

## 9.4 Course – IV, **Hons-VII: Interpretation of Statutes and Principles of Legislation**

### **Objectives:**

As it is difficult to have legislations without ambiguous provisions, there is a need to make proper study of the rules and principles relating to interpretation of statutes. Legislation is the major source of law of the modern era. Legislatures enact laws after much deliberation. No doubt in this process they have to take into account the present and future needs of the people. What are the matters to be reckoned with by legislature while enacting laws? With the emergence of legislation, interpretation of statutes became a method by which judiciary explores the intention behind the statutes. Judicial interpretation involves construction of words, phrases and expressions. In their attempt to make the old and existing statutes contextually relevant, courts used to develop certain rules, doctrines and principles of interpretation. Judiciary plays a highly creative role in this respect. What are the techniques adopted by courts in construing statutes? How far are they successful in their strategy? With the above problems and perspectives in view, this paper is framed.

### **Course Outcomes:**

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

1. to understand the principles to interpret the laws and judgements.
2. explain basic principles and approaches of judicial bodies to interpret the legal provisions.
3. analyse legal theory and concepts from multiple perspectives
4. acquaint with the functioning of the various bodies to legislate on any subject, at central, state and local levels and the responses of these systems in addressing the concerns of the people
5. analyse the interface of theory and practice in implementation of rules and judgements.

### **Contents:**

#### **UNIT I: Interpretation of Statutes**

Meaning of the term 'statutes', Commencement, operation and repeal of statutes, Purpose of interpretation of statutes, Restrictive and beneficial construction, Taxing statutes, Penal statutes, Welfare legislation Law, Interpretation of substantive and adjunctival statutes, Interpretation of directory and mandatory provisions, Interpretation of enabling statutes, Interpretation of codifying and consolidating statutes, Interpretation of statutes conferring rights, Interpretation of statutes conferring powers

#### **UNIT II Aids to Interpretation**

Internal aids, Title, Preamble, Headings and marginal notes, Sections and sub-sections, Punctuation marks, Illustrations, exceptions, provisos and saving clauses, Schedules, Non-obstante clause

External aids, Dictionaries, Translations, Travaux Preparatoires, Statutes in pari materia, Contemporanea Exposito, Debates, inquiry commission reports and Law Commission reports

### **UNIT III : Rules and Principles of Statutory Interpretation**

Primary Rules, Literal rule, Golden rule, Mischief rule (rule in the Heydon's case), Rule of harmonious construction, Secondary Rules, Noscitur a sociis, Ejusdem generis, Reddendosingulasingulis

Principles of Constitutional Interpretation, Harmonious construction, Doctrine of pith and substance Colourable legislation, Ancillary powers, "Occupied field", Residuary power, Doctrine of repugnancy

### **UNIT IV: Presumptions in statutory interpretation**

Statutes are valid, Statutes are territorial in operation, Presumption as to jurisdiction, Presumption against what is inconvenient or absurd, Presumption against intending injustice, Presumption against impairing obligations or permitting advantage from one's own wrong, Prospective operation of statutes

### **UNIT V Principles of Legislation**

Law-making - the legislature, executive and the judiciary, Principle of utility, Operation of these principles upon legislation, Distinction between morals and legislation

### **Select Bibliography**

1. G.P.Singh, *Principles of Statutory Interpretation*, (7th Edition) 1999, Wadhwa, Nagpur.
2. P. St. Langan (Ed.). *Maxwell on The Interpretation of Statutes* (1976)
3. N.M.Tripathi, Bombay K.Shanmukham, N.S.Bindras's *Interpretation of Statutes*, (1997) The Law Book Co. Allahabad.
4. V.Sarathi, *Interpretation of Statutes*, (1984) Eastern, Lucknow
5. M.P.Jain, *Constitutional Law of India*, (1994) Wadhwa& Co.
6. M.P.Singh, (Ed.) V.N.Sukla's *Constitution of India*, (1994) Eastern, Lucknow. Jeremy Bentham, *Theory of Legislation*, Wadhwa, Nagpur.