

End Semester/Reappear (Semester III) Examination December 2022

Programme: LL. B

Course: Interpretation of Statutes

Course Code: 24D.203

Enrolment no. _____

Full Marks: 70

Time: 3 Hrs.

Section I

1. **Short Answer type questions. Answer any four.**

4 x 5 = 20

- What is the need for Interpretation of Statutes?
- Assess the importance of the following in the interpretation of statutes: (i) Preamble (ii) Title
- Write short notes on- i) Exception ii) Proviso
- When should a court resort to external aids to interpretation?
- Under an English law, a ship was to be relieved from liability for delivering cargo at a certain port or ports if it was in the opinion of the master usage to do so in consequences of war, disturbance or any other cause". Whether a port inaccessible in the opinion of the master through ice formation in the sea is also within the exception of the said law. Discuss
- Selling of adulterated butter is an offence under the Prevention of Food Adulteration Act. Under the Act, the term butter is defined as butter prepared exclusively from milk or cream of cow or buffalo or of both. X, who is being prosecuted for selling adulterated butter argues that the butter which he is selling is neither prepared from milk nor cream but from the curd and therefore not covered under the Act. Also it being a penal provision should be construed strictly in his favour. Decide.

Section II

Long Answer type questions. Answer any three.

3 x 10 = 30

- "Courts can declare the law, they can interpret the law, they can remove obvious lacunae and fill the gaps but they cannot entrench upon in the field of legislation properly meant for the legislature". Critically examine the above statement and clearly explain the purpose that various rules of interpretation of statutes are intended to serve
- Discuss how Constituent Assembly Debates serves as an external aid to interpretation
- "Courts can declare the law, they can interpret the law, they can remove obvious lacunae and fill the gaps but they cannot entrench upon in the field of legislation properly meant for the legislature". Critically examine the above statement and clearly explain the purpose that various rules of interpretation of statutes are intended to serve.
- Discuss and illustrate the Golden Rule as applied to the interpretations of Statutes. Discuss how far is the Golden rule different from the Literal Rule
- Bring out clearly 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

Section III

Application based questions. Answer any one.

1 x 20 = 20

7. The Street Offences Act, 1960 was passed to clean up the streets to enable people to walk along the streets without being molested or solicited by common prostitutes. Section 54 of the Act provided that “it shall be an offence for a common prostitute to loiter or solicit in a street or public places for the purposes of prostitution”. Section 5 provided punishment of imprisonment upto two years for anyone found guilty under section 4 of the Act. G, a prostitute standing in a balcony, projects her solicitations addressed to B and his friends who were walking in the street. G is charged under the aforesaid Act. She takes the plea that she was not soliciting “in a street” as she was not physically present in the street and that the statute being penal in nature, the court must adopt the construction that favoured her. Decide with the help of relevant rules of interpretation of statutes.
8. Explain how ‘Dictionary Definitions’ can be of great help in interpreting/constructing an Act when the statute is ambiguous?
9. Write short notes on –
 - a) Long title
 - b) Short title
 - c) Section
 - d) Marginal notes
 - e) Effect of repeal of a statute in the light of section 6 of the General Clauses Act
