

2022

LAW

Interpretation of Statutes &

Principles of Legislation

Paper - 505

(NEW SYLLABUS)

Full Marks : 80

Time : 3 Hours

*The figures in the right-hand margin indicate marks.**Candidates are required to give answers in their own words as far as practicable.*Answer **question no. 1** and any **five** from the rest.1. Answer any **ten** questions: $2 \times 10 = 20$

- i) Define 'Strict Construction'.
- ii) Explain the meaning of "*ut res magis valeat quam pereat*".
- iii) What do you mean by Harmonious Construction of interpretation?
- iv) Explain the meaning of *Noscitur a sociis*.
- v) State the importance of preamble as internal aid of construction.
- vi) Explain the rule of Retrospective Operation of statutes.

[Turn over]

vii) Explain the meaning of "*Generalia specialibus
nor derogant*".

viii) Explain the Beneficial Construction of statute.

ix) Write down the exceptions to the Golden rule
fo interpretation.

x) Define the meaning of Liberal interpretation
of statutes.

xi) Write down the presumptions for
constitutionality of statute.

xii) Name the various kinds of legislations.

2. Explain the 'Mischief Rule' of interpretation as
discussed under Heydon's case. Discuss the concept
of "Statutes in *Pari materia*". $6+6=12$

3. Write short notes on the following (any **two**):

$6+6=12$

a) Doctrine of Eclipse

b) Doctrine of Pith and substance

c) *Reddendo singula singulis*

d) *Bonam Partem*

4. Explain the maxim "*Ejusdem Generis*" and illustrate
the maxim with the help of decided case laws.

5. Discuss and illustrate 'Golden Rule' as applied to the interpretation of statutes. How far this rule is different from that of the 'Literal Rule' of interpretation? 12
 6. Critically discuss the Benthamite concept of utilitarianism. 12
 7. Define the Internal and External aid of construction of statutes. Explain in detail the importance of Internal Aid in this context. 4+8=12
 8. Discuss the test of constitutionality of statutes with reference to doctrine of severability and colourable legislation. 12
 9. Explain the principles of Interpretation of taxing statute with the help of decided case laws. 12
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