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21 (7) ISPL 7-6 (H)

2019

**INTERPRETATION OF STATUTES &  
PRINCIPLES OF LEGISLATION**

Paper : 7-6 (H-CL-5)

Full Marks : 80

Time : Three hours

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

1. Fill in the blanks with appropriate answers :  
1×10=10

(a) The Constitution of India does not use the term 'Statute' but it uses the term \_\_\_\_\_. [ Law/Act ]

(b) A statute does not have retrospective effect to a date earlier than its becoming \_\_\_\_\_. [ Law/Rule ]

(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 ]

Contd.

- (d) A statute may generally be \_\_\_\_\_ with reference to its duration, nature of operation, object and extent of application. [ classified / applicable ]
- (e) If a provision of law is misused and subjected to the abuse of process of law, it is for the \_\_\_\_\_ to amend, modify or repeal it, if deemed necessary. [ legislature / court ]
- (f) The mischief rule is a rule of statutory interpretation that attempts to determine the \_\_\_\_\_ intention. [ legislator's / court's ]
- (g) Interpretation is the primary function of a \_\_\_\_\_. [ Legislature / Court / High Court ]
- (h) The epithets 'mandatory' and 'directory' are applied to enabling statutes, the former also creating \_\_\_\_\_ but the latter not doing so. [ duties / rights / obligations ]
- (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) The Rule of Reasonable Construction mainly stresses upon the intention of the legislature to bring up the statute and the sensible and not the *prima facie* \_\_\_\_\_ of the statute. [meaning / purpose]

2. Write short notes on **any five** of the following : 2×5=10

- (a) Parliamentary history as a source of interpretation
- (b) Objects of 'interpretation'
- (c) Codified and Uncodified law
- (d) Non-obstante clause
- (e) Colourable legislation.

3. (a) Discuss the importance of the Legislative Intention and Statement of objects in interpretation of statute.

12

Or

What are 'internal and 'external' aids to the interpretation of statutes? Assess the importance of Exceptions, *provisos* and saving clauses in the interpretation of statutes.

6+6=12

4. '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 referring to the Rule of construction to be applied in the given case. 12

Or

"The rule of construction is well-settled that when there are in an enactment two provisions which cannot be reconciled with each other, they should be so interpreted that, if possible, effect should be given to both. This is what is known as the rule of 'harmonious construction'. Elucidate the above statement with relevant case laws. 12

5. Discuss and illustrate the Golden Rule as applied to the interpretation of statutes. Distinguish between Golden Rule and the Literal Rule giving examples. 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. 12

6. Write notes on the following : (any three)  
4×3=12

- (a) *Expression facit cessare tacitum*
- (b) *Delegatus non potest delegare*
- (c) *Expressio unius est exclusio alterius*
- (d) *Generalia specialibus non derogant.*

Or

Explain the rule *ejusdem generis* as applied to statutory interpretation. What are the differences between the rule of *noscitur a sociis* and the rule of *ejusdem generis*? Discuss. 12

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