

2019

**METHODS OF INTERPRETATION  
OF STATUTES**

Paper : 2003

Full Marks : 80

Time : Three hours

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

1. What is Interpretation and Construction?  
✓ Distinguish between them with the help of  
an example. Also write a comprehensive note  
on the needs of Statutory Interpretation?

8+8

**OR**

If there is inconsistency between a provision  
of substantive law and a provision of  
procedural law, which shall prevail over the  
other? How to resolve the conflict? Advance  
reasons in support of your answer.

16

*Contd.*

2. The principle of *ejusdem generis* has to be applied with *care* 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 import, it becomes the duty of the court to give those words their plain and ordinary meaning — Comment critically.

16

**OR**

“The rule of construction is well-settled that when there are in an enactment two provisions which cannot be reconciled with each other they should be so constructed that, if possible, effect should be given to both. This is what is known as the rule of harmonious construction” — Discuss the important aspects of this rule with the help of decided cases that you know.

16

3. Attempt briefly *any two* of the following :  
8+8

(a) Preamble and Statement of objects and reasons.

(b) How ‘Text Books’ are important in Interpretation of Statutes.

(c) Legislative history as an external aid to construction.

(d) The function of the court is to interpret the law and not to legislate.

**OR**

‘Language is an obscure means of communication’ — Justify the statement by stating the problem existing in understanding legal language with the help of internal and external aids to interpretation.

16

4. ‘Beneficial construction is a tendency rather than a rule’ — Advance reasons in support of your answer.

16

**OR**

Explain the concept of taxing statute. What are the principles for interpretation of taxing statutes? Explain with decided cases.

16

5. What according to you, is dynamic interpretation? Should criminal statutes be interpreted dynamically? Explain with the help of dynamic Judicial opinions given in various pronouncements. 16

**OR**

“On what basis of the law we can plan our lives when we can't predict what that law will be tomorrow? Are courts that are attracted to dynamic statutory interpretation teaching us that we can no longer rely on the rule of Law in our daily lives because months or years later the court can use policy considerations to make new law and apply that law to us? Explain. 16

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