

2021

INTERPRETATION OF STATUTES AND PRINCIPLES OF LEGISLATION

Second Paper

Full Marks : 80

The figures in the margin indicate full marks.

*Candidates are required to give their answers in their own words
as far as practicable.*

Group - A

Answer **any three** questions.

1. (a) What do you mean by the term 'Interpretation of Statutes'?
(b) Is there any difference between Interpretation of Statutes and Construction of Statutes? 10+6
2. (a) What is 'Golden Rule of Interpretation'? — Explain with case laws.
(b) Discuss the Rule of Harmonious Construction of Statute. 8+8
3. Bring out the distinction between Penal and Remedial Statutes and the Rules of Interpretation applicable to them. Discuss the recent judicial trend in the Interpretation of Penal Statutes. 16
4. "If the strict grammatical interpretation gives rise to absurdity or inconsistency, the Court could discard such interpretation and adopt an interpretation which will give effect to the purpose of the legislature. This could be done, if necessary, even by modification of the language used." — Discuss the above rule of interpretation of statutes and refer to at least two decided cases in which the courts in order to avoid the absurdity that the literal rule, if applied, would have resulted in the felt justified to modify the language of the statute to arrive at the true intent of the legislature. 16
5. Write short notes on **any two** of the following : 8+8
 - (a) Ejusdem Generis
 - (b) Noscitur a sociis
 - (c) External Aids to Construction
 - (d) Internal Aids to Construction.
6. Discuss the doctrine of severability and the doctrine of colourable legislation with suitable case laws. 8+8

Please Turn Over

Group - B

Answer *any one* question.

7. It is a cardinal principle of interpretation that every statute is prima facie prospective unless it is expressly or by necessary implication made to have retrospective operation. — Explain the principles regarding retrospective operation of statutes. 16
8. Write short notes on *any two* of the following : 8+8
- (a) Service by post
 - (b) Document
 - (c) Collector
 - (d) Will.

Group - C

Answer *any one* question.

9. (a) Discuss the nature and scope of Legislation.
(b) What do you understand by the term 'Delegated Legislation'? 8+8
10. Briefly discuss the different types of Legislative Instruments. 16
-