

Total number of printed pages-3

23 (Sem-2) MIST 2.3

2011

**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. Discuss critically the preamble of the Constitution of India, stating its objectives and utility as has been pointed by the judiciary. State the interpretational value of the preamble of the Constitution and that of other statutes. 10+6=16.

Or

Discuss the principles to be followed in interpreting penal statutes with exception, if any. Narrate the relevant constitutional provisions. Explain the Mischief rule of interpretation in interpreting penal statutes. 8+4+4=16

2. Explain Non-obstante clause, Proviso, Explanation and Schedules as aids to the construction of statutes, stating relevant provisions of any legislation with leading case laws. State the distinctions between proviso, exceptions and Saving clause in a statute.  $12+4=16$

Or

What do you mean by statutes in *pari-materia*? Discuss with suitable illustrations. State the limitations of it, in applying as an aid to interpretation. Explain, how does contemporaneous event help in interpretation.  $3+3+4+6=16$

3. "Changes in Society and law drive statutory interpretation in dynamic direction."  $16$   
Explain with suitable illustrations.

Or

How do you ascertain the ambiguity in a statute? Discuss different types of ambiguity. Is it constant or dynamic in nature? Explain with illustrations.  $6+6+4=16$

4. What are mandatory and directory provisions of a statute? State the points of difference between

those provisions. Critically assess those points of difference. State and explain whether the word "may" may also be used in the sense of "shall" and "must" or not.  $3+6+4+3=16$

Or

Explain the exceptions to the rule of *ejusdem generis*. How do you justify that it is a good servant but bad master? State, how does *ejusdem* general rule differ from other rules of interpretation of general words.  $6+4+6=16$

5. Discuss critically the limitations of the literal rule of interpretation. Is it safe to apply literal rule in each and every case, where the meaning is clear? How does it differ from Golden rule of interpretation.  $8+4+4=16$

Or

Explain the mischief rule of interpretation. How does it apply in the modern legislation? Explain the rule in the context of recent development of laws regarding corruption in India.  $8+3+5=16$