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21 (7) ISPL 7-6 (H)

2018

**INTERPRETATION OF STATUTES AND
PRINCIPLES OF LEGISLATION**

Paper : 7-6 H₅ [CL]

Full Marks : 80

Time : Three hours

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

1. Fill in the blanks with appropriate answer :

1×10=10

a) Interpretation is the primary function
of a _____.

[Legislature/Court/High Court]

b) The epithets 'mandatory' and 'directory'
are applied to enabling statutes, the
former also creating _____ but the latter
not doing so.

[duties/rights/obligations]

Contd.

c) 'The essence of law lies in the spirit, not its _____, for the letter is significant only as being the external manifestation of the intention that underlies it' —Salmond. [letter/words]

d) A Statute may generally be _____ with reference to its duration, nature of operation, object and extent of application. [classified/applicable]

e) The Constitution of India does not use the term 'Statute' but it uses the term _____ [law/Act] does not distinguish. [distinctions/interpretation]

f) *Express iounius est exclusio alterius* i.e. the express mention of one person, thing, or consequence implies the _____ of all others. [exclusion/inclusion]

g) A statute does not have retrospective effect to a date earlier than its becoming _____. [law/Rule]

h) The mischief rule is a rule of statutory interpretation that attempts to determine the _____ intention. [legislator's/court's]

i) Schedules attached to an Act generally deal with as to how claims or rights under the Act are to be _____ or as to how powers conferred under the Act are to be exercised. [observed/asserted / performed]

j) It is not the duty of the Court either to enlarge the scope of the legislation or the intention of the legislature when the language of the provision is _____ and unambiguous. [plain/effective]

2. Write short notes on **any five** of the following: 2x5=10

a) Principles of *Noscitur a sociis*

b) Codified and Uncodified law

c) Directory and Mandatory rules of Interpretation

d) *Expressum facit cessare taciturn*

e) Colourable legislation

3. Discuss the importance of the following in interpretation of statutes : $4 \times 3 = 12$

a) Directory and Mandatory rules of Interpretation

b) Exceptions, provisos and saving clauses

c) Legislative Intention and Statement of objects

Or

'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 rule of construction to be applied in such situations with suitable examples.

12

4. 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

Or

Critically examine the importance of the following in interpretation of statutes :

$6 + 6 = 12$

a. Preamble and Long Title

b. Explanation.

5. Distinguish between penal and remedial statutes and the rules of interpretation applicable to them? What is the present trend in interpretation of penal statutes? Discuss. $8 + 4 = 12$

Or

'The soundness of *Heydon's Rule* lies in suppressing the mischief and advancing the remedy.' Elucidate the statement. What are the conditions for the application of this rule? Discuss. 8+4=12

6. 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. 8+4=12

Or

Write notes on the following : *(any three)*

- (a) Parliamentary history as a source of interpretation
- (b) Doctrine of Eclipse
- (c) Doctrine of Pith and Substance
- (d) Doctrine of repugnancy.

7. Distinguish between penal and remedial statutes and the rules of interpretation applicable to them. 12

Or

Discuss in brief the facts and the principle of law laid down in : 12

Avtar Singh v. State of Punjab, AIR 1955 SC 1107