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14 (LLM-2) 2-3

2015

LAW

Paper : 2003

*(Method of Interpretation of Statutes)*

Full Marks : 80

Time : Three hours

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

1. "Good enactments are those which have least ambiguities, inconsistencies, contradictions or lacunas. Bad enactments are gold mine for lawyers because for half of the litigations the legislative draftsmen are undoubtedly the cause." Explain in the light of general methods of interpretation of statutes. 16

Or

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

Contd.

Examine the question as to whether a state is bound by a statute or not in India? Answer with the help of decided cases.

16

Or

What are internal aids? How do they help in interpretation of statutes? Refer to decided cases in support of your answer.

16

3. "Where the words of a statute are plain, precise and unambiguous, the intention of the legislature is to be gathered from the language of the statute itself and no external aid is admissible to construe those words." Discuss with the help of decided cases.

16

Or

Examine with decided cases the role of Preamble and the Directive Principles of state policy in the interpretation of the Indian Constitution.

16

4. What is meant by strict interpretation of penal statutes? Why should they be construed so?

16

Or

Discuss the importance of parliamentary history, government publications and dictionaries in the interpretation of statutes.

16

5. Explain ejusdem generis rule. When it can be applied? Do you agree with the view that it must be applied with caution and subject to the primary rule that statutes are to be construed in accordance with the intention of parliament? Answer with reasons.

16

Or

"The rules of interpretation come into play only where clarity or precision in the provisions of the statute are missing". Explain. How far the Indian judiciary interpreted the words "shall" and "may" in the course of interpretation? Whether 'context' has any relevance in the interpretation of the above words? Answer with the help of decided cases.

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