

COURSE-III: OPTIONAL-IV: INTERPRETATION OF STATUTES & PRINCIPLES OF LEGISLATION

Objectives:

Enacted laws, i.e. Acts and Rules are drafted by legal experts. Language used will leave little or no room for interpretation or construction. But the experience of all those who have to bear and share the task of application of the law has been different. Courts and lawyers are busy in unfolding the meaning of ambiguous words and phrases and resolving inconsistencies. The statute is to be construed according 'to the intent of them that make it.' To ascertain the true meaning, intent of the maker, numerous rules of interpretation were formulated by courts and jurists. The objective of this course is to make the student familiar with various rules of interpretation.

Course contents:

UNIT-I

Basic Principles; Guiding rules; Internal aids to construction.

UNIT-II

External aids to construction.

UNIT-III

Subsidiary rules; Operation of statutes; Expiry and repeal of statutes.

UNIT-IV

Statutes affecting the state; Statutes affecting the jurisdiction of courts. Construction of taxing statutes and evasion of statutes; Remedial and penal statutes.

UNIT-V

Principles of Legislation.

Prescribed Book:

G. P. Singh - Principles of Statutory Interpretation.
Upendra Baxi- Bentham's theory of Legislation.

Reference Books:

Maxwell on the Interpretation of Statutes.
V. P. Sarathi - Interpretation of Statute - General Clauses Act 1897.
Bindra- Interpretation of Statutes.