

LL.B. VI Term

Paper : LB – 6031 - Interpretation of Statutes and Principle of Legislation

Prescribed Books:

1. Bennion on Statutory Interpretation (7th Edition)
2. P. St. J. Langan, *Maxwell on the Interpretation of Statutes* (12th ed., 1969)
3. Vepa P. Sarathi, *Interpretation of Statutes* (4th ed., 2003)
4. 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
 4. *Inco Europe Ltd. v. First Choice Distribution (a firm)*, (2000) 2 All ER 109:
- (b) Statute must be read as a whole
 5. *Padma Sundara Rao v. State of Tamil Nadu* (2002) 3 SCC 533
 6. *Bhatia International v. Bulk Trading S.A.* (2002) 4 SCC 105 31
- (c) The Primary Rule : Literal Construction
 - (i) Literal rule

7.	<i>Tej Kiran Jain v. N. Sanjiva Reddy</i> (1970) 2 SCC 272	41
8.	<i>Jugalkishore v. Raw Cotton Co.</i> AIR 1955 SC 376	43
9.	<i>B.N. Mutto v. T.K. Nandi (Dr.)</i> (1979) 1 SCC 361	46
10.	<i>Ramavtar Budhaiprasad v. Assistant Sales Tax Officer,</i> AIR 1961 SC 1325	54
11.	<i>M/s. Motipur Zamindary Co. (Private) Ltd. v. State of Bihar,</i> AIR 1962 SC 660	56
12.	<i>State of West Bengal v. Wasi Ahmed</i> (1977) 2 SCC 246	59
13.	<i>M.V. Joshi v. M.U. Shimpi</i> , AIR 1961 SC 1494	61
14.	<i>The Queen v. Charles Arthur Hill Heaten Ellis</i> (1844) 6 Q.B. 499	68
15.	<i>Union of India v. Delhi Cloth & General Mills</i> , AIR 1963 SC 791	
16.	<i>Matthews v. Dobbins</i> [1963] 1 ALL ER 417	
(ii)	Golden Rule	
17.	<i>Lee v. Knapp</i> (1967) 2 Q.B.442	71
18.	<i>G. Narayanaswami v. Pannersevan</i> (1972) 3 SCC 717	73
19.	<i>Union of India v. Filip Tiago De Gama of Vedem Vasco De Gama,</i> AIR 1980 SC 981 : (1990) 1 SCC 277	81
19.	<i>Nokes v. Doncaster Amalgamated Collieries</i> (1940) AC 1014	87
(d)	Mischief Rule of Construction : <i>Heydon's Case</i>	
20.	<i>Heydon's case</i> (1584) 3 Co. Rep. 7	
21.	<i>R.M.D.C. v. Union of India</i> , AIR 1957 SC 628	92
22.	<i>Commissioner of Income-tax. v. Smt. Sodra Devi</i> , AIR 1957 SC 832	104
23.	<i>Utkal Contractors & Joinery (P) Ltd. v. State of Orissa,</i> AIR 1987 SC 1454	124
24.	<i>Smith v. Hughes</i> (1960) 1 W.L.R.830	133
(e)	Construction <i>Ut res magis valeat quam pereat</i>	
25.	<i>Avtar Singh v. State of Punjab</i> , AIR 1955 SC 1107	134
26.	<i>Corporation of Calcutta v. Liberty Cinema</i> , AIR 1965 SC 661	138
27.	<i>M. Pentiah v. Muddala Veeramallapa</i> , AIR 1961 SC 1107	
(f)	Rule of Purposive Construction	
28.	<i>Rev. Stainislaus v. State of M.P.</i> , AIR 1977 SC 108	141
29.	<i>S.R. Chaudhuri v. State of Punjab</i> (2001) 7 SCC 126	146
30.	<i>All India Reporter Karamchhari Sangh v. All India Reporters Ltd.,</i> AIR 1988 SC 1325	158
31.	<i>State of Mysore v. R.V. Bidap</i> , AIR 1973 SC 255 : (1974) 3 SCC 337	165

(g)	Rule of Strict Interpretation (Penal and Tax Statutes)	
32.	<i>Bowers v. Gloucester Corporation</i> (1963) 1 Q.B.881	175
33.	<i>George Banerji v. Emperor</i> (1917) 18 Cr L J 45	177
34.	<i>The Empress Mills, Nagpur v. The Municipal Committee, Wardha</i> , AIR 1958 SC 341	178
35.	<i>A.S. Sulochana v. C. Dharmalingam</i> , AIR 1987 SC 242	184
36.	<i>McDowell and Co. Ltd. v. Commercial Tax Officer</i> , (1985) 3 SCC 230	
37.	<i>Standard Chartered Bank and Ors v. Directorate of Enforcement</i> , (2005) 4 SCC 530	
38.	<i>R. v. Oakes</i> (1959) 2 All ER 92	
(h)	Rule of Harmonious Construction	
39.	<i>Sri Venkataramana Devaru v. State of Mysore</i> , AIR 1958 SC 255	186
40.	<i>K.M. Nanavati v. State of Bombay</i> , AIR 1961 SC 112	195
41.	<i>Calcutta Gas Co. v. State of West Bengal</i> , AIR 1962 SC 1044	208
42.	<i>Sirsilk Ltd. v. Govt. of Andhra Pradesh</i> , AIR 1964 SC 160 : (1964) 2 SCR 448	216
43.	<i>Speedline Agencies v. T. Stanes & Co. Ltd.</i> , (2010) 6 SCC 257	
44.	<i>The Remington Rand of India Ltd. v. The Workmen</i> , AIR 1968 SC 224 : (1968) 1 SCR 164	221
(i)	Principles of <i>Ejusdem Generis</i> and <i>Noscitur a sociis</i>	
45.	<i>Calcutta Municipal Corporation v. East India Hotels Ltd.</i> , AIR 1996 SC 419	222
46.	<i>M/s Siddeshawari Cotton Mills Pvt. Ltd. v. U.O.I., A.I.R. 1989 S.C. 1029:</i>	
47.	<i>Oswal Agro Mills Ltd. v. CCE</i> , 1993 Supp(3) SCC 716	226
48.	<i>Ashbury Railway Carriage & Iron Co. v. Riche</i> (1875) LR 7 HL 653	
49.	<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.

50.	<i>Biswambhar Singh v. State of Orissa</i> , AIR 1954 SC 139 : 1954 SCR 842	233
51.	<i>M/s. Hiralal Rattanlal v. State of U.P.</i> (1973) 1 SCC 216	240
52.	<i>Manoharlal v. State of Punjab</i> , AIR 1961 SC 418 : (1961) 2 SCR 343	248

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	
(d)	183 rd Report of the Law Commission of India on: “ <i>A continuum on the General Clauses Act, 1897 with special reference to the admissibility and codification of external aids to interpretation of statutes</i> ”	
53.	<i>ShashiKant Laxman Kale v. Union of India</i> , AIR 1990 SC 2114 : (1990) 4 SCC 366	251
54.	<i>S.R. Chaudhary v. State of Punjab</i> (2001) 7 SCC 126	
55.	<i>State of Mysore v. R.V. Bidap</i> , 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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