

**NIRMA UNIVERSITY**

<b>Institute:</b>	Institute of Law
<b>Name of Programme:</b>	B.A., LL.B (Hons.), B.Com.LL.B(Hons.)
<b>Course Code:</b>	2BL852
<b>Course Title:</b>	Interpretation of Statutes
<b>Course Type:</b>	Core
<b>Year of Introduction</b>	2021-2022

**Credit Scheme**

L	T	Practical component				C
		LPW	PW	W	S	
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**Course Learning Outcomes (CLO)**

At the end of the course, students will be able to –

1. Perceive and appraise the principles of interpretation.
2. Evaluate and measure the scope of different aids to interpretation.
3. Critically analyze different rules of the interpretation of statutes
4. Elaborate and estimate the scope and applicability of presumptions while interpretation.
5. Construe and compile various maxims associated with rules of interpretation.
6. Evaluate and choose appropriate rules of interpretation regarding specific legislations.
7. Perceive and analyze the rules of interpreting Constitution of India.
8. Outline the principles and the processes of Legislative drafting.

**Syllabus:**

Unit	Syllabus	Total teaching hour: 60 Teaching hours
Unit-I	<b>Interpretation of Statutes</b>  2.1. Meaning of the term 'statutes' 2.2. Commencement, operation and repeal of statutes 2.3. Purpose of interpretation of statutes.	<b>6 Hours</b>
Unit-II	<b>Aids to Interpretation</b>  <b>2.1. Internal aids</b> 2.1.1. Title 2.1.2. Preamble 2.1.3. Headings and marginal notes. 2.1.4. Sections and sub-sections 2.1.5. Punctuation marks. 2.1.6. Illustrations, exceptions, provisos and saving clauses 2.1.7. Schedules 2.1.8. Non-obstante clause.	<b>9 Hours</b>



	<p><b>2.2. External aids</b>  2.2.1. Dictionaries  2.2.2. Translations  2.2.3. Statutes in <i>pari materia</i>  2.2.4. Debates, inquiry commission reports and Law Commission reports.</p>	
Unit-III	<b>Rules of Statutory Interpretation</b>	<b>10 Hours</b>
	<p><b>3.1 Primary Rules</b>  3.1.1. Literal rule  3.1.2. Golden rule  3.1.3. Mischief rule (rule in the Heydon's case)  3.1.4. Rule of harmonious construction</p>	
Unit-IV	<b>Presumptions in statutory interpretation</b>	<b>7 Hours</b>
	<p>4.1. Statutes are valid  4.2. Statutes are territorial in operation  4.3. Presumption as to jurisdiction  4.4. Presumption against what is inconvenient or absurd</p>	
Unit- V	<b>Maxims of Statutory Interpretation:</b>	<b>7 hours</b>
	<p>5.1. <i>Delegatus non potest delegare</i>  5.2. <i>Expressio unius exclusio alterius</i>  5.3. <i>Generalia specialibus non derogant</i>  5.4. <i>Utres valet potior quam pareat</i>  5.5. <i>Expressum facit cessare tacitum</i>  5.6. <i>In bonam partem</i></p>	
Unit- VI	<b>Interpretation with reference to the subject matter and purpose</b>	<b>6 Hours</b>
	<p>6.1 Taxing statutes  6.2. Penal statutes  6.3. Welfare legislation</p>	
Unit-VII	<b>Principles of Constitutional Interpretation</b>	<b>9 Hours</b>
	<p>7.1. Harmonious construction  7.2. Doctrine of pith and substance  7.3. Colourable legislation  7.4. Ancillary powers  7.5. Occupied field  7.6. Residuary power  7.7. Doctrine of repugnancy</p>	

Unit-VIII **Legislative Drafting**

**6 Hours**

- 8.1 Process of Legislative Drafting
- 8.2 Principles or Ideals of drafting
- 8.3 Significance of General Clauses Act 1897 in legislative drafting

Suggested Text / Reference Books

Reading Reference:

1. G.P Singh, Principles of Statutory Interpretation, Lexis Nexis, Nagpur, 14<sup>th</sup> Edition 2016
2. M.N Rao and Amita Dhanda, N.S Bindra's Interpretation of Statutes, Lexis Nexis, Delhi, 2007.
3. Maxwell, Interpretation of Statutes, revised by P. St. J. Langan, 12<sup>th</sup> Edition, 2011.
4. P.M Bakshi, Interpretation of Statutes, Orient Publishing Company, Allahabad, 2008.
5. Prof. T. Bhattacharyya, Interpretation of Statutes, 9<sup>th</sup> Edition, 2014.
6. Vepa. P. Sarathi, Interpretation of Statutes, Eastern Book Company, Lucknow, 2010.
7. T.K. Vishwanathan, Legislative Drafting Shaping The Law for The New Millennium, Indian Law Institute, New Delhi, 2007.
8. N.K Chakrabarty, Principles of Legislation and Legislative Drafting, R. Cambray & Co. Pvt. Ltd, 3 Ed 2014

**E- Content:**

1. [https://legcounsel.house.gov/HOLC/Drafting\\_Legislation/Drafting\\_Guide.html](https://legcounsel.house.gov/HOLC/Drafting_Legislation/Drafting_Guide.html) [Legislation Drafting Guide]
2. [https://www.eduskunta.fi/EN/naineduskuntatoimii/eduskunnan\\_tehtavat/lakiensaataminen/Pages/default.aspx](https://www.eduskunta.fi/EN/naineduskuntatoimii/eduskunnan_tehtavat/lakiensaataminen/Pages/default.aspx) [Parliament of Finland- Enacting Legislation]
3. <http://www.prsindia.org/> [PRS legislative Research]
4. PRS Legislative Research
5. Lok Sabha Secretariat
6. Rajya Sabha Secretariat