR 1954 SC 139 : 1954 SCR 842	223
46.	<i>M/s. Hiralal Rattanlal v. State of U.P.</i> (1973) 1 SCC 216	230
47.	<i>Manoharlal v. State of Punjab</i> , AIR 1961 SC 418 : (1961) 2 SCR 343	238

Topic 4 : Extrinsic/External Aids to Interpretation

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| (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. *ShashiKant Laxman Kale v. Union of India*, AIR 1990 SC 2114 :
(1990) 4 SCC 366 251
49. *S.R. Chaudhary v. State of Punjab* (2001) 7 SCC 126
50. *State of Mysore v. R.V. Bidap*, AIR 1973 SC 255

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.

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**Interpretation of Statutes and Principle
of Legislation**

Cases Selected and Edited By

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UNIVERSITY OF DELHI, DELHI- 110 007
JANUARY 2018**