

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

Course: **Interpretation of Statutes**
Semester-IV (Batch: 2014-19)

Mid Semester Test: Feb-Mar. 2016



Date: 1st March, 2016

Duration: 2 hours

Max. Marks: 30

Instructions:

- Read the questions properly and write the answers in the given answer book.
- The respective marks for each question are indicated in-line.
- Do not write anything on the question paper.
- Indicate correct question numbers in front of the answers.
- No questions or clarifications can be sought during the exam period, answer as it is, giving reason, if any.

Answer any three questions

Marks

- Q.1 “It is a general judicial experience that in matters of law involving questions of construing statutory or constitutional provisions, two views are often reasonably possible and when judicial approach has to make a choice between the two reasonably possible views, the process of decision making is often very difficult and delicate”. Elucidate the above proposition in brief with special reference to the basic principles of interpretation or construction. (10)
- Q.2 “It is deeply regrettable that in our Courts of Law, lawyers quote Maxwell and Craies but nobody refers to the Mimansa Principles of Interpretation. Today our so-called educated people are largely unaware about the great intellectual achievements of our ancestors and the intellectual treasury they have bequeathed us. The Mimansa Principles of Interpretation are part of that intellectual treasury, but it is distressing to note that apart from a reference to these principles in the judgment of Sir John Edge, the then Chief Justice of Allahabad High Court, in *Beni Prasad v. Hardai Devi* (1892) ILR 14 All 67 (FB), there has been almost no utilization of these principles even in our own country. It may be mentioned that the Mimansa Rules of Interpretation were our traditional principles of interpretation used for over two and a half thousand years, laid down by Jaimini who’s Sutras were explained by Shabar, Kumarila Bhatta, Prabhakar, etc. These Mimansa Principles were regularly used by our great jurists like Vijnaneshwara (Author of Mitakshara), Jimutvahana (Author of Dayabhaga), Nanda Pandit, etc. whenever they found any conflict between the various Smritis or any ambiguity or incongruity therein. There is no reason why we cannot use these principles on appropriate occasions. However, it is a matter of deep regret that these principles have rarely been used in our Courts of Law. It is nowhere mentioned in our Constitution or any other law that only Maxwell’s Principles of Interpretation can be used by the Court. We can use any system of interpretation which helps us to solve a difficulty. In certain situations Maxwell’s principles would be more appropriate, while in other situations the Mimansa principles may be more suitable”.
- Discuss the above proposition in the light of the relevant case law along with your own views.
- Q.3 A construction that result in hardship, serious inconvenience, injustice, absurdity, or anomaly or which leads to inconsistency or uncertainty and friction in the system which the statute purports to regulate has to be rejected and preference should be given to that construction which avoids such results. Explain with the relevant case laws. (10)

Q.4 Write short note on

(2x5=
10)

- (a) Difference between Interpretation and Construction
- (b) Punctuations and Illustrations
