



LL.B. IV TERM

Paper: LB- 404 – Interpretation of Statutes and Legislative Drafting

Cases Selected and Edited by

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LL.B. IV Term

Paper: LB – 404- Interpretation of Statutes and Legislative Drafting

Prescribed Books:

1. Diggory Bailey and Luke Norbury, *Bennion on Statutory Interpretation* (7th ed.)
2. P. St. J. Langan, *Maxwell on the Interpretation of Statutes* (12th ed., 1969)
3. Vepa P. Sarathi, *Interpretation of Statutes* (2015)
4. G.P. Singh, *Principles of Statutory Interpretation* (14th ed., 2016; Reprint 2019)
5. B.R. Atre, *Legislative Drafting (Principles and Techniques)*, Universal Law Publishing- An Imprint of LexisNexis, 5th edn. (2017).
6. T. K. Viswanathan, *Legislative Drafting: Shaping the Law for the New Millennium*, Indian Law Institute, 2nd edn., (2007).

Recommended Books:

- S.G.G. Edgar, *Craies on Statute Law* (1971)

Topic 1: General

(a) Nature and Kinds of Indian Laws: Statutory, Non-statutory, Codified, Un-codified, State-made and State-recognised laws; meaning and scope of ‘statute’

(b) Meaning, Object 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 (Judicial Activism vis-a-vis Judicial overreach)

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| 1. <i>P. Ramachandra Rao v. State of Karnataka</i> (2002) 4 SCC 578 | 1 |
| 2. <i>Padma Sundara Rao v. State of Tamil Nadu</i> (2002) 3 SCC 533 | 17 |
| 3. <i>D.M., Aravali Golf Club v. Chander Hass</i> , 2007 (14) SCALE | 22 |

(b) Statute must be read as a whole

4. *Padma Sundara Rao v. State of Tamil Nadu* (2002) 3 SCC 533

(c) The Primary Rule

(i) Literal rule

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| 5. <i>Tej Kiran Jain v. N. Sanjiva Reddy</i> (1970) 2 SCC 272 | 31 |
| 6. <i>Jugalkishore v. Raw Cotton Co.</i> AIR 1955 SC 376 | 33 |
| 7. <i>B.N. Mutto v. T.K. Nandi (Dr.)</i> (1979) 1 SCC 361 | 36 |
| 8. <i>Ramavtar Budhaiprasad v. Assistant Sales Tax Officer</i> , AIR 1961 SC 1325 | 44 |
| 9. <i>State of West Bengal v. Washi Ahmed</i> (1977) 2 SCC 246 | 46 |

10.	<i>M.V. Joshi v. M.U. Shimpi</i> , AIR 1961 SC 1494	48
11.	<i>Union of India v. Delhi Cloth & General Mills</i> , AIR 1963 SC 791*	
12.	<i>Matthews v. Dobbins</i> [1963] 1 ALL ER 417*	
13.	<i>Lalita Kumari v. State of U.P.</i> (2014) 1 SCC (Cri.) 524	55
14.	<i>State of Madhya Pradesh v. Narayan Singh & Ors.</i> , AIR 1989 SC 1789*	
 (ii) Golden Rule		
15.	<i>Lee v. Knapp</i> (1967) 2 Q.B.442	67
16.	<i>G. Narayanaswami v. Pannersevan</i> (1972) 3 SCC 717	69
17.	<i>Union of India v. Filip Tiago De Gama of Vedem Vasco De Gama</i> , AIR 1980 SC 981: (1990) 1 SCC 277	77
18.	<i>Nokes v. Doncaster Amalgamated Collieries</i> (1940) AC 1014	83
 (d) Mischief Rule of Construction		
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	88
21.	<i>Commissioner of Income-tax. v. Smt. Sodra Devi</i> , AIR 1957 SC 832	100
22.	<i>Utkal Contractors & Joinery (P) Ltd. v. State of Orissa</i> , AIR 1987 SC 1454	120
23.	<i>Smith v. Hughes</i> (1960) 1 W.L.R.830	129
 (e) Construction <i>Ut res magis valeat quam pereat</i>		
24.	<i>Avtar Singh v. State of Punjab</i> , AIR 1955 SC 1107	130
25.	<i>Corporation of Calcutta v. Liberty Cinema</i> , AIR 1965 SC 661	134
 (f) Rule of Purposive Construction		
26.	<i>Rev. Stainislaus v. State of M.P.</i> , AIR 1977 SC 108	137
27.	<i>S.R. Chaudhuri v. State of Punjab</i> (2001) 7 SCC 126	142
28.	<i>All India Reporter Karamchari Sangh v. All India Reporters Ltd.</i> , AIR 1988 SC 1325	154
29.	<i>State of Mysore v. R.V. Bidap</i> , AIR 1973 SC 255: (1974) 3 SCC 337	161
30.	<i>Gurbaksh Singh Sibbia v. State of Punjab</i> (1980) 2 SCC 565*	
 (g) Rule of Strict Interpretation (Penal and Tax Statutes)		
31.	<i>Bowers v. Gloucester Corporation</i> (1963) 1 Q.B.881	171
32.	<i>George Banerji v. Emperor</i> (1917) 18 Cr L J 45	173
33.	<i>The Empress Mills, Nagpur v. The Municipal Committee, Wardha</i> , AIR 1958 SC 341	174
34.	<i>A.S. Sulochana v. C. Dharmalingam</i> , AIR 1987 SC 242	180
35.	<i>McDowell and Co. Ltd. v. Commercial Tax Officer</i> (1985) 3 SCC 230*	
36.	<i>R. v. Oakes</i> (1959) 2 All ER 92*	
37.	<i>M/s Achal Industries v. State of Karnataka</i> , AIR 2019 SC 1653*	
 (h) Rule of Harmonious Construction		
38.	<i>Sri Venkataramana Devaru v. State of Mysore</i> , AIR 1958 SC 255	182
39.	<i>K.M. Nanavati v. State of Bombay</i> , AIR 1961 SC 112	191
40.	<i>Calcutta Gas Co. v. State of West Bengal</i> , AIR 1962 SC 1044	204
41.	<i>Sirsilk Ltd. v. Govt. of Andhra Pradesh</i> , AIR 1964 SC 160:	

- (1964) 2 SCR 448 212
 42. *The Remington Rand of India Ltd. v. The Workmen*,
 AIR 1968 SC 224: (1968) 1 SCR 164 217

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

43. *Calcutta Municipal Corporation v. East India Hotels Ltd.*,
 AIR 1996 SC 419 218
 44. *M/s Siddeshawari Cotton Mills Pvt. Ltd. v. U.O.I.*, A.I.R. 1989 S.C.
 1029*
 45. *Oswal Agro Mills Ltd. v. CCE*, 1993 Supp (3) SCC 716 222
 46. *Ashbury Railway Carriage & Iron Co. v. Riche* (1875) LR 7 HL 653*
 47. *Brownsea Havens Properties v. Poole Corpn.* (1958) 1 All ER 205*

Topic 3: Internal and External Aids to Interpretation

- (a) Short and long titles, preamble, schedules, marginal headings, parts and their captions, chapters and their captions, marginal and section-headings**
(b) Explanations, exceptions, illustrations and provisos
(c) Phrases like ‘notwithstanding...’; ‘without prejudice to the generality of.....’, etc.
(d) Role of Constituent Assembly debates in the interpretation of the Constitution of India
(e) Legislative history- Legislative Intention, Statement of objects and reasons, legislative debates, Committee reports, etc.

48. *Biswambhar Singh v. State of Orissa*, AIR 1954 SC 139:
 1954 SCR 842 229
 49. *M/s. Hiralal Rattanlal v. State of U.P.* (1973) 1 SCC 216 236
 50. *Manoharlal v. State of Punjab*, AIR 1961 SC 418:
 (1961) 2 SCR 343 244
 51. *Shashikant Laxman Kale v. Union of India*, AIR 1990 SC 2114:
 (1990) 4 SCC 366 247
 52. *S.R. Chaudhary v. State of Punjab* (2001) 7 SCC 126
 53. *State of Mysore v. R.V. Bidap*, AIR 1973 SC 255

Topic 4: The Basics of Legislative Drafting

(a) What is legislative drafting all about?

- (i) Drafting and legislative Counsel
 (ii) Legislative expression

(b) What is legislation?

- (i) Types of legislation
 (ii) Classification of primary legislation (Bills and Acts)
 (iii) Structure and format Bills and Acts
 (iv) Conventional structure of Bills and Acts

(c) Preparation of legislative scheme

- (i) Clear concept of the legislative proposals; Preparation of conceptual outline
 (ii) Check the existing law
 (iii) Importance and preparation of skeleton legislation and legislative scheme

(d) Basic Techniques of Legislative Drafting

- (i) Style
- (ii) Simplicity of Language
- (iii) Over Drafting
- (iv) Vagueness

- **The Drafting of Law in Plain Language Bill, 2018, available at:**
<http://164.100.47.4/billtexts/lbilltexts/asintroduced/2322as.pdf>

Topic 5: Structure and style in Legislative Drafting

(a) Grammar and punctuation marks

- (i) Why is grammar important for drafting?
- (ii) What grammatical terms do we need to know?
- (iii) What common grammatical mistakes should we watch for?
- (iv) How do we punctuate and capitalize

(b) How do we put together the components of legislative sentences?

- (i) Principal subject
- (ii) Principal predicate
- (iii) Predicate modifiers

(c) How should we structure a legislative text?

- (i) General considerations
- (ii) Drafting sections
- (iii) Drafting sentences in sections
- (iv) Paragraphing
- (v) Numbering
- (vi) Ordering and linking sentences in a section
- (vii) Linking sections
- (viii) Incorporation by reference
- (ix) Grouping Section

(d) How should we organize a legislative text?

- (i) General considerations
- (ii) Preparing an outline
- (iii) Factors influencing an outline for a Bill

Note: Cases marked with asterisk (*) have not been provided in this material. Students are advised to read them.

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.

