

Interpretation of Statutes

(3 Hours)

[Total Marks: 100]

- N.B. (1) Attempt all questions.
(2) Supplements to be tied together.

1. Answer in two to three sentences each :- 2
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- (a) What is construction of a Statute?
- (b) What is government as per General Clauses Act?
- (c) What is an "Act" as per General Clauses Act?
- (d) When will a thing be deemed to be done in "Good faith" as per General Clauses Act?
- (e) What is commencement with reference to an Act of Regulation?
- (f) State the importance of schedule in construction of Statutes?
- (g) What is revival of an Act?
- (h) State and explain the Heydon's Rule.
- (i) Explain the Doctrine of Severability?
- (j) State and explain the principle applied in constructing remedial Statutes? 20
2. Write short notes on any four of the following :-
- (a) Kinds of Repeal (d) Residuary Power
- (b) Doctrine of Repugnancy (e) Statutes in Pari Materia
- (c) Preamble (f) Recovery of Fines. 12
3. Situational problems, solve any two of the following :-
- (a) In *Lakshmi Amal Vs K. M. Madhav Krishnan* the question of interpreting the Court Fees Act was involved. The Hon. Supreme Court held that in those cases where a doubt arises as to whether less Court fee is required in a case or more the benefit must go to the individual concerned and not to the State.
- (i) State and explain the rule of Construction applied by the Honourable Supreme Court.
- (ii) State and explain the basis for the same.
- (b) In *Ashvini Kumar Vs Arbinda Bose* the Hon. Supreme Court held that the Statement of Objects and Reasons accompanying a Bill when introduced in Parliament can not be used to determine the true meaning and effect of the substantive provisions of the statute.
- (i) What is the nature of "Statement of object and reasons as an aid to interpretation" ?
- (ii) State and explain the limited use of Statement of object and reasons as an aid to interpretation".
- (c) In *K. T. Moopil Nair Vs State of Kerala* the constitutionality of the Travencore Cochin Land Tax Act, 1955 was in question. The Hon. Supreme Court held the Act violative of article 14 and 19 (1) (f) before its deletion) in view of the fact that the Act in the guise of taxing a citizen his property was confiscated. 48
- (i) Why did the Hon. Supreme Court hold the above Act violative of the constitution?
- (ii) State and explain competency to enact a Law.
4. Answer any four of the following :-
- (a) Explain the internal aids to Interpretation.
- (b) Briefly deal with the Literal rule of construction.
- (c) Analyze the presumption as regards the validity of Statutes.
- (d) Set out the principles of interpretation of a Penal Statute.
- (e) Set out the highlights of the Purposive rule of Construction.
- (f) Analyze *Ex visceribus actus*.

[TURN OVER]