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2017

**INTERPRETATION OF STATUTES AND
PRINCIPLE OF LEGISLATION**

Paper : 4-5 (H.5)

Full Marks : 80

Time : Three hours

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

***Answer Q. Nos. 1 & 2 and
any five questions from the rest.***

1. Answer the following : 1×10=10

(i) The _____ is that the words of a statute must prima facie be given their ordinary meaning.

(golden rule/mischief rule)

(ii) With the exception of private and local laws, title does not play any significant part in the interpretative process and may not be looked at to modify the interpretation of plain language.

(True/False)

Contd.

- (iii) In the case of an enactment whose purpose is to protect human life, the presumption that *mens rea* is a necessary component _____.
(does not apply/apply)
- (iv) Where the main provision is clear its effect _____ cut down by the proviso. (cannot/can be)
- (v) Having carefully interpreted a particular provision of the Constitution, the Supreme Court should as far as possible stick to the doctrine of _____.
(*Stare decisis/Obiter dicta*)
- (vi) It is sound rule of construction that procedural enactments should be construed _____.
(liberally/strictly)
- (vii) If the words used in a criminal statute are reasonably capable of two constructions, the construction which is favourable to the accused should be preferred. (*True/False*)
- (viii) In interpreting a fiscal statute, the Court _____ proceed to make good deficiencies. (can/cannot)

- (ix) *Noscitur a sociis* (Associated words) – This maxim lays down that the meaning of a word _____ gathered from the context, or by the company it keeps.
(cannot/can be)
- (x) Extrinsic aids may be employed in the construction of statutes if the words and language employed are _____ from ambiguity and which cannot be cleared even by resort to intrinsic aids.
(not free/free)

2. Answer the following : 2×5=10
- (a) Rule of harmonious construction
(b) Rule of *Ejusdem Generis*
(c) Doctrine of eclipse
(d) Rule of interpretation of taxation laws
(e) Preamble as a guidance for interpretation.
3. What is the mischief rule of interpretation ? When can it be applied ? Point out the shortcomings of this rule. 6+3+3=12
4. Discuss the scope of preamble, title, marginal notes, illustration and interpretation clause as internal or intrinsic aid of interpretation of a statute. 12

5. Explain literal rule of interpretation. Can this rule be taken as conclusive in all cases ? 12
6. Discuss the circumstances in which extrinsic aids may be employed in place of intrinsic aids in interpreting a statute. 12
7. How does the constitutional interpretations differ from interpretations of other statutes ? Illustrate with the help of decided cases. 12
8. Write short notes : $2 \times 6 = 12$
(a) *Delegatus non potest delegare*
(b) *Expressio unius est exclusio alterius.*
9. Distinguish between mandatory and directory provisions of a statute. What is the difference in the interpretation of this two rules ? Explain. 12
10. Discuss the general rules of interpretation in interpreting taxation laws. 12