

TKN/KS/16-7275

**Ninth Semester B. A. LL. B (Five Years
Course) Examination**

(Credit Based System)

Course Code – 9.2

INTERPRETATION OF STATUTE

Time : Three Hours]

[Max. Marks : 80

- N. B. : (1) All sections are compulsory. marks.
(2) Section A carries 10 marks. Section B carries 30 marks. Section C carries 40 marks.
(3) Follow the instruction given in each section.

SECTION A

(Multiple Choice Questions)

Note : This section consist of one question having subquestions carrying one mark each.

1. Attempt any **ten** of the following :—

- (i) Which of the following statement is wrong ?
- (a) Morals and law are closely related to each other owing to common origin, yet they are distinguishable from each other.
- (b) When a word is susceptible to only one meaning, it is called ambiguous'.
- (c) Statutes dealing with procedure can be retrospectively operated.
- (d) Legislature grants jurisdiction to civil courts.

(ii) Perpetual statutes ———.

- (a) never expire but may be repealed.
(b) do expire but cannot be repealed.
(c) never expire but can never be repealed.
(d) do expire but can be repealed also.

(iii) The date of commencement of law refers to :

- (a) The date on which the bill is prepared and presented before a House of Parliament.
(b) The date on which bill is passed by either house of parliament.
(c) The date on which assent of President is received.
(d) The date on which the law is actually brought into force, which may be the date of concurrence of President or any future date appointed by legislature.

(iv) Which of the following statutes are liberally construed ———.

- (a) Penal statutes (b) Fiscal statutes
(c) Beneficial statutes (d) None of above

(v) Which of the following is not an internal aid to construction.

- (a) Preamble (b) Dictionary
(c) Explanations (d) Interpretation clause

(vi) A law is invalid if ———.

- (a) it is inconsistent with any provision of constitution of India

- (b) it is enacted by incompetent legislature
 - (c) Both (a) and (b) above
 - (d) Neither (a) and nor (b)
- (vii) It is well settled basic principle of interpretation that the statutes must be read as a whole. This is expressed by following maxim
- (a) ut Res Magis valeat Quam pereat.
 - (b) Ex. Viceribus Actus.
 - (c) Generalia specialibus non Derogant.
 - (d) Ejusdem generis.
- (viii) Which of the following statements is correct ?
- (a) The language of provision ereating legal fiction usually commences with the words as if or "deemed to be".
 - (b) The rule of "words of Rank" is the extension of Heydon's rule.
 - (c) Parliamentary history is a good internal aid to construction.
 - (d) Laws creating new offences can be retrospective.
- (ix) The intention of legislature ——
- (a) needs to be ascertained when it is lost
 - (b) becomes doubtful due to ambiguity of words
 - (c) must be primarily gathered from the language used in the statutes
 - (d) all above are correct.

- (x) Mark incorrect statement
- (a) Rule of literal construction is the safest rule of interpretation.
 - (b) Statutes dealing with substantive rights can be prospective only.
 - (c) Non obstante caluse is also known as deeming provision.
 - (d) Conjunctive words join two clauses whereas disjunctive words separate them.
- (xi) Legislature is competent to delegate to a subordinate authority its power to ——
- (a) Make rules, regulations, bye laws etc. for its own governance
 - (b) Prescribe offence and punishment therefor
 - (c) Amend the law
 - (d) Repeal a law
- (xii) With respect to mandatory provision, which of the following statement is correct ?
- (a) Use of 'shall' renders a provision mandatory.
 - (b) Use of 'may' renders a provision mandatory.
 - (c) Irrespective of use of 'shall' or 'may' a provision is rendered mandatory if consequence of non compliance is provided.
 - (d) none of above.
- (xiii) Mark the statement which is wrong ——
- (a) Civil courts are the courts of general jurisdiction.

- (b) Every civil court is vested with original and appellate jurisdiction.
 - (c) Civil courts are competent to entertain, try and decide all matters of civil nature.
 - (d) Legislature is competent to curtail the jurisdiction of civil courts.
- (xiv) A law comes to an end when ———.
- (a) it is repealed
 - (b) it has completed its prescribed life time
 - (c) it is declared by a competent court to be unconstitutional
 - (d) All above
- (xv) The authority of precedent is lost
- (a) When it is passed by equally divided court
 - (b) When it is abrogated or overruled by a subsequent judgement
 - (c) When it is passed in ignorance of any existing statute
 - (d) All above cases.

SECTION B

(Short Answer Questions)

Note : Both the Questions are compulsory.
Each question carrying 15 marks.

2. Write short notes on any **three** :—
- (a) NOSCITUR A sociis

- (b) Ejusdem generis.
- (c) Role of explanations in interpretation of statute.
- (d) Marginal notes. 3x5=15

3. Write short notes on any **three** of the following :—
- (a) Beneficial construction.
 - (b) External Aids to Interpretation.
 - (c) Legal fiction.
 - (d) Golden Rule. 3x5=15

SECTION C

(Long Answer Questions)

Note : Attempt any Five questions. Each questions carries eight marks.

- 4. Explain the terms "expiry" and "repeal". Discuss the consequence of repeal of a statute.
- 5. Explain the role of "Preamble" and "Proviso" in interpreting a provision.
- 6. Discuss the principles of liberal construction of beneficial laws.
- 7. Describe the presumption against retrospectivity which laws can be respectively operated.

8. What do you understand by delegated and conditional legislation ? What functions can be delegated by legislature ?
9. Explain the rule of Harmonious construction.
10. What are external aids to construction ? When they can be invoked ? Discuss Parliamentary History and “Historical facts and surrounding circumstances” as aids to construction. Explain the rule of literal construction.
11. Write an explanatory note on 'Judicial Review'.

8x5=40