

2014

LAW

(Interpretation of Statutes)

Course No. 2:3

Full Marks : 100

Time : 3 hours

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

Answer question No. 1 and any five from the rest.

1. Write an explanatory notes on: 10x2
 - a) Intention of the Legislature
 - b) Meaning of Statute law, Case law and Customary law.

2. What is 'Mischief Rule' of Interpretation? Explain it with the help of Meydon's case. 16

3. 'The so called 'Golden Rule' is really a modification of the literal rule'. State and explain when courts can depart from the literal rule of construction. 16

4. What is preamble of a Constitution? Discuss its importance as an aid to the interpretation of the Constitution. 4+12

(Please turn over)

5. Write notes on *any two*: 8+8
a) Doctrine of Severability
b) *Ut res magis valeat quam pereat*
c) Judicial activism.
6. What do you understand by Mandatory and Directory provisions of law? Explain how the word '*May*', '*Shall*', '*Must*' and '*As he deces fit*' occurring in a statutes are to be interpreted. 8+8
7. Write notes on: 8+8
a) *Delegatus non potest delegare*
b) Golden rule of interpretation.
8. "*A constitution is to be interpreted in the same manner as any other statutes*". Discuss. Explain the principles of the doctrine of '*pith and substance*' and doctrine of eclipse in the interpretation of the Constitution. 8+8
9. Give a distinction between: 8+8
a) Constitutional interpretation and Statutory interpretation
b) Interpretation and Construction of Statutes.
10. Discuss the principles of law laid down in- 16
M.V. Jorhi vs M.V. Shimpi,
AIR 1961 SC 1494
