

INTERPRETATION OF STATUTES

Time: 3 Hours

Maximum Marks: 50

PART - AAnswer ANY FOUR questions. Each question carries FIVE marks.

(4x5=20)

- I. What do you mean by *Non-obstante* clause in a statute? Differentiate it with the legal fiction.
- II. What is the mischief rule of interpretation of statutes? Explain with the help of case laws.
- III. What do you mean by *Generalia specialibus non derogant*?
- IV. Explain the principle of sympathy and antipathy. *pro. sense, benevolence, possession, gift knowledge*
- V. Distinguish between Codifying and Consolidating statute.
- VI. Explain the principle of statutes in *pari materia*

PART - BDecide ANY ONE of the problems. The question carries TEN marks.

(1 x 10)

- VII. Section 1 (1) of the Human Fertilisation and Embryology Act, 1990 define embryo to mean 'a live human embryo where fertilisation is complete'. But after 1990, a new scientific method called Cell Nuclear Replacement (CNR) was developed by scientists by which an embryo could be produced without fertilization known as cloning.
Explain whether the embryo produced not by fertilisation but by Cell Nuclear Replacement (CNR) could be covered under section 1 (1) of the Act and whether the Human Fertilisation and Embryology Authority have any authority to licence research with regards to process of cloning in which embryos are created without fertilization. Discuss the problem with the help of decided cases.
- VIII. Infrastructure development charges were being collected compulsorily by Chennai Metropolitan Development Authority on behalf of Chennai Sewerage Board. An aggrieved businessman questioned the authority on the same. It was replied that the charges collected was towards tax. The businessman filed a complaint against the compulsory collection of infrastructure development charges in the guise of tax. Discuss the problem with the help of case laws.

PART - CAnswer ANY TWO essay questions. Each question carries TEN marks.

(2 x 10= 20)

- IX. "The question as to whether a statute is mandatory or directory depends upon the intent of the Legislature and not upon the language in which the intent is clothed. The meaning and intention of the Legislature must govern, and these are to be ascertained not only from the phraseology of the provision, but also by considering its nature, its design, and the consequences which would follow from construing it the one way or the other." Discuss it elaborately with case laws.
- X. What are the admissible and non-admissible parts of a statute according to internal aids to construction? Discuss with the help of case laws. *Title, Preamble, Schedule, conjunction, clauses, subsections, definitions, explanations, exemptions, proviso, illis conf.*
- XI. The distinction between liberal and strict construction has very much narrowed down and is only important in resolving a doubt which other canons of construction fail to solve when two or more constructions are equally open. Discuss the principles of construction on remedial and penal statutes in the light of above statement.