

Third Year – Fifth Semester

COURSE-III; OPTIONAL-IV; INTERPRETATION OF STATUTES AND PRINCIPLES OF LEGISLATION

Objectives:

Enacted laws, i.e. Acts and Rules are drafted by legal experts. Language used will leave little or no room for interpretation or construction. But the experience of all those who have to bear and share the task of application of the law has been different. Courts and lawyers are busy in unfolding the meaning of ambiguous words and phrases and resolving inconsistencies. The statute is to be construed according 'to the intent of them that make it.' To ascertain the true meaning, intent of the maker, numerous rules of interpretation were formulated by courts and jurists. The objective of this course is to make the student familiar with various rules of interpretation.

Course contents:

UNIT-I

Basic Principles, Guiding rules; internal aids to construction.

UNIT-II

External aids to construction.

UNIT-III

Subsidiary rules; Operation of statutes; Expiry and repeal of states.

UNIT-IV

Statutes affecting the state; Statutes affecting the jurisdiction of courts.
Construction of taxing statutes and evasion of statutes; Remedial and penal statutes.

UNIT-V

Principles of Legislation.

Prescribed Books:

G.P.Singh – Principles of Statutory Interpretation.
Upendra Baxi – Bentham's theory of Legislation.

Reference Books:

Maxwell on the Interpretation of Statutes.
V.P.Sarathi – Interpretation of Statute – General Clauses Act 1897.
Bindra – Interpretation of Statutes.

COURSE-III; OPTIONAL-IV; COMPETITION LAW

Objectives:

It is necessary to introduce students to the laws that are designed from time to time in keeping with the policy of the government to prevent unfair trade competition and protection of consumers. These laws have changed over a period of time in accordance with the demands of changing times. The laws are to be geared up to pass on the benefit of competition to consumers. These laws are to be reviewed and appreciated in this course.

Course contents:

UNIT-I:

Constitutional provisions regulating trade; Salient features of MRTP Act, 1986; Salient features of Consumer Protection Act, 1986.

UNIT-II

Sherman Antitrust Act, 1890; Relevant provisions of Clayton Act, 1914; Relevant provisions of the Federal Trade Commission Act; Salient features of U.K. Competition Act, 1998.

UNIT-III

Competition Commission of India; Duties, powers and functions.

UNIT-III

Duties of Director General; Penalties; Competition advocacy; Important judgments of the Supreme court.

Prescribed books:

Adi P.Talati & Nahar S.Mahala – Competition Act, 2002; Law, Practice and Procedure.