

Total number of printed pages-6

21 (7) ISPL 7-6 (H)

2017

**INTERPRETATION OF STATUTES AND
PRINCIPLES OF LEGISLATION**

Paper : 7.6 (H-5)

Full Marks : 80

Time : Three hours

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

1: Fill in the blanks with the appropriate answer : $1 \times 10 = 10$

(a) According to Salmond, "interpretation or construction is the process by which the courts seek to ascertain the meaning of the _____ through the medium of authoritative forms in which it is expressed." (legislature/statute)

(b) If _____ interpretations are possible of the same statute, the one which validates the statute must be preferred. (two/three)

Contd.

(c) There are generally *two* kinds of interpretations – literal interpretation and _____ interpretation.

(golden/logical)

(d) The Golden Rule is that the words of a statute must prima facie be given their _____ meaning.

(ordinary/statutory)

(e) The mischief rule of interpretation originated in _____ case.

(Bengal Immunity/Heydonl's)

(f) *Ejusdem generis* means “of the same kind”. Generally particular words are given their natural meaning provided the context _____ otherwise.

(requires/does not require)

(g) Title of an Act is not part of enactment. So it _____ be legally used to restrict the plain meaning of the words in an enactment.

(can/cannot)

(h) The main objective and purpose of the Act are found in the _____ of the Statute.

(Preamble/section 1 and 2 of the Act)

(i) Marginal notes are the notes that are printed at the side of the section in an Act and it summarizes the effect of the section. They are _____ of the statute.

(not part/part)

(j) Every statute is prima facie _____, unless it is expressed or implied.

(prospective/retrospective)

2. Write notes on the following : 2×5=10

(a) Presumptions in Interpretation of statutes

(b) Directory and Mandatory rules of Interpretation

(c) Non-obstante clause

(d) Rule of interpretation of penal laws

(e) Principles of *Noscitur a sociis*.

3. 'Where two provisions operate on one field, both have to be allowed to have their play, unless such operation would result in patent inconsistency'. Elucidate the statement and discuss the Harmonious Rule of Construction to be applied in such situations citing decided cases. 12

Or

Explain and illustrate the rule *ejusdem generis* as applied to statutory interpretation. Is there any distinction between the rule of *noscitur a sociis* and the rule of *ejusdem generis*? If so, discuss giving examples. 12

4. Critically examine the importance of the following in interpretation of statutes : 12

- (i) Preamble and Long Title
(ii) Explanation.

Or

Discuss the nature, scope and relevance of the General Clauses Act, 1897 in the interpretation of statutes.

5. Is there any distinction between penal and remedial statutes and the rules of interpretation applicable to them? Discuss the present trend in interpretation of penal statutes. 12

Or

Discuss and illustrate the Golden Rule as applied to the interpretation of statutes. Is this rule different from the Literal Rule? If so, explain giving examples. 12

6. 'The soundness of *Heydon's Rule* lies in suppressing the mischief and advancing the remedy.' Elucidate the statement and discuss various conditions for the application of this rule in the light of decided cases. 12

Or

'Punishment can be meted out to a person only if the plain words of the penal provision are able to bring that person under its purview. No extension of the meaning of the words is permissible.' Critically analyse the statement above. 12

7. Write short notes on : 3×4=12

- (a) Colourable Legislation
- (b) Directory and Mandatory rules of Interpretation
- (c) Doctrine of Pith and Substance
- (d) Doctrine of Eclipse.