

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

INTERPRETATION OF STATUTE

Compulsory Paper—1

Time : Three Hours]

[Maximum Marks : 80

N.B. :— (1) Attempt **ALL** sections : Section 'A' consists of **10** marks, Section 'B' consists of **30** marks, 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*) : 10

(i) Which rule of statutory interpretation should judges apply first ?

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|-------------------|------------------------|
| (a) Golden rule | (b) Purposive approach |
| (c) Mischief rule | (d) Literal rule |

(ii) _____ is the kind of ambiguity that is not apparent.

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|-----------------------|---------------------------|
| (a) Latent ambiguity | (b) Patent ambiguity |
| (c) Current ambiguity | (d) Exceptional ambiguity |

(iii) Pitch and substance relates to :

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|---|------------------------------------|
| (a) Presumption against retrospectivity | (b) The true object of legislation |
| (c) Mandatory provisions | (d) Directory provisions |

(iv) The doctrine of "Ut Res Magis Valeat Quam Pereat" means :

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|---|
| (a) Colourable legislation |
| (b) It may rather become operative than null |
| (c) Not fully argued |
| (d) Judicial decisions have bending character |

(v) When no time is fixed for its duration and such a statute remains in force until it is repealed, such statutes are _____ statutes.

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|---------------|-----------------|
| (a) Temporary | (b) Prospective |
| (c) Perpetual | (d) Directory |

(vi) _____ means same subject matter.

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|---------------------|------------------|
| (a) Orbiter Dictum | (b) Per Incurian |
| (c) Ratio Decidendi | (d) Pari Materia |

(vii) Which statutes are strictly construed ?

- (a) Penal (b) Beneficial
(c) Fiscal (d) Remedial

(viii) The maxim says that associated words take meaning from one another :

- (a) Noscitur A Sociis (b) Non obstante
(c) Lex non cogit ad impossibilia (d) Ubi jus ibi remedium

(ix) The Latin terminology for statute must be read as a whole in its context is :

- (a) Ex Visceribus Actus (b) Visceribus Actus
(c) Ex Actus (d) Ex Visceribus

(x) Punctuation marks are _____ aid to construction.

- (a) External (b) Subsequent
(c) Internal (d) Literal

(xi) Liberal construction can be applied only when there is clear ambiguity. This statement is _____.

- (a) True (b) False
(c) Party false (d) Partly true

(xii) Precedents created by Supreme Court are binding upon :

- (a) High Courts (b) Lower Courts
(c) Supreme Court (d) All courts subordinate to it

(xiii) Which one of the following is not the basic principle of interpretation ?

- (a) Legal fiction (b) Rule of last antecedent
(c) Intention of legislature (d) Harmonius rule

(xiv) _____ is a statement given in the statutes in the beginning which sets out the scope, object and purpose of the statute.

- (a) Title (b) Definition
(c) Heading (d) Preamble

(xv) In which case the Mischief rule was lucidly explained ?

- (a) Becks case (b) Howard's case
(c) Heyden's case (d) Hey Manns case

SECTION—B

Note :— Both questions in this Section are compulsory.

2. Answer the following (any *three*) : 5×3=15
- (a) Distinguish between remedial and penal statutes.
 - (b) Explain statutes in Parimatania.
 - (c) Explain rule relating to strict construction of statutes.
 - (d) Write a note on Foreign Decisions.
3. Write short notes on (any *three*) : 5×3=15
- (a) Mensrea in statutory offences
 - (b) Evasion of statute
 - (c) Contemporanea expositio
 - (d) Commencement of statute.

SECTION—C

Note :— Answer the following (any *five*). 8×5=40

4. What are the general principles governing the retrospective operation of a statute ?
5. Explain the function of a proviso to a section in an Act and bring out distinction between proviso, exception and saving clause.
6. “The first and primary rule of construction is that the intention of legislature must be found in the words used by legislature itself.” Gajendra Gadkari. Explain.
7. What do you understand by repeal of a statute ? Distinguish between express and implied repeal. What are the consequences of repeal ?
8. What is meant by internal aid to construction ? When internal aids can be lawfully invoked for interpretation of statutes ? Give an account of various interval aids.
9. Explain the rule of Harmonious Construction.
10. Explain the Mischief rule and how it is different from literal rule.
11. Whether judicial review amounts to encroachment on legislative power ? Explain.