



SARVAJANIK  
UNIVERSITY

INCLUSIVE | INTEGRATED | INNOVATIVE

# CORE COURSES SEMESTER - III



SARVAJANIK EDUCATION SOCIETY  
**SARVAJANIK COLLEGE OF LAW**  
(CONSTITUENT COLLEGE OF SARVAJANIK UNIVERSITY)

**SECOND YEAR LL.B.**

**SEMESTER III**

COURSE	COURSE CODE	SUBJECT	CREDIT			EXAMINATION		Total
			Lecture	Other	Total	CCE	SEE	
Core	BLLB11301	Principles of Taxation Law	3	1	4	50	50	100
Core	BLLB11302	Family Law I	3	1	4	50	50	100
Core	BLLB11303	Labour and Industrial Law I	3	1	4	50	50	100
Core	BLLB11304	Jurisprudence	3	1	4	50	50	100
Core	BLLB11305	Interpretation of Statutes and Principles of Legislation	3	1	4	50	50	100
Professional Elective	BLLB12301/02/03	Students have to select any one subject from the given list.*	2	-	2	25	25	50
Interdisciplinary Open Elective Course			2	-	2	-	-	-
Skill Enhancement Course			2	-	2	-	-	-
		Total			26	275	275	550

COURSE CODE	PROFESSIONAL ELECTIVE SUBJECT*
BLLB12301	The Food Safety and Standards Act, 2006
BLLB12302	The Competition Act, 2002
BLLB12303	Penology and Victimology

RVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		3		
Subject		Principles of Taxation Law		
Course Type		Core Course		
Course Code		BLLB11301	Total Credit	4
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical/ Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
3	1	50	50	100

**Object:** Legal regime of Tax encompasses the policies, Laws and rules of Taxation process. Income Tax Law is concerned with tax imposed on various sources of income, income assessment procedures, adjudication and settlement of tax disputes. The object of this paper is to impart a conceptual understanding of the provisions and impact of direct and indirect tax laws.

### **Course Outcome**

At the end of the course, the student will be able to:

CO1: Understand the legal provisions, guidelines and case laws on the subject of taxation law.

CO2: Understand the basic concepts of Goods and Service Tax Act, 2016.

CO3: Understand and analyse the various provisions of the Customs Act and various types of customs duty, levy and exemption from customs duty and classification and valuation of goods imported and to be exported.

### **Syllabus**

Subject	External Examination Marks
Income Tax Act, 1961	20 Marks
Goods and Service Tax Act, 2017	20 Marks
Customs Act, 1962	10 Marks
<b>Total</b>	<b>50 Marks</b>

### **Module 01. General Perspective**

1.1 History and Development of Taxation in India

1.2 Fundamental principles relating to tax laws

1.3 Government financial policy, tax structure and their role in the national economy – critical analysis of taxation policy in India

1.4 Concept of tax –importance, nature and characteristics of tax – distinction between tax and fee, tax and cess, direct and indirect tax, tax evasion and tax avoidance –meaning and concept.

1.5 Taxing power and constitutional limitations in India – Centre State fiscal relations – Directive Principles and tax policy objective in India – Tax plan and judicial processes – Scope of taxing powers of Parliament, State legislatures and local bodies.

### **Module 02. Income Tax Act, 1961**

- 2.1 Basic concepts and definitions– income – agricultural income, Advance tax, total income, income not included in total income deemed income – clubbing of income
- 2.2 Assessee – person – family as a Unit for tax
- 2.3 Tax planning and tax avoidance- Black money – taxation of agricultural income and wealth.
- 2.4 Chargeable income – heads of income – salaries – income from the house property – income from business or profession – capital gains – income from other sources – deductions, relief, exemptions – rate of income tax
- 2.5 Income tax authorities – power and functions
- 2.6 Offences and Penal Sanctions
- 2.7 Settlement of grievances

### **Module 03. Goods and Services Tax (GST)**

- 3.1 Central Goods and Services Act, 2017
- 3.2 The Integrated Goods and Service Tax Act, 2017
- 3.3 Gujarat Goods and Services Act, 2017

### **Module 04. Customs Act, 1962**

- 4.1 Introduction to Customs Duty
- 4.2 Customs procedure
- 4.3 Levy and collection of customs duty, exemption from customs duties
- 4.4 Methods of Valuation of Customs Duty- Baggage-Problems
- 4.5 Drawbacks of customs duties, preparation and submission of drawback claim forms.
- 4.6 Adjudication and appeals before the customs authorities and the Appellate Tribunal.

### **Suggested Readings:**

- Taxmann's, Income Tax Act
- Bharat's, Direct Taxes, C.A. Prema Peshori
- Goods and Services Act, Sahitya Bhawan Publication
- Direct Taxes, Law & Practice, Dr. Girish Ahuja & Dr. Ravi Gupta
- Direct Taxes Ready Reckoner, Dr. Vinod K. Singhanian
- Ready Reckoner GST, Taxmann's
- R.K.Jha and P.K. Singh- A Bird's eye view of GST, Asia Law House.

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		3		
Subject		Family Law I		
Course Type		Core Course		
Course Code		BLLB11302	Total Credit	4
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical/ Lib./Lab./Tut. (Hrs)	Internal (Marks)	External (Marks)	Total
3	1	50	50	100

**Object:** India being a secular country with diverse religions protects the individual freedom to profess a religion as constitutional guarantee. Family Law I comprises of Nature of personal Laws, Marriage and Matrimonial Remedies, Maintenance and the dispute resolution mechanism. Study of this subject should enable the students to view family law not merely as a separate system of personal laws based upon religious beliefs, but as one cutting across religious lines, eventually enabling fulfilment of the Constitutional directive of Uniform Civil Code.

### **Course Outcome**

At the end of the course, the student will be able to:

CO1: Understand historical and social contexts that have influenced the modern definition and regulation of families.

CO2: Understand and analyse various provision of Hindu and Muslim law, their sources, concept of marriage, and various matrimonial remedies available in case of a legal dispute under both Hindu, Muslim, Christian and Parsi Laws.

CO3: Understand the provisions of the Uniform Civil Code.

### **Syllabus**

#### **Module 01. Nature and scope of Personal Laws**

1.1 Sources of Hindu Law

1.2 Sources of Muslim Law

1.3 Sources of Christian, Parsi law

#### **Module 02. Marriage and Matrimonial Reliefs under Hindu law**

2.1 Evolution and concept of the institution of marriage, nature and forms of marriage under ancient Hindu law

2.2 Essentials of a valid marriage under the Hindu Marriage Act, 1955; ceremonies of marriage; valid, void and voidable marriages; importance of custom; marriage with a non-Hindu; registration of marriage; effect on legitimacy of children

2.3 Divorce, theories of divorce, grounds of divorce, customary divorce, effect of divorce, emerging trends; Bar to remarriage after a divorce

2.4 Other matrimonial reliefs: Nullity of marriage; Judicial separation; Repudiation of marriage; Restitution of conjugal rights; Other reliefs granted by a court in matrimonial proceedings (other than maintenance); Bar to matrimonial reliefs

2.5 Jurisdiction of courts: under the Hindu Marriage Act, 1955 and the Family Courts Act, 1984.

### **Module 03. Marriage and Matrimonial Reliefs under Muslim law**

3.1 Muslim marriage: pre-Quranic background, definition of nikah, nature and classification of marriages

3.2 Essentials and formalities of a valid marriage, legal effects of a valid marriage, muta marriage, stipulation in marriage contract; guardianship in marriage with reference to Shias and Sunnis

3.3 Mehr / dower, nature and kinds of dower, rights of wife in case of unpaid dower

3.4 Nullity of marriage; restitution of conjugal rights; option of puberty

3.5 Talaq, kinds of talaq, divorce under the Dissolution of Muslim Marriage Act, 1939

3.6 Remarriage; Iddat: its rationale, utility and periods; prohibition to marry in certain cases

### **Module 04. Marriage and Matrimonial Reliefs among Parsis, Christians and under the Special Marriage Act, 1954**

4.1 Marriage under the Parsi Marriage and Divorce Act, 1936: Essentials of a valid marriage; Solemnization of marriage and its registration; Dissolution of marriage, divorce, nullity, judicial separation, restitution of conjugal rights; Remarriage; Parsi Matrimonial Courts and procedures

4.2 Marriage under the Indian Christian Marriage Act, 1872; Essentials of a valid marriage; Solemnization of marriage and its registration; Marriage of Indian Christians; Provisions under the Indian Divorce Act, 1869: relating to dissolution of marriage, judicial separation, nullity, restitution of conjugal rights; Remarriage; Jurisdiction of courts and procedures

4.3 Marriage under the Special Marriage Act, 1954: Essentials of a valid marriage, Solemnisation of marriage and procedure, its registration and certificate; Registration of existing marriages, procedure and registration; Effect and consequences of such marriages; Void and voidable marriages; Remedies of divorce, judicial separation, restitution of conjugal rights; Remarriage; Jurisdiction of courts and procedures

4.4 Marriages of citizens outside India under the Foreign Marriages Act, 1969: Essentials, Solemnisation of marriage, procedure and certificate, Effect of such marriage, Divorce of foreign marriages

4.5 Comparative analysis of marriage and matrimonial reliefs in different laws.

4.6 Relationship in the nature of marriage: live-in relationship, same-sex relationships

### **Module 05. Alimony and Maintenance**

5.1 Maintenance pendent lite and permanent maintenance; Maintenance of wives, children and parents under the Hindu law, Muslim law, Christian law and Parsi law; Maintenance in matrimonial proceedings under these laws

5.2 Alimony and maintenance under the Special Marriage Act, 1954, the Protection of Women from Domestic Violence Act, 2005, the Code of Criminal Procedure, 1973, and the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

## **Module 06. Uniform Civil Code**

6.1 Religious pluralism and its implications

6.2 Connotations of the directive contained in Article-44 of the Constitution

6.3 Impediments to formulation of the Uniform Civil Code

6.4 The idea of optional Uniform Civil Code

### **Suggested Readings:**

- Kusum, Family Law Lectures: Family Law I, LexisNexis, New Delhi.
- Satyajeet A Desai, Mulla's, Hindu Law, LexisNexis, New Delhi.
- Justice Ranganath Mishra, Mayne's Hindu Law and Usage, Bharat Law House, New Delhi.
- H. K. Saharay, Family Law in India, Eastern Law House, New Delhi.
- Flavia Agnis, Family Law Vol I and II, Oxford University Press, New Delhi.
- Tahir Mahmood, Principles of Hindu Law, Universal Law Publishing, New Delhi.
- Mulla, Principles of Mohammedan Law, LexisNexis, Nagpur.
- Paras Diwan: Family Law: Law of Marriage and Divorce in India
- Manchanda: S.C. Law and Practice of Divorce in India, Universal
- P.V. Kane: History of Dharmasastra (1974)
- A. Kuppaswami (ed): Mayne's Hindu Law and Usage (1986)

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		3		
Subject		Labour and Industrial Law I		
Course Type		Core Course		
Course Code		BLLB11303	Total Credit	4
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical/ Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
3	1	50	50	100

**Object:** The 20<sup>th</sup> century witnessed the development of Industrial jurisprudence in the country. The growth of industrial jurisprudence can significantly be noticed not only from the increase in the large number of industrial law issues decided by the Supreme Court. Rapid industrialization led to exploitation of labour and therefore various labour legislations were passed to protect interest of workmen. Labour and Industrial law mediates many aspects of the relationship between trade unions, employers and employees. It defines the rights and obligations of workers, union members and employers in the work place. This paper aims to enable the students to understand the history of industrial jurisprudence. The object of the paper is to acquaint the students with the conceptual and operational parameters of the welfare and wages, various issues relating to industrial relation between employer and employee and its impact on labour relations in India.

### **Course Outcome**

At the end of the course, the student will be able to:

CO1: Understand nature and scope of labour laws in India

CO2: Demonstrate knowledge of the welfare and wage legislations.

CO3: Understand the implications of non-implementation of various provisions of essential Labour Laws and the penal consequences on non-compliance.

CO4: Understand the changes required under the law with reference to its current need in the society.

### **Syllabus<sup>1</sup>**

Subject	External Examination Marks
Industrial Disputes Act, 1947	30 Marks
Trade Unions Act, 1926	10 Marks
The Industrial Employment (Standing Orders) Act, 1946	05 Marks
Gujarat Industrial Relations Act	05 Marks
<b>Total</b>	<b>50 Marks</b>

### **Module 01. General Introduction**

#### 1.1 Approach to Labour Law

<sup>1</sup> Amended vide Res. No. AC6\_13 of 6<sup>th</sup> meeting of the Academic Council dated 10-02-2023.

- 1.2 Basis of Labour Law
- 1.3 Historical Aspects - Master and slave relationship
- 1.4 Social Justice and Labour Law
- 1.5 Constitutional Perspective and Labour Law
- 1.6 Approaches of Indian Judiciary and Judicial Legislation on Industrial Relations
- 1.7 International labour Organization and its influence on Indian labour laws

### **Module 02. Industrial Disputes Act, 1947**

- 2.1 Scope, objects and features of the Act
- 2.2 Definitions: Industry, Industrial Disputes (Industrial and Collective), Workman
- 2.3 Strikes and Lock-outs
- 2.4 Lay-off
- 2.5 Retrenchment
- 2.6 Closure
- 2.7 Unfair Labour Practices and Role of Government;
- 2.8 Authorities under the Act: Works Committee, Conciliation Officer, Boards of conciliation, Court of Inquiry, Labour Court, Tribunals

### **Module 03. Trade Unions Act, 1926 & Gujarat Industrial Relations Act & Collective Bargaining:**

- 3.1 History and development of Trade Union in India
- 3.2 Registration of Trade Union & privileges of registered trade union
- 3.3 Rights and Liabilities of Registered Trade Union
- 3.4 Meaning and importance of Industrial Relations
- 3.5 Classification of Unions: Primary union, Qualified Union, Representative union
- 3.6 Concept & importance of Principle of Collective Bargaining

### **Module 04. The Industrial Employment (Standing Orders) Act, 1946**

- 4.1 Meaning and application of the Act
- 4.2 Standing orders & Model Standing Orders
- 4.3 Certificate & Cancellation of Standing Orders
- 4.4 Provision of Appeal
- 4.5 Disciplinary Procedures: Departmental Inquiries

### **Suggested Readings:**

- Mishra S. N - Labour Laws
- Srivastava S. C - Social Security and Labour Laws.
- Malhotra O. P - Industrial Disputes Act Vol. I and II.
- Madhavan Pillai - Labour and Industrial Laws.
- Srivastava K. D - Commentaries on Industrial Disputes Act, 1947.
- Giri V. V - Labour problems in Indian Industry.
- Labour Law and Labour Relations Published by Indian Law Institute.

Program		LL.B.		
Semester		3		
Subject		Jurisprudence		
Course Type		Core Course		
Course Code		BLLB11304	Total Credit	4
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical/ Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
3	1	50	50	100

**Object:** Jurisprudence in its etymological sense means the *science of law*. It is the foundation on which the entire edifice of law is structured. It is therefore imperative to have a clear understanding of jurisprudence as it is *sine qua non* for the study of any subject of law. This subject aims to acquaint the students with the complexities of law and to develop an analytical approach to understand the nature of law and the inter-relationship. The paper also intends to create an understanding of basic legal concepts like Rights, Person, Property, Title, Possession, Ownership, Liability, Obligation which are basic to the study of Law.

### **Course Outcome**

At the end of the course, the student will be able to:

CO1: Understand major schools of jurisprudence, and the core legal debates that have preoccupied legal philosophers from the early days of civilisation to modern times.

CO2: Engage in identification, articulation and critical evaluation of legal theory and the implications for policy.

CO3: Critically analyse and research complex problems relating to law and legal theory and make reasoned and appropriate choices amongst alternatives.

### **Syllabus**

#### **Module 01. Introduction to Jurisprudence**

1.1 Jurisprudence – Meaning, Nature, and Utility

1.2 Meaning, Characteristics, Purposes and Classification of Law

1.3 Relationship between Law and Morality

#### **Module 02. Sources of Law**

2.1 Legislation – Meaning, nature, kinds, merits and demerits, relation with other sources

2.2 Precedent - Meaning, nature, theories of Precedent, Doctrine of Stare Decisis, article 141 of the Constitution of India, kinds, ratio decidendi and obiter dicta, doctrine of prospective overruling, significance and circumstances destroying binding force, relation with other sources

2.3 Custom - Meaning, nature, essential conditions, kinds, concept of Volkgeist

2.4 Juristic Writings - Meaning, nature and significance

#### **Module 03. Natural Law Theories**

- 3.1 Classical Natural Law theory: Plato and Aristotle, St. Augustine, St. Thomas Aquinas
- 3.2 Natural law and Social Contract Theory: Hugo Grotius and International Law, Hobbes, Locke, Rousseau
- 3.3 Revival of Natural Law: Lon Fuller and the Morality of Law, H.L.A. Hart on Natural Law, John Finnis and the Restatement of Natural Law

#### **Module 04. Legal Positivism**

- 4.1 Bentham and John Austin's theory of positivism
- 4.2 Hart's concept of law
- 4.3 Kelsen's Theory of law

#### **Module 05. Sociological, Realist and Historical Schools of Law**

- 5.1 Sociological school of law - Roscoe Pound
- 5.2 Realist school of law
  - 5.2.1 American Realism: W Holmes, Karl Llewellyn, Jerome Frank
  - 5.2.2 Scandinavian Realism: Axel Hagerstrom, Alf Ross, Karl Olivercrona
- 5.3 Historical school of jurisprudence - Savigny and Maine. - Comparison of Historical and Analytical School of Law

#### **Module 06. Critical Legal Studies**

- 6.1 Critical Feminist Jurisprudence
  - 6.1.1 Feminist Legal Theory
  - 6.1.2 Origins of Feminism
  - 6.2.3 Legal Feminisms - Liberal Feminism, Radical Feminism, Postmodern Feminism
- 6.2 Critical Race Theory
  - 6.2.1 Critical Race Theory's critique of Liberalism
  - 6.2.2 Critical Race Theory's racial critique of Civil Rights Scholarship
  - 6.2.3 Critical Race Theory as Reconstruction Jurisprudence

#### **Module 07. Rights and Duties**

- 7.1 Meaning of Wrong, Duty and Right
- 7.2 Characteristics of Legal Rights
- 7.3 Kinds of Legal Rights
- 7.4 Theories of Legal Rights
- 7.5 Hohfeldian Classification of Legal Rights

#### **Module 08. Concept of Property and Obligations**

- 8.1 Meaning of Property
- 8.2 Kinds of Properties
- 8.3 Theories of Property
- 8.4 Modes of acquisition Property
- 8.5 Definition of Obligation
- 8.6 Solitary Obligations
- 8.7 Sources of Obligations

#### **Module 09. Concepts of Ownership and Possession**

- 9.1 Meaning of Ownership
- 9.2 Characteristic of Ownership
- 9.3 Subject-matter of Ownership
- 9.4 Kinds of Ownership
- 9.5 Modes of acquiring Ownership
- 9.6 Meaning of Possession
- 9.7 Kinds of Possession
- 9.8 Modes of acquiring Possession
- 9.9 Possessory Remedies
- 9.10 Comparison between Ownership and Possession

### **Module 10. Concept of Person**

- 10.1 Nature of Personality - Natural and Legal
- 10.2 Legal Status of Lower Animals, Dead persons, Unborn Persons
- 10.3 Kinds of Legal Persons
- 10.4 Uses and Purposes of Incorporation
- 10.5 Theories of Legal Personality

### **Module 11. Concept of Title**

- 11.1 Definition and Nature of Title
- 11.2 Classification of Titles
- 11.3 Importance of Agreements
- 11.4 Kinds of Agreements
- 11.5 Validity of Agreements

### **Module 12. Concept of Liability**

- 12.1 Definition and Nature of Liability
- 12.2 Kinds of Liability
- 12.3 General Conditions of Liability
- 12.4 Measure of Penal Liability
- 12.5 Measure of Civil Liability
- 12.6 Theory of Strict and Absolute Liability
- 12.7 Vicarious Liability in Civil and Criminal Law
- 12.8 Liability of Corporations
- 12.9 Mental elements- act, omission, mens rea, intention, malice, motive, negligence.

### **Suggested Readings:**

- V. D. Mahajan: Jurisprudence and Legal Theory
- H.L.A. Hart: The Concepts of Law
- Dhyan S.N., Jurisprudence: A Study of Indian Legal Theory
- Dr. S. R. Myneni, Jurisprudence (Legal Theory)
- P.S. Atchthew Pillai, Jurisprudence and Legal Theory, EBC Publication.
- Vijay Ghormade, Lectures on Jurisprudence & Legal Theory, Hind Law House

Program		LL.B.		
Semester		3		
Subject		Interpretation of Statutes and Principles of Legislation		
Course Type		Core Course		
Course Code		BLLB11305	Total Credit	4
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical/ Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
3	1	50	50	100

**Object:** Interpretation is an art of finding out the true sense of an enactment by giving the words of the enactment their natural and ordinary meaning. It is the process of ascertaining the true meaning of the words used in a statute. The main object of this paper is to determine the intention of the legislature conveyed expressly or impliedly in the language used.

### **Course Outcome**

At the end of the course, the student will be able to:

CO1: Locate, identify and critically analyse relevant statutes, statutory provisions and legislative instruments, as well as pertinent judicial authority.

CO2: Interpret the appropriate provisions using the accepted tools and techniques of statutory interpretation.

CO3: Understand the importance of the law making process in the present context.

CO4: Understand and analyse the judicial interpretation, construction of words, phrases and expressions.

### **Syllabus**

#### **Module 01 Introduction**

1.1 Meaning of Interpretation

1.21 Difference Between Construction and Interpretation

1.3 Object of Interpretation

1.4 Classification of Statutes

1.5 Consolidating and codifying statutes

1.6 The General Clauses Act, 1897: An overview of important definitions and Provisions

#### **Module 02. Principles of Legislation**

2.1 Law making – the legislature, executive and judiciary

2.2 Principles of utility – relevance of John Rawls and Robert Nozick – individual interest and community interest – operation of principles upon legislation.

2.3 Distinction between legislation and morals.

#### **Module 03. Interpretation: General Rules of Construction**

- 3.1 Meaning of the term 'statute' - commencement, operation and repeal of statutes – purpose of interpretation of statutes.
- 3.2 General Rules of interpretation

#### **Module 04. Interpretation: Aids**

- 3.1 Internal aids – title and preamble – heading and marginal notes – sections and subsections – punctuation marks – illustrations, exceptions, provisions and saving clauses – Schedules – Non-obstante clause
- 3.2 External aids – dictionaries – translations – Travaux preparatoires – statutes in pari materia – Contemporanea Exposito – debates, inquiry commissions, reports and Law Commission Reports

#### **Module 05. Rules of Statutory Interpretation**

- 5.1 Primary rules literal rule Golden rule, Mischief rule, Rule of Harmonious construction
- 5.2 Secondary Rules – Noscitur a sociis, Eiusdem generis, Reddando singula singulis

#### **Module 06. Presumptions in Statutory interpretation**

- 6.1 Validity of Statutes
- 6.2 Territoriality in operation
- 6.3 Presumption as to jurisdiction
- 6.4 Presumption against inconvenience and absurdity<sup>56</sup>
- 6.5 Presumption against injustice, impairing obligations or permitting advantage from one's own wrong
- 6.6 Prospective operation and Prospective over – ruling of statute

#### **Module 07. Interpretation with reference to the subject matter and purpose**

- 7.1 Restrictive and beneficial construction – taxation statutes, penal statutes, welfare legislations.
- 7.2 Interpretation of substantive and adjunctival statutes
- 7.3 Interpretation of directory and mandatory provisions
- 7.4 Interpretation of enabling statutes
- 7.5 Interpretation of codifying and consolidating statutes
- 7.6 Interpretation of statutes conferring rights
- 7.7 Interpretation of statutes conferring powers.

#### **Module 08. Principles of Constitutional Interpretation**

- 8.1 Harmonious Construction
- 8.2 Pith and Substance
- 8.3 Colourable legislation
- 8.4 Ancillary Powers
- 8.5 "Occupied field"
- 8.6 Residuary Powers
- 8.7 Doctrine of repugnancy

#### **Module 09. Maxims of Statutory Interpretation**

- 9.1 Delegatus non potest delegare
- 9.2 Ex-pressio unius exclusio alterius
- 9.3 Generalia specialibus non derogant
- 9.4 In pari delicto potior est conditio possidentis
- 9.5 In pari delicto potior est conditio defendentis
- 9.6 Ultra valet potior quam perat
- 9.7 Expressum facit cessare tacitum
- 9.8 In bonam partem

**Suggested Readings:**

- V.Sarathi: Interpretation of Statutes Eastern, Lucknow
- M.P. Jain: Constitutional Law of India, Wadhwa & Co.,
- M.P. Tandon: Interpretation of Statutes, Allahabad Law Agency
- Avtar Singh, Introduction to Interpretation of Statutes LexisNexis, Butterworth Wadhwa.
- Battacharya T., Interpretation of Statutes, Central Law Agency
- R.D. Shrivastava, Textbook of Interpretation of Statutes, Central Law Publication
- Swarup, Legislation and interpretation, University Book Agency
- Chatterjee on Interpretation of Statutes, Calcutta, De, B.C.