UNIVERSITY OF NORTH BENGAL

LL.B. (3 yr.) 3rd Semester Examination, 2022

INTERPRETATION OF STATUTES AND PRINCIPLES OF LEGISLATION

PAPER CODE: DE01

Time Allotted: 3 Hours   Full Marks: 100

The questions are of equal value
The figures in the margin indicate full marks.

Answer Question No. 7 and any *four* from the rest

1. (a) In construing statutes, the cardinal rule is to construe its provision literally and grammatically giving the words their ordinary and natural meaning. Explain it with the help of relevant case laws. — 10

   (b) The so-called 'golden rule' is really a modification of the literal rule. Elaborate this statement with relevant case laws. — 10

2. The general rule is that the statute ought to be construed as a whole and the Courts ought to endeavour so far as practicable to reconcile the different provisions so as to make them harmonious and sensible. Elucidate it with relevant case laws. — 20

3. (a) What do you understand by the rule of Ejusdem generis? Explain with the help of cases. — 15+5

   (b) How far the rule of Ejusdem generis is different from the rule of Noscitur a sociis?

4. Define Penal Statute. How the change in criminal justice system has changed the rule of interpretation of Penal statutes over the years? Explain with reference to decided cases. — 2+18

5. Explain the following: — 5×4 = 20
   (a) Statutes in pari materia
   (b) Presumption as to prospective operation
   (c) Generlia specialibus no derogant
   (d) Expressum facit cessare tacitum.

6. (a) What are the various external aids to interpretation of statutes? Refer cases. — 15+5
   (b) Which external aid is effective aid in the process of interpretation according to you? Support your answer with relevant case laws.

7. Write short notes on any *four* of the following: — 5×4 = 20
   (a) Mischief Rule
   (b) Interpretation of Taxing Statutes
   (c) Doctrine of occupied field
   (d) Principle of utility
   (e) Marginal notes as an aid to interpretation
   (f) Distinction between Remedial and Penal Statutes.

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