PG Even Semester (SPL) Exam., May—2017

LAW

(2nd Semester)

Course No. : LLM–204 (C)

(Interpretation of Statutes)

Full Marks : 75
Pass Marks : 30

Time : 3 hours

The questions are of equal value

Answer **one** question from each Unit

UNIT—I

1. Interpretation of statutes is the art of giving meaning to the words, phrases and sentences used in the statute. Is it necessary for the Court to interpret the statutes?

2. What principle is applied in interpretation of a statute with regard to language, grammar, subject-object and consideration of the consequences?

UNIT—II

3. It is true that the function of the Courts is to fill in gaps and omissions. However in exceptional cases, the Courts have to perform this function in accordance with golden rule of interpretation. Explain.

4. It is a sound rule of interpretation that a statute should be construed as to prevent the mischief and advance the remedy according to the real intention of the makers. Discuss with reference to the mischief rule.

UNIT—III

5. How does the Preamble help as an internal aid to interpretation? Explain with reference to the Preamble to Constitution of India.

6. Write a critical note on the maxims of interpretation. How do the maxims help in the interpretation of statutes?

UNIT—IV

7. In interpretation of statutes, presumptions mean that the Court must proceed to interpret with the conception of correctness of certain things. Discuss with illustrations.

8. "A taxing provision must receive a strict construction at the hands of the Courts and if there is any ambiguity, the benefit of that ambiguity must go to the assessee." Discuss.

UNIT—V

9. Discuss the nature and scope of judicial activism. Discuss the attempts made to curb the power of Courts as well as access to them.

10. Discuss the salient features of the General Clauses Act. Emphasize the importance of this Act in interpretation of statutes.

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