

## **Interpretation of Statutes**

LL. B (H), 4th Semester, Paper: 4.6H5

LL. B, 3rd Semester, Paper: 3.4OP3

### **Course Objectives (COB):**

- To provide a comprehensive understanding of the concept, nature, and purpose of statutory interpretation.
- To familiarize students with various aids, presumptions, and principles used in interpreting statutes.
- To develop the ability to apply different rules of statutory interpretation to legal problems.
- To introduce important legal maxims and doctrines relevant to constitutional & statutory interpretation.
- To enhance students' analytical and reasoning skills in interpreting legislative and constitutional provisions.

### **Course Outcomes (CO):**

Upon successful completion of the course, students will be able to:

- Explain the meaning, purpose, scope, and classification of statutes and distinguish between interpretation and construction.
- Identify and apply internal and external aids as well as statutory presumptions in interpreting legislative provisions.
- Analyze and employ various rules of statutory interpretation, including the Literal Rule, Golden Rule, Mischief Rule, Harmonious Construction, and related principles.
- Interpret and apply important legal maxims and doctrines used in statutory construction and judicial decision-making.
- Evaluate constitutional and statutory provisions using appropriate interpretative approaches, including liberal, strict, and beneficial construction, and apply constitutional doctrines to legal issues.

Full Marks:100  
End Semester: 80  
In Semester: 20  
Each Unit Is allotted 16 Marks

### **Unit I- Introduction:**

1.1: Meaning, object & purpose of interpretation

1.2: Difference between interpretation & construction

1.3: Meaning, scope & classification of statutes

1.4: Basic sources of interpretation

1.4.1: The General Clauses Act, 1897: Nature, scope and relevance (with special reference to Section 6 to 8 of the Act.)

1.4.2: Definition clauses in various legislations: Nature and interpretative rule.

1.5: Mimamsa Principles of Interpretation

### **Unit II - Aids & presumptions in statutory interpretation**

2.1: Internal Aids:

Title, Preamble, Heading & Marginal notes, Sections & Sub-sections, Punctuation marks, Illustrations, Exceptions, Proviso, Saving clauses, non-obstante clause, Schedule

2.2: External Aids

2.2.1: Dictionary & translation

2.2.2: Constitutional Assembly Debate, Parliamentary Debate, Historical Facts & Surrounding circumstances

2.2.3: Foreign judgments & Law Commission Reports

2.2.4: Statute in Pari-Materia

2.3: Presumptions in statutory interpretation

2.3.1 Statutes are valid,

2.3.2 Territorial in operation,

2.3.3 Presumption as to jurisdiction,

2.3.4 Presumption against what is inconvenient or absurd,

2.3.5 Presumption against intending injustice,

2.3.6 Presumption against impairing obligations or permitting advantage from one's own wrong

2.3.7 Presumption on prospective and retrospective operation of statutes.

### **Unit III- Rules of Statutory Interpretation**

3.1: Literal Rule

3.2: Golden Rule

3.3: Mischief Rule

3.4: Harmonious Construction

3.5: Noscitur a sociis

3.6: Eiusdem generis

3.7: Reddendo singula singulis

### **Unit IV- Maxims**

4.1: Delegatus non potest delegare

4.2: Expressio unius est exclusio alterius

4.3: Generalia specialibus non derogant

4.4: In pari delicto potior est conditio possidentis

4.5: Ut res magis valeat quam pereat

4.6: Expressum facit cessare tacitum

4.7: In bonam partem

### **Unit V- Interpretation of Constitution of India with reference to the subject matter and purpose**

5.1: Interpretation of Constitution of India

5.1.1: Liberal approach

5.1.2: Doctrine of Pith & Substance,

Doctrine of Repugnancy,

Doctrine of Incidental and Ancillary Power,

Doctrine of Territorial Nexus,

Doctrine of Prospective overruling

5.2: Strict Construction

5.2.1: Penal statute

5.2.2: Taxing statute

5.3: Beneficial Construction- Welfare statute

5.4: Interpretation of directory and mandatory provisions.

### **Recommended Books-**

1. William N. Eskridge Jr., Dynamic Statutory Interpretation (Universal Law Publishing 2009).
2. Justice G.P. Singh, Principles of Statutory Interpretation (11th ed., Wadhwa & Co. 2008).
3. K. Shanmukham (ed.), N.S. Bindra's Interpretation of Statutes (9th ed., The Law Book Co. 1997).
4. M.P. Jain, Indian Constitutional Law (4th ed., Wadhwa & Co. 1994).
5. M.P. Singh (ed.), V.N. Shukla's Constitution of India (9th ed., Eastern Book Company 1994).
6. P.St.J. Langan (ed.), Maxwell on the Interpretation of Statutes (12th ed., LexisNexis 2004).
7. S.G.G. Edgar, Craies on Statute Law (7th ed., Sweet & Maxwell 1999).
8. Jagdish Swarup, Legislation and Interpretation (Dandewal Publishing House 1968).
9. Upendra Baxi, "Introduction" in Justice K.K. Mathew, Democracy, Equality and Freedom (Eastern Book Company 1978).
10. Vepa P. Sarathi, Interpretation of Statutes (4th ed., Eastern Book Company 2003).

Referred Cases –

### **Cases for Unit 1:**

- Bhatia International v. Bulk Trading S.A., AIR 2002 SC 1432.
- Crawford v. Spooner, (1846) 6 Mcore P.C. 1.
- Grasim Industries Ltd. v. Collector of Customs, Bombay, (2002)4 SCC 297.
- Warburton v. Loveland is (1832) 2 D. & Cl. 480
- State of Punjab v. Mohar Singh (AIR 1955 SC 84)

**Cases for Unit 2:**

- Fisher v. Raven 1964 AC 210 (HL)
- Bengal Immunity Co. v. State of Bihar, AIR 1955 SC 661
- State of West Bengal v. Anwar Ali AIR 1952 SC 75
- K.P. Varghese v. Income Tax Officer, AIR 1981 SC 1922

**Cases for Unit 3:**

- Heydon's Case (1584) 3 Co Rep 7a.
- Smith v Hughes [1960] 1 WLR 830.
- Lee v. Knap (1967) 2 Q.B. 442.
- M.S.M. Sharma v. Krishna Sinha, AIR 1959 SC 395.
- Siddeshwari Cotton Mills (P) Ltd v. Union of India AIR 1989 SC 1019.
- State of Bombay v. Hospital Mazdoor Sabha AIR 1960 SC 610.

**Cases for Unit 4:**

- Union of India v. P.K. Roy AIR 1968 SC 850.
- State of Gujarat v. Ramji Bhai AIR 1979 SC 1098.
- Tinsukhia Electric Supply Co. Ltd v. State of Assam AIR 1990 SC 123.
- Mary Angel v. State of Tamil Nadu (1999) 5 SCC 209.

**Cases for Unit 5:**

- Maneka Gandhi v. Union of India (AIR 1978 SC 597)
- State of Bombay v. F.N. Balsara (AIR 1951 SC 318)
- M. Karunanidhi v. Union of India (AIR 1979 SC 898)
- State of Bombay v. R.M.D. Chamarbaugwala (AIR 1957 SC 699)
- I.C. Golaknath v. State of Punjab (AIR 1967 SC 1643)
- Commissioner of Customs v. Dilip Kumar & Co. (2018) 9 SCC 1
- Madan Singh v. Union of India (1999) 6 SCC 459