

B.A.LL.B. EIGHTH SEMESTER

SYLLABUS AND COURSE COMPONENT

EIGHTH SEMESTER: [COURSE CODE 110]

PAPER 1101. :	INTELLECTUAL PROPERTY LAWS
PAPER 1102. :	ENVIRONMENTAL LAWS
PAPER 1103. :	INFORMATION TECHNOLOGY LAW
PAPER 1104. :	LAW OF CRIMES – II (CODE OF CRIMINAL PROCEDURE – I)
PAPER 1105. :	INTERPRETATION OF STATUTES & PRINCIPLES OF LEGISLATION

PAPER 1101:

INTELLECTUAL PROPERTY LAWS

SCHEME OF PAPER:

MAX. MARKS: 100

MIN. PASS MARKS: 36

This paper shall consist of following two parts:

- | | | |
|--------------------------|---|-----------|
| (a) Written paper | — | 70 marks |
| (b) Internal examination | — | 30 marks |
| | | (15+10+5) |

Mid Semester Test: 15 marks

Project/Assignment: 10 marks

Presentation: 05 marks

The candidate must pass in part (a) and (b) separately. For passing, he shall be required to obtain 36 percent marks in each part, i.e. 25 marks out of 70 and 11 marks out of 30 marks.

- (1) The question paper shall be divided into two (02) Parts viz. Part – A and Part – B.
- (2) Part – A shall consist of five (05) compulsory questions of two (02) marks each whereas Part – B shall consist of seven (07) questions. The Candidate is required to attempt any four (04) questions. All questions carry equal marks.
- (3) The prescribed syllabus includes latest amendments in the subject wherever applicable.

OBJECTIVES OF THE COURSE:

With the view to create awareness on the significance of IPR's to the students who are being imparted law education and in order to cater to the needs of the stakeholders of knowledge economy this paper on general principles of Intellectual Property Rights is hereby proposed for those interested in pursuing a career in IPR's, which opens opportunities in the fields of IP Analysts, IP Attorneys, IP Consultants, IP Managers and the like together with appraising the students with other relevant amendments in the law forming the significant part of this paper.

UNIT - I

Introduction to Intellectual Property:

Theories of Intellectual Property (Basic Concepts), Justifications for the Protection of Intellectual Property; Kinds of Intellectual Property Rights: (Basic Overview)

Copyright and Related Rights, Patents, Trademarks, Design, Plant Varieties, Farmer's Rights, Traditional Knowledge, Traditional Knowledge Digital Library, Convention on Biological Diversity, Trade Secrets, The Semiconductor Integrated Circuits Layout-Design.

UNIT - II

International Institutions and Basic International Conventions related to Intellectual Property: (Basic Overview)

International Copyright Protection: (Basic Overview)

Berne Convention for the Protection of Literary and Artistic Works 1886

Rome Convention for the Protection Procedures of Phonograms and Broadcasting Organizations 1961

International Protection of Industrial Property Rights: (Basic Overview)

Paris Convention for the Protection of Industrial Property, 1883;

International Agencies and Intellectual Property: (Basic Overview)

World Intellectual Property Organization (WIPO); WIPO Copyright Treaty (WCT),

WIPO Performances and Phonograms Treaty (WPPT)

UNIT - III

The World Trade Organization (WTO):

Introduction to International trade and the law of the WTO, Sources of WTO Law, Basic rules and principles of WTO Law; Historical Background; Membership; Institutional Structure; WTO Dispute Settlement; TRIPS Agreement: IPR's covered by TRIP's; Indian response to the TRIP's.

The Patents Act, 1970:

History, Enactment and Implementation etc.; Interpretation Clause; Inventions Not Patentable; Applications for Patents; Publication and Examination of Applications; Opposition and Anticipation; Grant of Patents and Rights Conferred Thereby; Restoration, Surrender and Revocation of Patents; Register of Patents; Patent Office and Its Establishment; Appellate Jurisdiction (As amended); Working of Patents, Compulsory Licenses and Revocation; Landmark Cases; Recent Developments in the Law (with Amendments, (if any) including the provisions of The Jan Vishwas (Amendment of Provisions) Act, 2023;

UNIT - IV

The Trademarks Act, 1999:

History, Enactment and Implementation etc.; Interpretation Clause; Kinds of Trademarks; The Register and Conditions for Registration; Procedure for and Duration of Registration; Effect of Registration; Use of Trademarks and Registered Users; Collective Marks and Certification Trademarks; Appellate Jurisdiction (As amended); Landmark Cases; Recent Developments in the Law (with Amendments, if any) including the provisions of The Jan Vishwas (Amendment of Provisions) Act, 2023;

The Geographical Indications of Goods (Registration and Protection) Act, 1999 including the provisions of The Jan Vishwas (Amendment of Provisions) Act, 2023;

History, Enactment and Implementation etc.; Interpretation Clause; The Register and Conditions for Registration; Procedure for and Duration of Registration; Effect of Registration; Special Provisions relating to Trademarks; Appellate Jurisdiction (As amended); Landmark Cases; Recent Developments in the Law (with Amendments, if any); The Jan Vishwas (Amendment of Provisions) Act, 2023;

UNIT - V

The Copyright Act, 1957:

History, Enactment and Implementation etc. ; Interpretation Clause; Copyright Office and

Copyright Board; Copyright; Ownership of Copyright and the Rights of the Owner; Term of Copyright, Licences; Rights of Broadcasting Organization and of Performers; Registration of Copyright; Infringement of Copyright; Appellate Jurisdiction (As amended); Landmark Cases; Recent Developments in the Law (with Amendments, if any) including the provisions of The Jan Vishwas (Amendment of Provisions) Act, 2023;

The Designs Act, 2000:

History, Enactment and Implementation etc.; Interpretation Clause; Registration of Designs; Copyright in Registered Designs; Legal Proceedings; Appellate Jurisdiction (As amended); Landmark Cases; Recent Developments in the Law (with Amendments, if any);

LEADING CASES:

- 1) Eastern Book Company & Ors v. D.B. Modak & Anr.
- 2) Monsanto Technology LLC & Ors. v. Nuziveedu Seeds Ltd. & Ors.
- 3) Natco Pharma Ltd. v. Bayer Corp.
- 4) Novartis A.G. v. Union of India 2013 SC
- 5) R.G Anand v. M/S. Delux Films & Ors.
- 6) Tea Board India v. ITC Limited Kolkata HC
- 7) The Chancellor, Masters & Scholars of the University of Oxford & Ors. v. Rameshwari Photocopy Services & Ors.
- 8) Yahoo Inc. v. Akash Arora & Anr

SUGGESTED READINGS:

- i. Dev Gangjee, Relocating the Law of G.I., Cambridge University Press, 2012
- ii. Elizabeth Verkey, Law of Patents, Eastern Book Company, 2nd Edition, 2012
- iii. Feroz Ali Khader, The Law of Patents-With a Special Focus on Pharmaceuticals in India, LexisNexis, 2nd Edition, 2011
- iv. Jayashree Watal, Intellectual Property Rights in the WTO and Developing Countries, Oxford University Press, 2001
- v. K. C. Kailasam and Ramu Vedaraman, Law of Trademarks including International Registration under Madrid Protocol and Geographical Indications, Lexis Nexis, 2013
- vi. Kankanala, Kalyan C., Indian Patent Law and Practice, (2010), India, Oxford University Press
- vii. Latha R Nair & Rajendra Kumar, Geographical Indications: A Search For Identity, Lexis Nexis, 2005
- viii. Lionel Bently & Brad Sherman, Intellectual Property Law, Oxford University Press, 3rd Edition, 2008
- ix. Prof. (Dr.) V.K. Ahuja and Dr. Archa Vashishtha, Intellectual Property Rights: Contemporary Developments, 1st Ed., Thomson Reuters 2020
- x. Vandana Shiva, Biopiracy: The Plunder of Nature and Knowledge, South Press, 1997
- xi. W. R. Cornish, Intellectual Property: Patents Copyright Trademarks and allied rights, Sweet & Maxwell, London, 2010.
- xii. Official website of Intellectual Property India <https://ipindia.gov.in/>
- xiii. <https://copyright.gov.in/>
- xiv. The Jan Vishwas (Amendment of Provisions) Act, 2023
<https://egazette.gov.in/WriteReadData/2023/248047.pdf>

PAPER 1102:

ENVIRONMENTAL LAWS

SCHEME OF PAPER:

MAX. MARKS: 100

MIN. PASS MARKS: 36

This paper shall consist of following two parts:

(a) Written paper	—	70 marks
(b) Internal examination	—	30 marks
		(15+10+5)

Mid Semester Test: 15 marks

Project/Assignment: 10 marks

Presentation: 05 marks

The candidate must pass in part (a) and (b) separately. For passing, he shall be required to obtain 36 percent marks in each part, i.e. 25 marks out of 70 and 11 marks out of 30 marks.

- (1) The question paper shall be divided into two (02) Parts viz. Part – A and Part – B.
- (2) Part – A shall consist of five (05) compulsory questions of two (02) marks each whereas Part – B shall consist of seven (07) questions. The Candidate is required to attempt any four (04) questions. All questions carry equal marks.
- (3) The prescribed syllabus includes latest amendments in the subject wherever applicable.

OBJECTIVES OF THE COURSE:

This paper will attempt to provide the opportunities to the students to understand the activist role played by Indian Judiciary in protection of environment and evolution of different principles. At the end of this course the students would be familiar with the overall environmental legal regime of the country as well as its international obligations. This paper would finally equip the students with basic knowledge and skills to understand environmental law issues.

UNIT - I

Introduction:

Historical development of Environment Law, International and Indian Jurisprudence; Components of Environment, Ecology, Ecosphere and Biosphere; Meaning and Definition of Environment, Environmental Pollution, Its kinds: (Natural and Artificial – Air, Water, Noise, Soil), Causes and Effects; Nature of Environmental Law - Public Law or Private Law; Common Law Aspects of Environmental Law: Nuisance, Trespass, Negligence, Absolute and Strict Liability; Criminal Liability and Environment Protection: Offences Affecting Public Health and Safety under Indian Penal Code, 1860 and Section 133 of Cr.P.C.;

UNIT - II

Environment Protection under the Constitution of India: Fundamental Rights, Directive Principles of State Policies, Fundamental Duties, Implementation of International obligations;

Distribution of Legislative Powers; Remedies; Writ Jurisdiction of High Court and Supreme Court; Public Interest Litigation and Environment Protection; Role of Indian Judiciary;

UNIT - III

The Environment (Protection) Act, 1986 including the amendments of The Jan Vishwas (Amendment of Provisions) Act, 2023; National Green Tribunal Act, 2010; The Wild Life (Protection) Act, 1972 (including the Amendment Act, 2022): Importance and Objectives of these Acts, Meaning and Definitions of Key Words Provided Under These Acts, Salient Features of the Acts and Judicial Responses;

UNIT - IV

The Water (Prevention and Control of Pollution) Act, 1974; The Air (Prevention & Control of Pollution) Act, 1981 including the amendments of The Jan Vishwas (Amendment of Provisions) Act, 2023; The Forest Act, 1927; The Forest (Conservation) Act, 1980; The Biological Diversity Act, 2002; Rajasthan Biological Diversity Rules, 2010; The Rajasthan Noise Control Act, 1963: Importance and Objectives of these Acts, Meaning and Definitions of Key Words Provided Under These Acts, Salient Features of the Acts and Judicial Responses;

UNIT - V

Principles of International Environmental Laws and their relevance in India:

Stockholm Conference, 1972, Rio Summit or Earth Summit-I, 1992; United Nations Environment Programme (UNEP), Convention on Biological Diversity, Earth Summit - II, 1997; World Summit on Sustainable Development, 2002, United Nations Framework Convention on Climate Change (UNFCCC), 2015; Responsibility of States in Protection of Environment; Trans-boundary Pollution and State's Responsibility; Contemporary Developments; Principles of Environmental Jurisprudence by Judiciary in India;

LEADING CASES:

1. A.P. Pollution Control Board v. Prof. M.V. Nayudu AIR 1999 SC 812
2. Enviro-Legal Action v. Union of India AIR 1996 SC 1446
3. M.C. Mehta and Anr. v. Union of India &Ors. AIR 1997 SC 734
4. M.C. Mehta v. Kamal Nath 1997(1) SCC 388.
5. M.C. Mehta v. Union of India &Ors. 1991 SCC (2) 353
6. M.C. Mehta v. Union of India &Ors. AIR 1988 4 SCC 471
7. M.C. Mehta v. Union of India AIR 1987 SC 965
8. Municipal Council, Ratlam v. Shri Vardhi Chand & Ors. AIR 1980 SC 1622
9. People's Union for Democratic Rights v. Union of India 1982 (2) SCC 253
10. Rural Litigation and Entitlement Kendra Dehradun & Ors. v. State of U.P. &
11. Ors. AIR 1985 SC 652
12. Union Carbide Corporation & Ors. v. Union of India &Ors., 1991 4 SCC 584
13. Vellore Citizens' Welfare Forum v. Union of India AIR 1996 SC 2715

SUGGESTED READINGS:

- i. P. B. Sahasranaman, Handbook of Environmental Law, Oxford University Press, 2012
- ii. P. Leelakrishnan, Environmental Law in India, LexisNexis, 2018.
- iii. P.S. Jaswal, Environmental Law, Allahabad Law Agency, 2017.
- iv. Ritwick Dutta and Sanjeet Purohit, Commentary on the National Green Tribunal Act, 2010, Universal Law Publications
- v. Shyam Divan and Armin Rosencranz, Environmental Law and Policy in India, Oxford University Press, 2002.
- vi. S. C. Tripathi, Environmental Law, 7th Ed., Central Law Publication, 2019.
- vii. S. C. Shastri, Environmental Law, Eastern Book Company, 2018.
- viii. S. Shanta Kumar, Introduction to Environmental Law, Wadhwa & Company, 2008.
- ix. The Jan Vishwas (Amendment of Provisions) Act, 2023
<https://egazette.gov.in/WriteReadData/2023/248047.pdf>

PAPER 1103:

INFORMATION TECHNOLOGY LAW

SCHEME OF PAPER:

MAX. MARKS: 100

MIN. PASS MARKS: 36

This paper shall consist of following two parts:

- | | | |
|--------------------------|---|-----------------------|
| (a) Written paper | — | 70 marks |
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(15+10+5) |

Mid Semester Test: 15 marks

Project/Assignment: 10 marks

Presentation: 05 marks

The candidate must pass in part (a) and (b) separately. For passing, he shall be required to obtain 36 percent marks in each part, i.e. 25 marks out of 70 and 11 marks out of 30 marks.

- (1) The question paper shall be divided into two (02) Parts viz. Part – A and Part – B.
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- (3) The prescribed syllabus includes latest amendments in the subject wherever applicable.

OBJECTIVES OF THE COURSE:

Advent of computers, followed by Internet has revolutionized the human existence and their conduct in the society. The information can be accessed, stored, retrieved and distributed speedily and easily. The traditional paper documents are now being replaced by their electronic equivalents. The commercial transactions and individual functioning are more and more driven by the digital technology. This transition has put forth need for a law to facilitate and govern activities in the information society and has thus led to the passing of the Information Technology Act, 2000 (IT Act).

The primary focus of this course will be on studying the information technology law. In addition there will be an insight into the applicability of other laws in the digital environment. The learning outcome of the course will be understanding the provisions of Information Technology laws provided to facilitate electronic commerce - electronic signatures, data protection, cyber security; penalties & offences under the IT Act, dispute resolution, and other contemporary issues.

UNIT - I

Introduction:

Cyber Law- Genesis & Scope; Cyberspace and its components; Evolution of Internet and WWW; Defining computer, computer network, computer system, computer resource; *Cyber Jurisprudence at International and National Level*: UNCITRAL Model Law on Electronic Commerce 1996; Council of Europe - Budapest Convention on Cybercrime; Role of ICANN; National Cyber Security Policy 2013.

UNIT - II

Information Technology Act and Amendments:

Salient Features of the I.T. Act, 2000 including the Amendment Act, 2008 and provisions of The Jan Vishwas (Amendment of Provisions) Act, 2023; Impact on other related Acts (Amendments): Amendments to Indian Penal Code, Indian Evidence Act, Bankers Book Evidence Act, Reserve Bank of India Act, Finance Act etc.

Various Authorities under IT Act and their Powers: Controller of Certifying Authorities, Appellate Tribunal, Appropriate Authority – Central & State Government.

National Nodal Agency: In-CERT; Examiner of Electronic Evidence; Regulation of Certifying Authorities; Electronic Signature Certificates; Duties of Subscribers;

UNIT - III

Cyber Space Jurisdiction:

Jurisdiction issues under IT Act, 2000; Traditional Principles of Jurisdiction; Extra-terrestrial Jurisdiction; Judicial Responses; Offences, Penalties, Adjudication and Compensation; Appellate Jurisdiction (As amended); Offences; Liability of Intermediaries;

UNIT - IV

Electronic Commerce and Electronic Governance:

E-Commerce; Issues and provisions in Indian Law, Salient Features, Advantages and Challenges Posed, Models of E-commerce like B2B, B2C & C2C, E-Contracts; E-taxation, E-banking, E-Governance; Basic Concept and Practical Aspects in India; Digital Signature; Electronic Signature; Electronic Governance; Attribution, Acknowledgement and Dispatch of Electronic Records; Secure Electronic Records and Secure Electronic Signatures;

UNIT - V

Cyber Crimes & Indian Legal Framework:

Understanding Cyber Crimes: Difference between Traditional Crime and Cyber Crimes; Classification of Cyber Crimes: Against Person, Against Property, Against Government; Reasons for growth of Cyber Crimes and Cyber Criminals; Kinds of Cyber Crimes: Hacking; Digital Forgery; Cyber Stalking/Harassment; Cyber Pornography; Identity Theft & Fraud; Cyber Terrorism; Cyber Defamation Viruses (File Infectors, Boot record infectors, Boot and file viruses); Salami attacks- Web Jacking; Denial of service attack; Penalties, Compensation and Adjudication; Offences under IT Act, 2000; Cyber Crimes under Indian Penal Code, 1860;

Intellectual Property Issues in Cyber Space: (Basic Concepts)

Interface with Copyright Law; Interface with Patent Law; Trademarks & Domain Names Related issues and Other Contemporary Issues;

LEADING CASES:

- 1) Anuradha Bhasin v. Union of India and Ors. (Civil Original Jurisdiction) Writ Petition (Civil) No. 1031 of 2019 and Ghulam Nabi Azad v. Union of India and Anr. Writ Petition (Civil) No. 1164 of 2019, SC 2020
- 2) Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantyal and Ors. (2020) 7 SCC 1

- 3) Avnish Bajaj v. State (NCT of Delhi) (Bazee.com), 2008 (105) DRJ 721
- 4) Jorawer Singh Mundy @ Jorawar v. Union of India & Ors. Delhi H.C. W.P.(C) 3918/2021
- 5) K.S. Puttaswamy v. Union of India (2019) 1 SCC 1
- 6) Manik Taneja v. State of Karnataka, Criminal Appeal No. 141/2015 SC 2015(7) SCC 423
- 7) Peoples Union For Civil Liberties v. Union of India M.A. No. 3220/2018 in W.P. (Crl.) No. 199/2013, 2019 SC
- 8) Sharat Babu Digumarti v. Govt.of N.C.T.of Delhi AIR 2017 SC
- 9) Shreya Singhal v. Union of India AIR 2015 SC 1523
- 10) Yahoo! Inc. v. Akash Arora (1999)

SUGGESTED READINGS:

- i. Anirudh Rastogi, Law of Information Technology and Internet, Lexis Nexis
- ii. Debarati Haldar & K. Jaishankar, Cybercrime against women in India, Sage Publishing
- iii. Garima Tiwari, Understanding Cyber Laws & Cyber Crimes, Lexis Nexis
- iv. Information Technology Act, 2000 and its amendments available at:
<https://www.meity.gov.in/content/information-technology-act-2000>
- v. J. P. Mishra, An Introduction to Cyber Laws , Central Law Publications
- vi. Karnika Seth, Computers, Internet and New Technology Laws, Lexis Nexis Butterworths Wadhwa
- vii. National Cyber Security Policy, 2013
- viii. Pavan Duggal, Textbook On Cyber Law Paperback, Universal Law Publishing
- ix. Prashant Mali, Cyber Law & Cyber Crimes Simplified, Cyber Infomedia
- x. S. K. Verma & Raman Mittal, Legal Dimensions of Cyber Space, Indian Law Institute
- xi. Supreme Court on Information Technology Act, Internet & Cyber Laws and Aadhaar (1950 to 2019)by Surendra Malik and Sudeep Malik Edition: 2019, EBC
- xii. UNCITRAL Model Law on Electronic Commerce, 1996
- xiii. The Jan Vishwas (Amendment of Provisions) Act, 2023
<https://egazette.gov.in/WriteReadData/2023/248047.pdf>

PAPER 1104:

LAW OF CRIMES – II
(CODE OF CRIMINAL PROCEDURE – I)

SCHEME OF PAPER:

MAX. MARKS: 100

MIN. PASS MARKS: 36

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- (3) The prescribed syllabus includes latest amendments in the subject wherever applicable.

OBJECTIVES OF THE COURSE:

Procedural Law providing for a fair procedure is significant for a just society. The course is aimed at driving home the students how the pre-trial, trial and the subsequent process are geared up to make the administration of criminal justice effective. This paper will acquaint the students with organization of the functionaries under the Code, their power and functions at various stages and the procedure according to which these powers and functions are to be exercised. Indeed, understanding of the same is a must for any aspiring litigation lawyer and so it is aimed at satisfying this requirement. A thorough knowledge of the Code of Criminal Procedure is indispensable for effective implementation of criminal law.

UNIT - I

Introduction: History, Enactment and Implementation of the Code; Objects, Application and Definitions under the Code; Organisation of Police, Prosecutor, Defense Counsel and Prison Authorities and their Duties, Functions and Powers; Distinction between: Cognizable and Non-Cognizable Offence; Warrant and Summons; Bailable and Non-bailable; Compoundable and Non-compoundable;

UNIT - II

Arrest with and without warrant: The Absconder Status; Rights of the Accused Person; Constitution of Criminal Courts and Offices (Sections 06 - 25A); Power of Courts (Sections

26 - 35); Powers of Superior Officers of Police (Section 36); Aid to the Magistrates and the Police (Sections 37 - 40);

UNIT-III

Provisions relating to Arrest (Sections 41 - 60A); Process to Compel Appearance and Production of Things (Sections 61 - 105); Information to the Police and their Powers to Investigate (Sections 154 - 176); Preventive Action of the Police (Sections 149 - 153); Jurisdiction of Criminal Courts in Inquiries and Trials (Sections 177 - 189); Charge (Sections 211 - 224);

UNIT-IV

Complaints to Magistrates and Commencement of Proceeding before Magistrates (Sections 200 - 210); Trial of Warrant and Summons Cases by Magistrates (Sections 238 - 259); Summary Trials (Sections 260 - 265); Provisions as to Bail and Bonds (Sections 436 - 450);

UNIT-V

Trial Before a Court of Session (Sections 225 - 237); Evidence in Inquiries and Trials (Sections 272 - 299); General Provisions as to Inquiries and Trials (Sections 300 - 327);

LEADING CASES:

1. D. K. Basu v. State of West Bengal (1997) 1 SCC 416.
2. Danial Latifi & Anr. v. Union of India AIR 2001 SC 3958.
3. Kashmira Singh v. State of Punjab, (1977) 4 SCC 291.
4. Lalita Kumari v. Govt. of U.P., (2014) 2 SCC 1
5. Pritam Singh v. State of Punjab, AIR 1956 SC 415
6. Purshottam Das Dalmia v. State of West Bengal, AIR 1968 SC 1589
7. Sakiri Vasu v. State of U.P. and Others (2008) 2 SCC 409
8. Satwant Singh v. State of Punjab, AIR 1956 SC 286
9. State of U.P. v. Singhara Singh, AIR 1964 SC 359
10. Tahsildar Singh v. State of U.P., 1959 AIR SC 1012

SUGGESTED READINGS:

- i. Chandrasekharan Pillai, (ed.), Kelkar's Outline of Criminal Procedure, Eastern Book Company, Lucknow, 06th Ed. 2016.
- ii. D. D. Basu, Criminal Procedure Code 1973, Vol. I & II, LexisNexis, 2017
- iii. Gaur K.D. Textbook on the Code of Criminal Procedure, Universal Law Publication, 2016
- iv. Ratanlal and Dhirajlal, Code of Criminal Procedure, LexisNexis, 23rd Ed. 2020
- v. Sarkar on Criminal Procedure Code, Vol. I.& II., LexisNexis, 2013
- vi. Sir John Woodroffe, Commentaries on Code of Criminal Procedure (in 2 Vols.) Ed.3rd edition, Law Publishers India Pvt. Ltd., Reprint 2018
- vii. Sohoni's Code of Criminal Procedure, 1973 (Set of 5 Volumes), 22nd Ed, Lexis Nexis, 2018.

PAPER 1105:

**INTERPRETATION OF STATUTES AND
PRINCIPLES OF LEGISLATION**

SCHEME OF PAPER:

MAX. MARKS: 100

MIN. PASS MARKS: 36

This paper shall consist of following two parts:

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|--------------------------|---|-----------|
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- (3) The prescribed syllabus includes latest amendments in the subject wherever applicable.

OBJECTIVES OF THE COURSE:

This paper is largely confined to Common Law system of statutory interpretation. This paper aims to acquaint the students with basic principles of interpretation of statutes. It focuses on general and specific rules of interpretation of statutes. It also prescribes the guidelines on interpretation of remedial, penal and taxing statutes. It provides for internal and external aids for interpretation of statutes. It also contains the rules regulating commencement, operation and repeal of statutes. It prescribes the principles for interpretation of Constitutional document also.

UNIT - I

Different Parts of Statutes; Classification of Statutes; Interpretation and Construction; Literal Interpretation; Mischief Rule; The Golden Rule; Harmonious Construction; Statute Should be Read as a Whole; *Construction Ut Res Magis Valeat Quam Pereat*; Identical Expressions to have same meaning; *Construction Noscitur-a-Sociis*; *Construction Ejusdem Generis*;

UNIT - II

Construction Expressio Unius Est Exclusio Alterius; *Contemporanea Expositio Est Optima Et Fortissima in Lege*; *Casus Omissus*; *Reddendo Singula Singulis*; *Delegatus Non Potest Delegare*; Beneficial Construction; Strict Construction of Penal Statutes; Strict Construction of Fiscal (Taxing) Statutes; Interpretation of Statutes in *Pari Materia*; Interpretation of

Amending Statutes; Interpretation of Amending Statutes; Interpretation of Consolidating Statutes; Interpretation of Codifying Statutes; Mandatory and Directory Enactments; Conjunctive and Disjunctive Enactments;

UNIT - III

Internal Aids to Interpretation; External Aids to Interpretation; Presumptions Regarding Jurisdiction; Commencement of Legislation; Repeal of Legislation; Revival of Legislation; Retrospective Operation of Statutes;

UNIT - IV

Principle of Implied Powers; Principle of Incidental and Ancillary Powers; Principle of Implied Prohibition; Principle of Occupied Field; Principle of Pith and Substance; Principle of Colourable Legislation; Principle of Territorial Nexus; Principle of Severability; Principle of Prospective Over-Ruling; Principle of Eclipse;

UNIT - V

Bentham's Theory of Legislation:

Principles of Legislation; Principle of Utility (Chapter-I); The Ascetic Principle (Chapter-II); The Arbitrary Principle (or the Principle of Sympathy and Antipathy) (Chapter-III); Different Kinds of Pleasures and Pains (Chapter-VI) Principles of Civil Code: Objects of the Civil Law; Rights and Obligations (Chapter-I); Ends of Civil Law (Chapter-II) Principle of the Penal Code: Classification of Offences: Subdivision of Offences and Some Other Divisions (Chapters II and III); Punishments Which Ought Not To Be Inflicted (Chapter-I); Proportion between Offences and Punishments (Chapter-II); Kinds of Punishments (Chapter-VII);

LEADING CASES:

1. Alamgir v. State of Bihar AIR1959 SC436
2. Bengal Immunity Company v. State of Bihar AIR1955 SC 661
3. Heydon's Case (1584) 76 ER 637
4. K. M. Nanavati v. State of Bombay AIR1961 SC 112
5. Lily Thomas v. Union of India AIR 2000 SC 1650
6. Mangoo Singh v. Election Tribunal AIR1957 SC 871
7. Motipur Zamindari Co. Pvt. Ltd. v. State of Bihar AIR1962 SC
8. Ramavatar v. Assistant Sales Tax Officer AIR 1961 SC1325
9. Ranjit Udeshi v. State of Maharashtra AIR 1965 SC 881
10. Smith v. Hughes (1871) LR 6 QB 597

SUGGESTED READINGS:

- i. Avtar Singh, Introduction to Interpretation of Statutes, LexisNexis, Butterworths Wadhwa, 2014
- ii. Bhattacharya T., Interpretation of Statutes (Central Law Agency), 2017
- iii. Bindra N.S., Interpretation of Statutes (LexisNexis, Butterworth Wadhwa), 2016
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