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19 (3-IV) ISPL (CL-II)

2015

**INTERPRETATION OF STATUTES &  
PRINCIPLES OF LEGISLATION**

Paper : 4-5

Full Marks : 80

Time : Three hours

**The figures in the margin indicate  
full marks for the questions.**

1. Answer the following :  $1 \times 10 = 10$

- (i) If the words of a statute are clear, there is no question of interpretation and grammatical construction has been accepted as the ———. (golden rule/ Mischief rule)
- (ii) "A Verbis Legis Non Est Recedendum", which obviously means you ——— the words of a statute. (must not vary/ must vary)
- (iii) On the basis that Preamble contains the main objects of the Act it deserves to be considered by the Courts ——— aid in the interpretation. (internal/ external)

Contd.

- (iv) Noscitur a Socis means ———. (to know from the association/to know from the society)
- (v) In an enactment marginal notes are known as ———. (side notes/foot notes)
- (vi) Beneficial and social statutes ——— construed too rigidly as it was for the protection of certain class of persons that the statute was enacted. (should not be/ should be)
- (vii) In construing an enactment the duty of the court is to construe it as it stands, and not to supply any lacuna or defect in the legislation. (True/False)
- (viii) To give full effect to the various provisions of the Act and to avoid any interpretation which would render any provision of the Act nugatory the Court must put ——— construction. (Strict/Harmonius)
- (ix) If legislators use legal definitions of its own language to construe an statute, it becomes ——— on the courts. (binding/ not binding)
- (x) Extraneous aid is needed to interpret an enactment where the words of the statute are ——— (ambiguous/unambiguous)
2. Answer the following :  $2 \times 5 = 10$
- (a) What is rule of interpretation of penal laws ?

- (b) What is rule of harmonious construction ?
- (c) Presumption in interpreting a statute.
- (d) Preamble as a guidance for interpretation.
- (e) Directory and mandatory rules of 'interpretation'.
3. What is the mischief rule and when may it be applied? Point out its short comings. 12

Or

- Discuss in detail the rule of strict construction of penal statutes. Do you find any relaxation of this rule in modern days?  $8+4=12$
4. What external aids of interpretation may be used by the courts for throwing light upon the meaning of a statute? Explain any two external aids to interpretation of a statute. 12

Or

- Write critical notes on :  $6 \times 2 = 12$
- (a) Preamble as a guidance for interpretation
- (b) Ejusdem generis rule
5. How does the constitutional interpretations, differ from interpretations of other statutes? Illustrate with the help of decided cases. 12

**Or**

What are the scope of preamble, marginal notes and illustration as internal aids to interpretation of a statute? Explain fully.

12

6. Discuss the general rules of interpretation in interpreting taxation laws. 12

**Or**

"If meaning of an enactment is plain, effect must be given to such meaning irrespective of consequences". Examine the statement critically.

7. What do you mean by doctrine of pith and substance and doctrine of Eclipse? Explain each of them in the context of interpretation of the provisions of the Constitution of India. 12

**Or**

Gray stated: "The true view, as I submit, is that the Law is what the Judges declare; that statutes, precedents, the opinions of learned experts, customs and morality are the sources of the Law."

Explain the above statement that the Judges are the only true legislators with special reference to the uniform civil code as provided in Article 44 of the constitution of India.

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