

DEPARTMENT
UNIVERSITY

LL. M. TWO YEAR COURSE (SEMESTER SYSTEM WITH CBCS)
EFFECTIVE FROM ACADEMIC SESSION (2016-2017) AS AMENDED BY THE BOARD OF STUDIES IN LAW ON 09.08.2016

FOURTH SEMESTER

Compulsory Papers

1. Principles of Interpretation

- (100 Marks)
1. About Interpretation: What is Interpretation? When it is needed? Objects of Interpretation; Various grounds of Interpretation.
 2. Institutional Regime of Interpretation: Law making roles of Legislature, judiciary and Executive. Powers of Judiciary, Legislature and Executive with regard to interpretation of statutes.
 3. Judicial Precedents and Interpretation.
 4. About Interpretation of Statutes: Salient Parts of a Statute; Presumption as to validity; Internal Aids; External Aids.
 5. Rules of Interpretation: Literal Rule, Golden Rule, Mischief Rule.
 6. Maxims as tools of Interpretation:
(i) *ab inconvenienti* (ii) *actus non facit reum nisi mens sit rea* (iii) *delegatus non potest delegare*
(iv) *ex abundanti cautela* (v) *ex majori cautela* (vi) *expressio unius est exclusio alterius* (vii) *generalia specialibus non derogant* (viii) *ignorantia juris non exusat* (ix) *noscitur a sociis* (x) *qui facit per alium facit per se* (xi) *lex non cogit ad impossibilia*
 7. Interpretation of Constitution.
 8. Interpretation of some other statutes:
(a) Fiscal statutes
(b) Penal statutes
(c) Beneficiary and Welfare statutes
(d) Emergency statutes

2. Judicial Process

- (100 Marks)
1. Nature of Judicial Process
 2. Judicial Independence and Accountability
 3. Appointment and Removal of Judges
 4. Interpretation of Statutes and Constitution
 5. Doctrine of *Stare Decisis* - *Ratio Decidendi* and *Obiter Dicta* of a case
 6. Value Judgments in Law.
 7. Judicial Reasoning.
 8. Judicial Activism and Judicial Overreach.

3. Dissertation and Presentation thereof [60+40]

(100 Marks)