

Sixth Semester LL.B. Three Years Course (C.B.S.) Examination

INTERPRETATION OF STATUTE

Compulsory Paper—1

Time : Three Hours]

[Maximum Marks : 80

Note :—(1) Attempt all Sections. Section 'A' consists of 10 marks, Section 'B' consists of 30 marks and Section 'C' consists of 40 marks.

(2) Follow the instructions given in each Section.

(3) Marks are indicated against each question.

SECTION–A

1. Choose the correct alternative (any **ten**) :

- (i) The rule laid down in Heydon's Case is called _____.
 - (a) Harmonious rule
 - (b) Mischief rule
 - (c) Proper rule
 - (d) None of these
- (ii) The power of a Court to hear a particular matter is referred to as :
 - (a) Delegation
 - (b) Consideration
 - (c) Authorization
 - (d) Jurisdiction
- (iii) Ejusdem Generis means :
 - (a) By legal fiction
 - (b) Of the same kind
 - (c) Statute must be read as a whole
 - (d) Harmonious construction
- (iv) Which of the following is a presumption in law ?
 - (a) Every statute enacted by legislature is valid.
 - (b) The vested rights are not taken away by a fresh legislature.
 - (c) All laws are prospective in operation.
 - (d) All of the above.
- (v) Where a provision employs the words "as if" or "deemed to be", it is called _____.
 - (a) Interlocutory provision
 - (b) Saving clause
 - (c) Deeming provision or legal fiction
 - (d) Interpretation clause
- (vi) Which of the following is an external aid to Construction ?
 - (a) Proviso
 - (b) Historical facts and surrounding circumstances
 - (c) Title
 - (d) Preamble
- (vii) Fundamentally interpretation is of _____.
 - (a) One kind i.e. literal
 - (b) Two kinds i.e. literal or grammatical and logical
 - (c) Both (a) and (b)
 - (d) None of the above
- (viii) "A Judge must not alter the material of which the Act is woven but he can and should iron out the creases" ----- was stated by :
 - (a) Lord Denning
 - (b) Lord Marshal
 - (c) Salmond
 - (d) Austin
- (ix) Enabling Provision can be _____.
 - (a) Mandatory
 - (b) Directory
 - (c) Partly both mandatory and directory
 - (d) None of the above
- (x) The 'Golden Rule' of statutory interpretation state that _____.
 - (a) Words should be given their plain meaning
 - (b) Acts should be interpreted in such a way that manifest absurdity or injustice is avoided
 - (c) Treat others in the same way that you would like to be treated
 - (d) None of the above
- (xi) 'Reddendo Singular Singularis' means _____.
 - (a) Giving each to each
 - (b) Giving decision
 - (c) Misrepresentation
 - (d) None of the above

- (xii) A Verbis Legis Non Est Recedendum means :
 (a) You must vary the words of statute
 (b) You must not vary the words of a statute
 (c) Both (a) and (b)
 (d) None of the above
- (xiii) Noscitur A Socis means _____.
 (a) Word is known by its companions (b) Word is known by its meaning
 (c) Word is social (d) All of the above
- (xiv) A proviso to a Section in a statute is _____.
 (a) An independent Section (b) Not an independent Section
 (c) Can't say (d) None of the above
- (xv) 'Ex Visceribus Actus' means _____.
 (a) Within the four corners of the Act (b) Within the provision
 (c) Out of the legal provision (d) All of the above

1×10=10

SECTION-B

Note :— Both the questions in this Section are compulsory.

2. Answer the following (any **three**) :
 (a) Explain the rule of Construction under the General Clauses Act, 1987.
 (b) What do you mean by 'Casus Omissus' ?
 (c) Explain preamble as an internal aid to construction.
 (d) What is the distinction between internal and external aids of interpretation ?
3. Write short notes on (any **three**) :
 (a) Golden rule of interpretation.
 (b) Doctrine of pith and substance.
 (c) Contemporanea Expositio.
 (d) Express and implied repeal.

5×3=15

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SECTION-C

Note :— Answer any **five** questions of the following :

4. Explain the delegated and conditional legislation and draw distinction between them.
 5. What is meant by prospective and retrospective operation of statutes ? Discuss the presumption against retrospectivity.
 6. Discuss the following :
 (a) Codifying and consolidating statutes.
 (b) Mandatory and directory provisions.
 7. Explain the ratio laid down in Heydon's case.
 8. "A statute must be construed literally and grammatically giving the words their ordinary and natural meaning." Explain.
 9. Explain the principles of strict construction of taxing statutes.
 10. Enumerate and discuss external aids in interpretation of statutes.
 11. Discuss the principles of strict construction of penal statutes.

8×5=40