

Total number of printed pages—4

23 (LLM-2) MIST 2-3

2014

**METHODS OF INTERPRETATION
OF STATUTES**

Paper : 2-3

Full Marks : 80

Time : Three hours

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

1. "Every word in a statute to be given a meaning"
— Explain with reference to general principles of
interpretation: 16

OR

Explain the basic principle of interpretation —
"Statute must be read as a whole". 16

Contd.

57

2. "A statute is not passed in vacuum but in a framework of circumstances so as to give a remedy for a known state of affairs. To arrive at its true meaning one should know the circumstances with reference to which the words were used and what was the object appearing from those circumstances which Parliament has in view" — Make a critical appraisal of the above in the light of Heydon's Rule as applied in the Interpretation of Statutes".

OR

The principle of *eiusdem generis* has to be applied with ease and caution. It is not an inviolable rule of law; but only permissible inference in the absence of an indication to the contrary, and where the context and object of the enactment do not require restricted meaning to be attached to the words of general importance, it becomes the duty of the courts to give those words their plain and ordinary meaning — Comment critically. 16

3. What are internal and external aids to the interpretation of statutes. Assess the importance of *any two* of the following in the Interpretation of Statutes —
- Long Title
 - Proviso
 - Parliamentary history
 - Explanation.

OR

"External aids are subsidiary aids in Interpretation of Statutes". Explain. 16

4. Bring out the distinction between Penal and Remedial Statutes and the rules of interpretation applicable to them. Discuss the current judicial trend in the interpretation of Penal Statutes. 16

Or

Write notes on : (*any two*)

8+8=16

- Doctrine of Pith and Substance
- Doctrine of Colourable Legislation
- Doctrine of Severability
- Doctrine of Implied Prohibition.

5. What do you mean by dynamics of interpretation? Explain — "in the interpretation of the Constitution, the judicial approach should be dynamic than static; pragmatic than pedantic and elastic than rigid. 16

Or

“Under a system of separated powers, the statutory interpreter is a different person from the people enacting the statute. The Interpreter’s perspective makes a difference in statutory interpretation — two different people acting in good faith often interpret the same text in different ways.” Explain critically.

16