



MOHANLAL SUKHADIA UNIVERSITY, UDAIPUR

FACULTY OF LAW

FIRST YEAR BACHELOR OF LAWS

(Effective from Session 2019-20)

PAPER – VII (PAPER CODE - 6007)

(PAPER NAME – **INTERPRETATION OF STATUTES & PRINCIPLES OF LEGISLATION**)

Max. Marks: 100

Min. Marks: 36

Note: A. In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

B. Leading cases prescribed under this paper may be read whenever they are relevant.

A. INTERPRETATION OF STATUTES

- 1) Meaning, Object and Nature of Interpretation:
- 2) **Basic principles of interpretation:** Intention of the Legislature: Statute should be read as a whole, Literal or grammatical interpretation Harmonious Construction, Golden and Mischief Rule - Utres magis quam valeat quam pereat.
- 3) **Aids to Interpretation–**
 - (I) **External** - Parliamentary - Legislative debates, Statement of objects and reasons Dictionary, Statutes in Peri-materia, Contemporanea expositio
 - (II) **Internal**- Title, Preamble, Heading, Marginal Notes, Proviso and Punctuation.
- 4) **Principle of Interpretation of Constitution and Penal and Fiscal Statues** - Delegatus non-protest delegate, Ejusdem Generies, Pith and Substance Rule. Expression uniuestet exclusion alterius. Non-obstance clause, Mandatory and Directory provision Noscitur a Sociis, Redendo do Singula Singulis Operation, Expiry and Repeal of Statutes.

B. PRINCIPLES OF LEGISLATION

- Essentials of Legislation
- Basis of Legislation
- Law and Public Opinion
- Principles of Utility
- Law and Morality

LEADING CASES FOR EXAMINATION:

1. Ramavtar Budhaiprasad v. Assistant Sales Tax Officer, AIR 1961 SC 1325
2. M/s. Motipur Zamindary Co. (Private) Ltd. v. State of Bihar, AIR 1962 SC 660
3. Heydon's case, (1584) 3 Co. Rep. 7
4. Bengal Immunity Co. v. State of Bihar, AIR 1955 SC 661
5. The Empress Mills, Nagpur v. The Municipal Committee, Wardha, AIR 1958 SC 341

CASES FOR READING:

1. R.M.D.C. v. Union of India, AIR 1957 SC 628
2. Corporation of Calcutta v. Liberty Cinema, AIR 1965 SC 661
3. All India Reporter Karamchari Sangh v. All India Reporters Ltd., AIR 1988 SC 1325
4. Bowers v. Gloucester Corporation, (1963) 1 Q.B.881
5. M/s. Hiralal Rattanlal v. State of U.P., (1973) 1 SCC 216

SUGGESTED READING:

1. P. B. Maxwell : On the Interpretation of Statutes
2. G.P. Singh: Interpretation of Statutes
3. Swarup J.: Interpretation of Statutes
4. Bindra : Interpretation of Statutes
5. Sarathi : Interpretation of Statutes
6. Bhattacharya T. : Interpretation of Statutes (English & Hindi)
7. A. V. Dicey : Lectures on the relation between law and public opinion in England during the nineteenth century
8. Lon L. Fuller : The Morality of Law
9. Jeremy Bentham : An Introduction to the Principles of Morals and Legislation