

(Methods of Interpretation of Statute)

1. Answer the following questions :

1×10=10

- (a) What is the necessity of Interpretation of Statute ?
- (b) What is the purpose of the General Clauses Act, 1897 ?
- (c) What do you mean by non-obstante clause ?
- (d) Whether the Law Commission Reports are internal or external aids ?
- (e) Why the Literal Rule is termed as the safest rule for interpretation of a statute ?
- (f) "The different portions of a sentence, or different sentences are to be referred respectively to the other portion or sentences, to which we can see them respectively relate even if strict grammatical construction should demand otherwise".

Write the rule of Interpretation.

(g) The maxim '*ut res magis valeat quam pereat*' means — (pick up the correct answer)

(i) When both parties are equally at fault, the defendant's.

(ii) The narrower of two interpretations which would fail to achieve the objective of the law must give way to a bolder construction paving way for an effective outcome.

(h) Name the principle applied by the court for declaring a legislative enactment invalid for violating the constitutional limit.

(i) How far a court can extend the meaning of a provision of a penal statute to include concepts that comes up with development of science and technology, while applying the principle of strict construction?

(j) Strict construction of penal statutes manifests —

(i) Requiring express language for the creation of an offence

(ii) Interpreting strictly those words that set out the elements of an offence

(iii) none of the above

(iv) both (i) and (ii)

2. Answer the following questions shortly :

2×5=10

(a) What are the basic sources of statutory interpretation ?

(b) Write the role of non-obstante clause in interpreting a statute.

(c) What are the *three* logical defects as per Salmond by which grammatical interpretation may be affected ?

(d) What does the maxim "*Noscitur-a-sociis*" mean ?

(e) What do you mean by colourable legislation ?

3. Write the rule relating to commencement of a enactment as mentioned in the General Clauses Act, 1897. What are the effects of repeal of a statute ?

6+6=12

Or

What do you mean by interpretation of statute? What is the purpose of interpretation of statute? Write differences between the terms interpretation and construction. $4+4+4=12$

4. (a) "The Preamble provides the key to the general purpose of the Act".

Write use of Preamble in interpreting a statute.

- (b) Can the Preamble control the express language of a statute?

- (c) What is the function of a proviso while interpreting a statute?

$4+4+4=12$

Or

What are the various extrinsic aids used for interpreting a statute? Discuss briefly.

12

5. Discuss Golden Rule of Interpretation referring case laws. 12

Or

"The application of Mischief Rule gives the Judge more discretion than literal and the golden rule as it allows him to effectively decide on Parliament's intent".

Do you agree with this statement? Discuss referring case laws. 12

6. Write short notes on *any two* of the following maxims of statutory interpretation referring case laws. 6×2=12

(a) *Delegatus non potest delegate*

(b) *Expressio unius exclusio alterius*

(c) *Generalia specialibus non derogant*

(d) *In pari delicto potior est conditio possidentis.*

7. 'The Court, while interpreting taxing statute cannot give a unnatural and strained meaning to the word to cover loopholes through which evasion of tax may occur'.

Discuss the rules relating to interpretation of a taxing statute in the context of above statement. 12

Or

Write short notes on the following :

6+6=12

(a) Welfare legislation

(b) Doctrine of Repugnancy.