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19 (3-IV) INST 4-6 H5

2016

**INTERPRETATION OF STATUTES AND
PRINCIPLES OF LEGISLATION**

Paper : 4-6

Full Marks : 80

Time : Three hours

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

Answer the following : 1×10=10

1. (i) _____ defines legislation as "the formal utterances of the legislative organs of the society." (Holland/Gray)
- (ii) The _____ is that the words of a statute must prima facie be given their ordinary meaning. (golden rule/mischief rule)

X

Contd.

(iii) The _____ of interpretation is that the court must first try to ascertain the intention of the legislature from the words used. (Golden rule/Literal rule)

(iv) A construction which the language of the statute can bear and promotes a larger national purpose must be preferred to a _____ literal construction tending to promote factionatum and discord. (strict/liberal)

(v) As long as there is no ambiguity in the statutory language resort to any interpretative process to unfold the legislative intent _____. (permissible/not permissible)

(vi) Principles governing interpretation of the Constitutional provision should be _____. (strict/liberal)

(vii) To ascertain the meaning of a Section it is _____ to omit any part of it, the whole Section should be read together and an attempt should be made to reconcile both parts. (not permissible/permissible)

(viii) A taxation statute is to be construed _____. (strictly/liberally)

(ix) The presumption against retrospective effect of the legislation is stronger in _____. (Penal enactments/Civil legislations)

(x) In an enactment marginal notes are known as _____. (side notes/foot notes)

2. Answer the following : 2×5=10

(a) Rule of Eiusdem Generis.

(b) Non-obstantate clause.

(c) What is interpretation of statute ?

(d) Rule of interpretation of penal laws.

(e) Colourable legislation.

3. What are extrinsic and intrinsic aids of interpretation of a statute? Explain each of them briefly by pointing out their scope.

6+6=12

OR

Discuss and exemplify the literal rule of interpretation and also various presumptions of interpretation.

12

4. Explain the role of Preamble of the Constitution and the debates of the Constituent Assembly in interpreting the provision of the Constitution of India.

12

OR

Write an essay on interpretation of the Constitution. Point out the differences between Constitutional interpretation and Interpretation of Statutes.

12

5. What is mischief rule and when may it be applied? Point out its shortcomings.

12

OR

What do you mean by "Colourable legislation" and "harmonious construction"? Explain with the help of leading decided cases.

12

6. Discuss in detail the rule of strict construction of penal statutes. Do you find any relaxation of this rule in modern days?

12

OR

Distinguish between mandatory and directory provisions of a statute. What are the tests generally employed to determine whether a particular provision in a statute is mandatory or directory? Explain.

12

7. Explain **any two** of the following :

2×6=12

- (i) Delegatus non potest delegare
- (ii) In pari delicto potior est conditio possidentis
- (iii) utres valet potior quam pareat

OR

Discuss the principles of interpretation of Welfare legislation. Cite case-law. 12