

14 (LLM-2) 2.3 MIST

2013

LLM

Paper : 2.3

(Methods of Interpretation of Statutes)

Full Marks : 80

Time : 3 hours.

The figures in the margin indicate full marks for the questions

1. What do you understand by the term 'general principles of interpretation'? Analyse the concept with regard to primary rules as well as other main principles of interpretation.

4+6+6=16

Or

"A statute is an edict of the legislature and the conventional way of interpreting or construing a statute is to seek the 'intention' of its maker."

Write an exhaustive note on the intention of the legislature in making a statute. Cite case laws.

16

Commerce Point

2. Make a detailed analysis of the rule of literal construction in the light of the following :

4×4=16

- (a) Natural and grammatical meaning
- (b) Explanation of the rule
- (c) Exact meaning preferred to loose meaning
- (d) Technical words in technical sense

Or

Explain the rule laid down in Heydon's case. Briefly state the facts of the case. Can you suggest some additional conditions over and above those already laid down in the said case?

12+4=16

3. Analyse the internal aids to construction with reference to long title, headings, marginal notes, punctuations as well as illustrations.

16

Or

What is external aids to construction? Discuss the importance of the following as external aids to construction :

- (a) Historical facts
- (b) Later social, economic, political development and scientific inventions.

- (c) Reference to other statutes
- (d) Dictionaries
- (e) Use of foreign decisions

4. State the differences, if any, in respect of interpretations of the Constitution and that of any other statutes. How does preamble helps, in interpretation of our Constitution of India? How does judicial construction help in moulding the law of the country? Explain with the help of case laws.

6+5+5=16

Or

Write an exhaustive note on the strict construction of Penal statutes with the help of illustrative cases.

16

5. What do you understand by dynamics of statutory interpretation? What prompted the judiciary to adopt dynamism in interpreting the statutes?

8+8=16

Or

How do you visualise the dynamic role played by the judiciary in interpreting various provisions of the Constitution of India? Explain with special reference to the Part III of the Constitution of India.

6+10=16
