



## **COURSE MANUAL**

**Name of the Elective Course:**  
**Interpretation of Statutes and Principles of Legislation**

**Course Code:**

**L-EL-1271**

**FALL 2026**

**(AY 2026-27)**

**Name of the Instructor:**  
**Prof. Mehtab Singh Dhaliwal**

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## **PART I**

### ***General Information***

This document is prepared by the course instructor and contains basic information relevant to the execution of the course. It is the official record for all intents and purposes as far the elective course, *Interpretation of Statutes and Principles of Legislation*, is concerned.

This course manual can be used as a general guide to the subject. However, the instructor can modify, extend or supplement the course (without tampering its basic framework and objectives) for the effective and efficient delivery of the course. The instructor will provide students with reasons for such changes.

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Course Title: **Interpretation of Statutes and Principles of Legislation**

Course Code: **L-EL-1271**

Course Duration: **One Semester (14 Weeks)**

No. of Credit Units: **4 Credits**

Level: **PG**

Medium of Instruction: **English**

Pre-requisites (if applicable): Legal Methods; Constitutional Law I and II

Equivalent Courses: Interpretation of Statutes and Principles of Legislation (Core Course for 5-Yr integrated LL.B. (Hons.))

## PART II

### ***a. Course Ideator***

This course has been exclusively ideated by Prof. Mehtab Singh Dhaliwal, taking inspiration from the core course on '*Interpretation of Statutes and Principles of Legislation*' that is taught to 5-Yr LL.B. (Hons.) programmes. While drafting this manual, the inputs supplied by the Office of Executive Dean, JGLS have been incorporated.

**Administrative Note:** The Executive Dean, JGLS and the JGLS Academic Review Board in consultation with the JGLS Student Council and the JGLS Student Academic Council has approved the offering of this elective through elective bidding process to the graduating batch of 2024-27 of the 3-Yr LL.B. (Hons.) degree programme to enable interested students to opt in this course as it is not a required core course for this programme batch.

### ***b. Course Description***

This course is built around three foundational features of legal systems: the search for meaning, the fact of disagreement and the need for justification. Every interpretive encounter with a legal text begins from the recognition that language is inherently limited and that no legislature can anticipate the full range of future circumstances. As a result, legal interpretation is not a mechanical exercise but a reasoned attempt to choose among multiple plausible meanings. Different interpreters such as judges, lawyers and scholars—bring distinct presuppositions, values, and interpretive commitments to this task. This plurality means that legal meaning is rarely singular, even though adjudication often demands a single authoritative answer.

The course introduces students to the nature, purpose and limits of statutory interpretation, tracing how legal meaning is constructed through interaction between text, context, intention and institutional role. Students will examine the major interpretive approaches within common law systems, the philosophical assumptions that shape them, and the consequences of interpretive choice for legal coherence, institutional legitimacy, and democratic governance. Throughout, emphasis is placed on learning how to justify interpretive conclusions through publicly accessible standards of reasoning, including linguistic norms, legal principles, canons of construction, and structural constitutional values.

Because statutory interpretation cuts across all domains of law, this course functions as a conceptual anchor for subjects as diverse as constitutional law, criminal law, family law, property law, and labour law to name a few. While illustrative cases will be drawn from various areas, the course does not aim to teach substantive doctrines. Instead, it equips students with the tools necessary to analyse statutes, navigate complex judicial decisions, distinguish precedent, extract ratio decidendi, and evaluate the persuasiveness of legal arguments.

A significant component of the course focuses on the architecture of legislation. Students will examine how statutes are designed, how internal and external aids assist with interpretation, and how courts use these aids to clarify ambiguity. These discussions illuminate both the possibilities and the inherent constraints of legislative drafting, encouraging students to think critically about how statutes could be written to better guide future decision-makers.

The course also explores theoretical and practical questions concerning judicial discretion, reasoning in hard cases, and the institutional role of the judiciary in democratic societies. Through engagement with scholarly readings, students will encounter diverse interpretive philosophies and debates concerning truth, meaning, statutory purpose, separation of powers, and the legitimacy of judicial intervention.

Ultimately, this course aims to cultivate the ability to read legal texts with precision, engage with interpretive disagreements constructively, and craft coherent, analytically rigorous statutory arguments—skills essential for both effective legal practice and thoughtful judicial decision-making.

**c. Course Aims**

The course seeks to:

1. Develop an understanding of why statutory interpretation is necessary, emphasising the inherent imprecision of language and the impossibility of anticipating all future factual circumstances.
2. Introducing students to the major theories, assumptions, and frameworks of interpretation, enabling them to recognise how different interpretive commitments shape judicial reasoning and legal outcomes.
3. Equipping students with the ability to understand and apply the principal canons of statutory interpretation used in law systems, and to evaluate the strengths and limits of these canons in hard cases in a self-directed manner.
4. Cultivate critical engagement with judicial decisions, encouraging students to assess judgments on the quality of their reasoning rather than on their outcomes.
5. Strengthen students’ ability to navigate complex statutes and judicial opinions, including identifying legislative structure, tracing interpretive pathways, distinguishing ratio decidendi from obiter dicta, and differentiating relevant precedent from superficially similar cases.

**d. Intended Learning Outcomes**

Course Intended Learning Outcomes	Weightage	Teaching and Learning Activities	Assessment Tasks/ Activities
By the end of the course, students should be able to:			Class exercises/Class participation/various assessments
1. Demonstrate understanding of the need for statutory interpretation and explain key interpretive theories, assumptions, and frameworks. <i>(Remember / Understand)</i>	40%	Lectures; concept discussions	
2. Apply primary and subsidiary rules of interpretation and use internal and external aids to resolve statutory ambiguity. <i>(Apply)</i>	30%		
3. Analyse statutes and judicial decisions to identify interpretive issues, distinguish ratio decidendi from obiter dicta, and classify precedent. <i>(Analyse)</i>	30%		

Course Intended Learning Outcomes	Weightage	Teaching and Learning Activities	Assessment Tasks/ Activities
		Judgement Analysis, Class discussions	Class exercises/ Class participation/various assessments

### ***e. Grading of Student Achievement***

To pass this course, students shall obtain a minimum of 40% in the cumulative aspects of coursework, i.e., internal assessments and the end term examination. Internal assessments shall carry a total of 70 marks. **End of semester exam shall carry 30 marks out of which students have to obtain a minimum of 30% marks to fulfil the requirement of passing the course.**

The details of the grades as well as the criteria for awarding such grades are provided below:

PERCENTAGE OF MARKS	GRADE	GRADE VALUE	GRADE DESCRIPTION
80 and above	O	8	<b>Outstanding</b> – Exceptional knowledge of the subject matter, thorough understanding of issues; ability to synthesize ideas, rules and principles and extraordinary critical and analytical ability
75 – 79	A+	7.5	<b>Excellent</b> - Sound knowledge of the subject matter, thorough understanding of issues; ability to synthesize ideas, rules and principles and critical and analytical ability
70 – 74	A	7	<b>Very Good</b> - Sound knowledge of the subject matter, excellent organizational capacity, ability to synthesize ideas, rules and principles, critically analyze existing materials and originality in thinking and presentation
65 – 69	A-	6	<b>Good</b> - Good understanding of the subject matter, ability to identify issues and provide balanced solutions to problems and good critical and analytical skills

PERCENTAGE OF MARKS	GRADE	GRADE VALUE	GRADE DESCRIPTION
60 – 64	B+	5	<b>Fair</b> – Average understanding of the subject matter, limited ability to identify issues and provide solutions to problems and reasonable critical and analytical skills
55 – 59	B	4	<b>Acceptable</b> - Adequate knowledge of the subject matter to go to the next level of study and reasonable critical and analytical skills.
50 – 54	B-	3	<b>Marginal</b> - Limited knowledge of the subject matter and irrelevant use of materials and, poor critical and analytical skills
45 – 49	P1	2	<b>Pass 1</b> – Pass with basic understanding of the subject matter
40 – 44	P2	1	<b>Pass 2</b> – Pass with rudimentary understanding of the subject matter
Below 40	F	0	<b>Fail</b> - Poor comprehension of the subject matter; poor critical and analytical skills and marginal use of the relevant materials. Will require repeating the course
Absent	Ab	0	<b>Absent</b> - “Extenuating circumstances” preventing the student from taking the end- semester, or re-sit, examination as the case may be; the Vice Dean (Examinations) at their discretion assign the “Ab” grade. If an "Ab" grade is assigned, the student would appear for the end-semester, or re-sit examination, as the case may be, as and when the subsequent opportunity is provided by the University.

### Criteria for Student Assessments

Assessment of the participants will be based on the following criteria.

Assessment	Weightage	Remarks
Briefing Exercise	40 Marks	Students will prepare a 2-page note where they develop a legal argument they would have made in any of the cases we will cover in the course.

<b>Assessment</b>	<b>Weightage</b>	<b>Remarks</b>
		<p>You will take the position of a lawyer who would have argued the case. The legal argument will be different (either entirely or with some nuance) from the original holding in the case.</p> <p>Based on the note, students will brief the instructor on the points of law, as if the instructor will have to present the case before a court.</p> <p>A detailed rubric on this exercise will be shared separately.</p>
Judgment Writing	20 Marks	<p>After the briefing exercise, the students will rewrite the judgment, for which they came up with a different argument, in 3 pages.</p> <p>While in the briefing exercise, the students are expected to come up with a new plausible argument, in the judgment writing exercise, the students are expected to decide the matter, in light of the new argument that they have put forth.</p> <p>A detailed rubric on this exercise will be shared separately.</p>
Class Participation	10 Marks	<p>Students will be allocated days when they are to teach an assigned topic. The whole class is expected to participate and question the student.</p> <p>Students will be graded on this performance.</p>
End Semester Examination (Compulsory)	30 Marks	<p>There will be a compulsory end-semester examination/component for all participants of the course as per the governing JGU policies.</p>

### **PART III**

#### ***a. Keyword Syllabus***

Statutory Interpretation; Meaning; Legislative Intent; Judicial Discretion; Canons of Construction; Presumptions; Internal Aids; External Aids; Precedent; Practical Reasoning.

## ***b. Course/Class Policies***

### **Cell Phones, Laptops and Similar Gadgets**

Students are expected to use electronic devices responsibly and only in ways that support learning. Laptops and tablets may be used in class for note-taking, accessing readings, or participating in academic activities, provided they do not distract peers or disrupt discussions. Cell phones must remain on silent mode throughout the class and should not be used for messaging, social media, or non-academic browsing. Any misuse of electronic devices or behaviour that distracts others will result in the student being asked to discontinue device use for the remainder of the session. The goal of this policy is to maintain an engaged and respectful learning environment.

### **Office Hours**

To be decided based on class availability. (Email mandatory to confirm venue and time).

### **Academic Integrity and Plagiarism**

Learning and knowledge production of any kind is a collaborative process. Collaboration demands an ethical responsibility to acknowledge who we have learnt from, what we have learned, and how reading and learning from others have helped us shape our own ideas. Even our own ideas demand an acknowledgement of the sources and processes through which those ideas have emerged. Thus, all ideas must be supported by citations. All ideas borrowed from articles, books, journals, magazines, case laws, statutes, photographs, films, paintings, etc., in print or online, must be credited with the original source. If the source or inspiration of your idea is a friend, a casual chat, something that you overheard, or heard being discussed at a conference or in class, even they must be duly credited. If you paraphrase or directly quote from a web source in the examination, presentation or essays, the source must be acknowledged. The university has a framework to deal with cases of plagiarism. All form of plagiarism will be taken seriously by the University and prescribed sanctions will be imposed on those who commit plagiarism.

### **Disability Support and Accommodation Requirements**

JGU endeavours to make all its courses inclusive and accessible to students with different abilities. In accordance with the Rights of Persons with Disabilities Act (2016), the JGU Disability Support Committee (DSC) has identified conditions that could hinder a student's overall well-being. These include physical and mobility related difficulties, visual and hearing impairment, mental health conditions and intellectual/learning difficulties e.g., dyslexia, dyscalculia. Students with any known disability needing academic and other support are required to register with the Disability Support Committee (DSC) by following the procedure specified at <https://jgu.edu.in/disability-support-committee/>

Students who need support may register before the deadline for registration ends, as communicated by the DSC via email each semester. Those students who wish to continue receiving support from

the previous semester, must re-register every semester prior to the deadline for re-registration as communicated by the DSC via email. Last minute registrations and support are discouraged and might not be possible as sufficient time is required to make the arrangements for support.

The DSC maintains strict confidentiality about the identity of the student and the nature of their disability and the same is requested from faculty members and staff as well. The DSC takes a strong stance against in-class and out-of-class references made about a student's disability without their consent and disrespectful comments referring to a student's disability. With due respect for confidentiality, faculty and students are encouraged to have honest conversations about the needs of students with disabilities and to discuss how a course may be better tailored to cater to a student with disability.

All general queries are to be addressed to [disabilitysupportcommittee@jgu.edu.in](mailto:disabilitysupportcommittee@jgu.edu.in)

### **Safe Space Pledge**

This course may discuss a range of issues and events that might result in distress for some students. Discussions in the course might also provoke strong emotional responses. To make sure that all students collectively benefit from the course, and do not feel disturbed due to either the content of the course or the conduct of the discussions. Therefore, it is incumbent upon all within the classroom to pledge to maintain respect towards our peers. This does not mean that you need to feel restrained about what you feel and what you want to say. Conversely, this is about creating a safe space where everyone can speak and learn without inhibitions and fear. This responsibility lies not only with students, but also with the instructor.

P.S. The course instructor, as part of introducing the course manual, will discuss the scope of the Safe Space Pledge with the class.

## **PART IV**

### ***a. Weekly Course Outline***

<b>Week</b>	<b>Topics</b>
	<b>PART A: FRAMEWORKS OF LANGUAGE AND INTERPRETATION</b>
Week 1-2	The need for Interpretation – The impossibility of Precision
Week 2-3	The Presuppositions and Frameworks of interpretation
Week 4	Truth and meaning in Interpretation

Week 5-6	Judges and Judicial reasoning and Discretion in the Interpretation of Statutes
	<b>PART B: APPLICATION OF THE FRAMEWORKS</b>
Week 7	Primary rules of Interpretation
Week 8-9	Subsidiary rules of Interpretation
Week 10	Presumptions
Week 11	Internal aids to construction
Week 12	External aids to construction
Week 13	Interpretation of Penal and Remedial statutes
	<b>REVISION WEEK</b>
Week 14	[Note: There shall be teaching classes scheduled during the fourteenth week subject to the JGU Academic Calendar circulated by the Office of the Registrar, JGU and any official declaration of non-working days by the JGU Registrar.]

### ***b. Module Description***

The course is organised into two interrelated parts that move from foundational interpretive frameworks to their practical application in judicial reasoning and statutory analysis.

#### **PART A: Frameworks of Language and Interpretation (Weeks 1–6)**

This part introduces students to the central conceptual foundations of statutory interpretation. It begins in **Week 1 and 2** by examining why interpretation is unavoidable, drawing on classic cases and scholarly literature to illustrate the limits of linguistic precision, the evolving nature of legal disputes, and the role of judicial reasoning in bridging legislative gaps. Through debates on interpretive disagreement and the fractal nature of law, students learn to identify why statutes rarely yield a single, uncontested meaning.

During **Weeks 2 and 3**, the focus shifts to the **presuppositions and frameworks** that shape interpretive choice. Students explore competing approaches, ranging from pluralism to correctness-oriented theories and consider how values, institutional constraints, and philosophical commitments influence the selection of one meaning over another. The module emphasises interpretive legitimacy, the role of dissent, and the criteria for resolving disagreement within a public, reason-giving legal culture.

**Week 4** deepens the inquiry through a study of truth and meaning in legal interpretation. Students examine how interpretive theories seek to reconcile fidelity to statutory text with responsiveness to purpose, coherence, and legal integrity. Questions of authorial intention, interpretive justification, and the search for the “best” reading of a statute form the core of this week.

In **Week 5-6**, the module turns to **judicial reasoning and discretion**, exploring how judges navigate ambiguity, balance competing interpretive tools, and justify their interpretive choices. Students engage with theories that constrain discretion and evaluate alternative accounts of how judges should reason in hard cases.

## **PART B: Application of the Frameworks (Weeks 7–15)**

This part translates theoretical insight into doctrinal and practical competence.

Beginning in **Week 7**, students study the **primary rules of interpretation**, including the literal, golden, and mischief rules. Using leading cases, they learn how these foundational canons operate and the situations in which each is appropriately invoked.

In **Weeks 8 and 9**, students examine **subsidiary rules of interpretation**, such as harmonious construction, *expressio unius, noscitur a sociis*, and *eiusdem generis*. Through case-based analysis, they learn how courts use these principles to resolve statutory conflict, clarify uncertainty, and maintain legislative coherence.

**Week 10** introduces key **presumptions of statutory interpretation**, including presumptions regarding *mens rea*, vested rights, constitutional compatibility, and legislative consistency. Students learn both the justificatory basis of these presumptions and the limits of their application.

In **Week 11**, the focus shifts to **internal aids**, such as titles, preambles, headings, definitions, provisos, illustrations, legal fictions, and interpretive clauses. Students explore how the structure of a statute provides interpretive guidance and how courts read statutes holistically.

**Week 12** expands outward to **external aids**, including legislative history, parliamentary debates, dictionaries, foreign judgments, later developments, and statutes *in pari materia*. Students evaluate when recourse to such materials enhances interpretation and when it risks undermining legislative supremacy.

**Week 13** addresses the **interpretation of penal and remedial statutes**, introducing the principles of strict and liberal construction and the policy considerations that justify each approach. Students explore moral blameworthiness, legislative purpose, and rights-protective interpretation.

**Week 14** serves as a structured revision week, consolidating doctrinal rules, interpretive frameworks, and reasoning techniques through problem-solving and integrative review sessions.

### ***c. Weekly/Module-wise Readings***

If students would like a more in-depth resource, here are some recommendations below:

Essential Resource:

Vepa P. Sarathi, *Interpretation of Statutes* (6th ed., 2024, Reprint 2025)

Additional Resource:

G.P. Singh, Principles of Statutory Interpretation (15th edition, 2022)

## **PART A: FRAMEWORKS OF LANGUAGE AND INTERPRETATION**

### **WEEK 1-2: *The need for Interpretation – The impossibility of Precision***

#### **Essential Readings:**

- Elmer's Case - Riggs v. Palmer 115 NY 506 [1889] - [Riggs v. Palmer - Case Summary and Case Brief](#)
- Snail Darter's Case - Tennessee Valley Authority v Hill 437 US 153 [1978] - [Tennessee Valley Auth. v. Hill | 437 U.S. 153 \(1978\) | Justia U.S. Supreme Court Center](#)
- McLoughlin Case - McLoughlin v O'Brian [1983] 1 AC 410 - [Case Summary: McLoughlin v O'Brian \[1983\] 1 A.C. 410 | Careerinlaw.net | UK](#)
- Andrew Morisson Stumpff, *The Law is a Fractal: The Attempt to Anticipate Everything*,<sup>44</sup> Loyola University Chicago Law Journal 649 (Spring 2013) (Pages to be read: 649-670)

#### **Supplementary Readings:**

- Stanley E. Fish, “Interpreting the ‘Variorum’” *Critical Inquiry* 2, no. 3 (1976): 465–85.
- William Baude and Stephen Sachs, “The Law of Interpretation” (2017) 130 *Harvard Law Review* 1079.

#### **Audio/visual resource:**

- Watch: [Antonin Scalia and Stephen Breyer debate the Constitution](#) (15 May, 2012)

#### **Questions:**

1. What is meant by ‘interpretation’?
2. Is there a difference between interpretation of ‘statutes’ and ‘law’?
3. Do we have the same ideas about how we should be interpreting statutes?
4. How do Scalia J. and Breyer J. justify their positions on resolving disputes of interpreting statutes? What are their criteria/tools to resolving such disputes?
5. Why does A. Stumpff argue that law in many senses is fractal? What is a fractal?
6. Based on the readings, what are some ways to think about ‘rule-specificity’?
7. Is the role of judges and ideas about justice relevant in the exercise of interpretation?
8. What are the main limitations of legal pragmatism as an interpretive approach, and how can the idea of interpreting law as part of an ongoing, evolving narrative help clarify the responsibilities of judges when resolving hard cases?

## **WEEKS 2-3: *The Presuppositions and Frameworks of interpretation***

### **Essential Readings:**

- Paul Armstrong, *The Conflict of Interpretations and the Limits of Pluralism*, PMLA, Volume 98, No. 3, (May 1983), pp 341-52.
- Arie Rosen, *Statutory Interpretation and the Many Virtues of Legislation*, Oxford Journal of Legal Studies, (2017) 37 (1), pp 134-62 (Part IV: Th Practical Relevance of the Deontic Theory to be excluded).

**Questions:**

1. Is there such a thing as one true or correct meaning of any written text?
2. What do radical relativists and monists say on one true or correct meaning of any written text?
3. How should one deal with disagreements in interpretation? Is there a workable set of criteria for legitimizing divergent interpretations?
4. Whether dissenting opinions have any value?
5. How does P. Armstrong respond to the question of disagreements in interpretation, utility and futility of dialogue?
6. What are the different approaches/frameworks to statutory interpretation that give deference to statutes?
7. Why is A. Rosen making a case for a correctness-oriented approach? What standards does he give for 'correctness'? Do you think there are problems with his approach?

**WEEK 4: *Truth and meaning in Interpretation*****Essential Reading:**

- Ronald Dworkin, *Law as Interpretation*, Critical Inquiry, Vol. 9, No 1, (*The Politics of Interpretation*), September 1982, pp 179-200.

**Suggested Reading:**

- William Eskridge, Gadamer/Statutory Interpretation, *Columbia Law Review*, Vol. 90, No. 3, pp 609-81.
- Frederick Schauer, "A Critical Guide to Vehicles in the Park" (2008) 83 NYU Law Review 1109.
- RONALD DWORKIN, JUSTICE FOR HEDGEHOGS (Harvard University Press), Chapters 6-8.

**Questions:**

1. Why do we need to find the true and correct meaning in interpretation of law? Are the existing frameworks meeting this objective?
2. What are the principles Dworkin lays down to address complexities that arise in interpretation of the text of the statute and lawmakers' intention?

**WEEK 5-6: *Judicial reasoning and Discretion in the Interpretation of Statutes***

**Essential Readings:**

- William Eskridge Jr. & Philip Frickey, *Statutory Interpretation as Practical Reasoning*, Yale Law School Faculty Scholarship Series, January, 1990
- Antonin Scalia, *The Dissenting Opinion*, 1994 J. Sup. CT. Hist. 33 (1994), p. 33-44.

**Suggested Readings:**

- Nathaniel L. Nathanson, 'Administrative Discretion in the Interpretation of Statutes' 3 VAND. L. REV. 470 (April 1950), p 470-472, 490-492.
- John McKenna, "What is Missing from Modern Legal Education", The 2025 Macrossan Lecture, 1 April 2025, pages 4-8 .
- Leib, E.J., 2025. Should Statutory Interpretation and Contract Interpretation Be Harmonized?., Available at: [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=5218761](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5218761).
- Felix Frankfurter, "Some Reflections on the Reading of Statutes" (1947) 47 Columbia Law Review 527.

**Questions:**

1. How do theories of statutory interpretation restrict judicial and administrative discretion?
2. Which one of these theories provides the most satisfactory account of discretion?

**PART B: APPLICATION OF THE FRAMEWORKS****WEEK 7: Primary rules of Interpretation****Essential Reading:**

- Vepa Sarathi, Chapter I- Introduction, pages 1-19

**Suggested Reading:**

- P. St. J. Langan, *Maxwell on the Interpretation of Statutes*, pages 44-45, 137-152 (2006 edition).

**Illustrative cases:**

- Literal Rule
  - B.N. Mutto v. T.K. Nandi, (1979) 1 SCC 361
  - Independent Sugar Corporation Limited vs Girish Sriram Juneja, 2025 INSC 124
- Golden Rule
  - Grey v Pearson (1857) 6 HL Cas 61

- G. Narayanaswami v. Pannerselvam, (1972) 3 SCC 717
- Mischief Rule and Purposive Interpretation
  - Bengal Immunity Co. v. State of Bihar, AIR 1955 SC 661
  - Smith v. Hughes (1871) LR 6 QB 597

### **WEEK 8-9: *Subsidiary Rules of Interpretation***

#### **Essential Reading:**

- Vepa P. Sarathi, *Interpretation of Statutes*, pages 30-236.

#### **Illustrative cases:**

- Statute must be read as a whole
  - Regional Provident Fund Commissioner, Bombay v. Shree Krishna Metal Manufacturing Co., AIR 1962 SC 1536
  - Aswini Kumar v. Arbinda Bose, AIR 1952 SC 369
- Rule of harmonious construction
  - Calcutta Gas Co. v. State of West Bengal, AIR 1962 SC 1044
- A statute must be construed to make it effective and workable/ Presumption of constitutional validity/ Ut res magis valeat quam pereat
  - Avtar Singh v. State of Punjab, AIR 1965 SC 666
  - Corporation of Calcutta v. Liberty Cinema, AIR 1965 SC 1107
- Expressio unius est exclusio alterius
  - Khemka & Co. v. State of Maharashtra, (1975) 2 SCC 22
  - Harish Chandra v. Triloki Singh, AIR 1957 SC 444
- Noscitur a sociis
  - State of Bombay v. Hospital Mazdoor Sabha, AIR 1960 SC 610
  - Pandit Ram Narain v. State of UP, AIR 1957 SC 18
  - State of Assam v. Ranga Mohammad AIR 1967 SC 903
- Ejusdem generis
  - Siddeshwari Cotton Mills (P) Ltd. v. UOI, (1989) 2SCC 458
  - Smt. Lila Vati Bai v. State of Bombay, AIR 1957 SC 521

### **WEEK 10: *Presumptions***

#### **Essential Reading:**

- Vepa P. Sarathi, *Interpretation of Statutes*, pages 237-331 (Students advised to refer to the beginning sections of each rule)
- Retrospective Operation of statutes will be discussed using GP Singh's textbook.

### **Suggested Reading:**

- P. St. J. Langan, *Maxwell on the Interpretation of Statutes*, pages 44-45, 137-152 (2006 edition)

### **Illustrative cases:**

- Words in a statute are used precisely and not loosely
  - Mayor, Councillors & Burgesses ... v. Taranaki Electric Power Board, AIR 1933 PC 216
- Mens Rea is generally required for a criminal act
  - Ranjit D. Udeshi v. State of Maharashtra, AIR 1965 SC 881
  - Pradip N. Sharma v. State of Gujarat, 2025 INSC 291
- Vested Rights are not taken away without express words, necessary implication or compensation.
  - Gordhan Das Baldev v Governor-General in Council, AIR 1952 Punj 103
- Retrospective operation
  - Union of India v. Martin Lottery Agencies Ltd. (2009) 12 SCC 209
- Statutes are not intended to be inconsistent with international law
  - ADM, Jabalpur v. Shiv Kant Shukla, (1976) 2 SCC 521
- The legislature does not commit mistakes or make omissions
  - Delhi Financial Corpn. v. Rajiv Anand, (2004) 11 SCC 625
  - G. Narayanaswami v. G. Pannerselvam, (1972) 3 SCC 717
- Presumptions relating to jurisdiction of courts
  - Pyx Granite Co. Ltd. v. Ministry of Housing and Local Government, (1960) AC 260 (HL)
- Legislature knows the existing law and does not intend to alter it except by express enactment
  - Abdur Rahim v. Mahomad Barkat Ali, AIR 1928 PC 16
- Legislature does not intend what is inconvenient and unreasonable

## **WEEK 11: Internal Aids to Construction**

Internal aids include Title, Preamble, Headings, Marginal notes, Punctuation, Illustrations, Definitions, Proviso, Explanation, Schedule

### **Essential readings:**

- Chapter VI (pgs. 131 to 167) of Dr. AB Kafaltiya's textbook (Chapter name: *Parts of the Statute and their relevance as an Internal-Aid*).

### **Illustrative Cases:**

- Preamble
  - Keshavananda Bharti v State of Kerala 1973 (4) SCC 225
- Non obstante clause
  - Dominion of India v. Shrinbai A Irani, AIR 1954 SC 596 (S.3 DoI Act, 1939)
  - P.E.K. Kalliani Amma v. K Devi, (1996) 4 SCC 76 (Ss. 16, 11 of HMA,1955)
- Legal fiction
  - Salomon v. A Salomon & Co. Ltd. [1897] AC 22
  - Mandatory and directory provisions (may and shall)
    - T.V. Usman v. Food Inspector, (1994) 1 SCC 754
  - Conjunctive and disjunctive words (or, and)
    - Federal Steam Navigation Co Ltd v. Dept. of Trade & Industry, (1974) 2 All ER 97 (HL)
    - R v. Oakes, (1959) 2 All ER 92

## **WEEK 12: External Aids to Construction**

This part of the course will discuss some of the external aids that may be used to aid interpretation of a statute as listed below.

### **Essential readings:**

- G.P. Singh, *Principles of Statutory Interpretation* (15<sup>th</sup> edition 2022)
- Sujit Choudhry, Globalisation in Search of Justification: Towards a Theory of Comparative Constitutional Interpretation, *Indiana Law Journal*, Vol. 74 (3), 1999

### **Illustrative cases:**

- Parliamentary history
  - Indra Sawhney v. Union of India (1922) Supp 2 SCR 454 (Students will refer to Dr. Ambedkar's speech in the Constituent Assembly as referred to by the SC in the judgment).
- Legislative history
  - Pepper (Inspector of Taxes) v. Hart [1992] UKHL 3
- Historical facts and surrounding circumstances & later social, political, scientific, and economic Developments
  - Indra Sawhney v. Union of India (1922) Supp 2 SCR 454
- Dictionaries
  - In Re: T. N. Godavarman Thirumulpad v. Union of India (1966) 2 SCC 267
- Foreign decisions
  - Shreya Singhal v. Union of India, AIR 2015 SC1523
  - Aruna Ramachandra Shaunbaug v. Union of India AIR 2011 SC 1290
  - Joseph Shine v. Union of India AIR 2018 SC 4898
- Reference to other statutes (Statutes *in pari materia*)
  - Ahmedabad Pvt. Primary Teachers Association v. Administrative Officer & Ors. (2004) 1 SCC 755
- Effect of Usage and Practice; *Contemporanea Expositio*
  - N. Suresh Nathan v. UOI, 1992 Supp (1) SCC 584

### **WEEK 13: Interpretation of Penal and Remedial Statutes**

#### **Essential Reading:**

- BB Pande, Limits on Objective Liability for Murder, JILI, Vol 16 (4), 1974, pp 469-482.

#### Suggested reading:

- G.P. Singh, *Principles of Statutory Interpretation* 637-712 (15<sup>th</sup> edition 2022)

#### **Strict construction: Interpretation of penal statutes**

- Fisher v. Bell, (1960) 3 All ER 731
- Aweek Sarkar v. State of West Bengal, (2014) 4 SCC 257

#### **Liberal construction: Interpretation of remedial / benevolent statutes**

- MCD v. Female Workers (Muster Roll), (2000) 3 SCC 224

- Western India Plywood Ltd v. P. Ashokan, (1997) 7 SCC 638

Royal Talkies, Hyderabad and Ors. v. ESI Corporation 1978 AIR 1478

**WEEK 14: *Revision week***