

3 SEM LLB OP 4 A/B(N)

2016

(December)

LAW

Paper : 3.4

(Optional)

A : Methods of Interpretation of Statutes

B : Competition Law

Full Marks – 80

Time – Three hours

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

A : Methods of Interpretation of Statutes

1. (i) What do you mean by the term "interpretation of statutes" ?

(ii) The rules of interpretation are "like the tools of a carpenter or sculptor." Amplify this statement with the help of case laws.

4+8=12

Or

Write the general rule of 'construction of time and computation of time' as provided in the General Clauses Act, 1897. 12

2. Write a note on statute in pari materia mentioning the relevancy of the previous legislation to the interpretation of later statutes. Explain with specific legislation. 12

Or

What external aids of interpretation may be used by the courts for throwing light upon the meaning of a statute? Show your acquaintance with any two of external aids to interpretation. 12

3. Make an appraisal of the principle of plain meaning in the light of Maxwell's observation – "Judges are not always prepared to concede as plain language which involves absurdity and inconsistency.?" Refer to some of the Supreme Court decisions. 12

Or

"General word also receives a restricted meaning when used in with other words by application of the rule of noscitur a sociis and Ejusdem Generis". Explain and illustrate the above two rules of interpretation. 6+6=12

4. Explain citing case law :

12

"Delegatus non potest delegare".

Or

"Express enactment shuts the door to further implication." Discuss the relevant maxim of interpretation.

5. 'TAX AVOIDANCE is legal but TAX EVASION is not.' Discuss the principle of interpretation of a Taxing Statute in the context of above statement. 12

Or

Write short notes on : 6+6=12

- (a) Colourable legislation
- (b) Doctrine of repugnancy.

6. Answer the following questions in 3-4 lines each : 2×5=10

- (a) What do you mean by 'litera legis' ?
- (b) Is the statement of Minister in Parliament relevant while interpreting the statute ?
- (c) What is Golden Rule ?
- (d) Write the meaning of the maxim "In pari delicto potior est conditio possidentis."

(e) Who exercises the residuary power under the Constitution of India ?

7. Choose the correct answers : $1 \times 10 = 10$

(i) The General Clauses Act was came into force on :

- (a) 12 March, 1897
- (b) 11 March, 1897
- (c) 10 March, 1898
- (d) 11 March, 1896.

(ii) Write whether the following statement is true or false :

"Repeal shall not affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment so repealed."

(iii) International covenants can be referred to while interpreting a statute :

- (a) when there is no conflict with the domestic law.
- (b) if the country is a signatory to the international covenant.
- (c) both (a) and (b).
- (d) none of the above.

(iv) Long title of a statute :

(a) has no role to play while interpreting a provision of the Act.

(b) gives a general description about the object of the Act.

(c) is the key to open the minds of the legislature.

(d) both (b) and (c).

(v) Meaning of words should be read distributively. Which rule does it signify ?

(i) Ejusdem Generis

(ii) Noscitur - a - sociis

(iii) Reddendo Singula Singulis

(iv) Ut Res Magis Valeat Quam Periat.

(vi) Which rule is often said to be valuable servant but dangerous master ?

(a) Generalia Specialibus Non Derogant

(b) Ut Res Magis Valeat Quam Periat

(c) Noscitur - a - sociis

(d) Ejusdem Generis.

(vii) Express mention of one implies exclusion of others. Which rule does it signify ?

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

(b) *Expressio unius exclusio alterius.*

(c) *Delegatus non potest delegare.*

(d) *Generalia specialibus non derogant.*

(viii) The maxim 'Ut Res Magis Valeat Quam Periat' means :

(a) 'A statute is never supposed to use words without a meaning.'

(b) General words should be given their natural meaning like all other words unless the context requires otherwise.

(c) General words are restricted to be interpreted as the contextual associates of the preceding distinct category.

(d) None of the above.

(ix) The doctrine of Pith and substance is applicable to determine the nature of :

- (a) Taxing statute
- (b) Penal statute
- (c) Welfare statute
- (d) Colourable legislation.

(x) As per Maxwell strict construction of penal statute manifests in the way :

(a) requiring express language for the creation of an offence;

(b) interpreting strictly those words that set out the elements of an offence;

(c) requiring the fulfillment of statutory conditions precedent to the infliction of punishment;

(d) insistence on strict observance of technical provisions relating to criminal procedure and jurisdiction.

(e) all of the above.