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23 (Sem-2) MOIS 2.3

2010

## METHODS OF INTERPRETATION OF STATUTES

Paper : 2.3

Full Marks : 80

Pass Marks : 32

Time : Three hours

*The figures in the margin indicate full marks for the questions.*

1. In our country we had developed since very early times a scientific system of Interpretation. Explain the system referred above. Give a comparative analysis of earlier principles as well as that of modern development. 8+6=16

Or

- 1A. Explain in details the conditions, to be considered for applying the rule of literal interpretations. Illustrate different criticisms of the rule. 10+6=16

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2. Explain the rule, laid down in Heydon's case. State in short the facts of the case. Make a critical note on it. How do you suggest for some additional conditions over and above those already laid down in the said case?  $6+2+4+4=16$

Or

- 2A. What do you mean by the term "General words"? State the rules, required to be followed for interpretation of general words. "Ejusdem Generis rule is a good servant but a bad master", explain.  $2+8+6=16$

3. Explain the term "Restrictive and extensive definitions". How does context influences in interpreting words, which has already been defined in the statute? Explain "proviso and explanation" as aid to interpretation.  $4+4+6+2=16$

Or

- 3A. Explain the English and American practice relating to adaption of parliamentary history as an aid to interpretation. What is the position in India? What do you mean by "Statutes in parimateria"? Give suitable examples.  $6+4+4+2=16$

4. State the differences, if any, in respect of interpretations of the Constitution and that of any other statutes. How does preamble helps, in interpreting our Constitution of India? How does judicial construction helps in moulding the law of the country? Explain with illustrations.  $6+5+5=16$

Or

- 4A. Explain the difference of penal and remedial statutes. Is there any difference in interpreting those two types of statutes?

Explain the terms "strict construction" and "liberal construction" of statutes, with apt illustrations.  $6+4+6=16$

5. "With the change of time, the gaps and ambiguities proliferate as society changes, adapts to the statute and generate new variations on the problems initially targetted by the statute".

Explain the gaps and ambiguities stated above. How does it occur? State the proper interpretation in this context.  $7+3+6=16$

Or

- 5A. Explain what do you mean by dynamics of statutory interpretation. State the reasons which require such types of interpretation of a statute. Give a brief criticism on it.  $8+4+4=16$