

Exam	Sem. / Part / Year	Subject	Day	Date	Time	Cod
276 & 277 LL.B. (SEM. V) (THREE YEAR DEGREE COURSE) AND FIFTH YEAR LL.B. (FIVE YEAR COURSE) (SEM.IX) EXAMINATION, OCTOBER, 2014	(SEM V & IX)	Interpretation of Statutes	Friday	05-12-2014	11.00 am to 02.00 pm	1771

QP Code : 17713

- N. B. :** (1) All Questions are compulsory.
 (2) Figures to right indicates marks
 (3) Give case-law and reasons wherever necessary.

(3Hours)

[Total Marks : 100

1. Answer the following in not more than two sentence each. 20
 - (a) What do you mean by 'Absurdity'?
 - (b) What is 'Harmonious Construction'?
 - (d) What is the rule about 'anomaly'?
 - (e) What is the doctrine of 'implied over ruling'?
 - (f) What is the meaning of a 'Proviso'?
 - (g) What is the meaning of 'Operation of statute'?
 - (h) What is the meaning of 'exclusion or ouster of jurisdiction'?
 - (i) Explain the term 'abet' as per General Clauses Act, 1897?
 - (j) What is the meaning of 'Remedial statutes'?

2. Write short notes on any four of the following :- 20
 - (a) Presumption as to jurisdiction of courts.
 - (b) Grammatical and Logical interpretation of statutes.
 - (c) The rule of 'Ejusdem Generis'.
 - (d) Short Title and Long Title of a statute.
 - (e) Role of punctuation marks in the interpretation of statutes.
 - (f) Dictionaries as external aid to construction.

3. Attempt any Two of the following :- 12
 - (a) A Session Trial was being conducted in a court. The advocate for the accused was urging the court to hold trial against a co-accused aged 17 also, along with the adult accused. The Juvenile Justice Act could not allow this. The advocate referred to the amended Sec 376 of IPC and urged that since there was public outcry at time of Nirbhaya Rape case in Delhi, Juvenile in such crime also should be tried in sessions court just as adult accused, such mention might have been wrongly left out to be written provision.
 - (1) Would this argument of the advocate of accused be upheld by court? Why?
 - (2) Comment on 'Casus omisus' briefly and state if it is applicable to this situation.
 - (b) A new law came into existence in Maharashtra giving interest free loan to persons registered for doing B...

- (1) Can this Act of 2014 be applied retrospectively, without such mention in the statute?
- (2) Why all new Acts are prospective and not retrospective unless so specified?
- (c) The words "fruit juices" were used in a context of case before a High Court, pertaining to "beverages". It was argued that 'fruit juices' meant "fresh fruit juices".
 - (1) Can such additional meaning be drawn while interpreting a general words to mean less general words?
 - (2) Is the doctrine of Noscitur A sociis having a role to play while interpreting these words?

4. Answer the following questions in details. (Any 4)

48

- (a) Fully explain the role of internal and external aids of interpretation of statute.
- (b) "'Legislative' intention is a guiding light in interpretation of statute"- Explain fully stating how such legislative intention is to be gathered?
- (c) Fully discuss the provisions of sec.6 of the General clauses Act.
- (d) Explain 'Repeal of a statute' and discuss in detail the effect of repeal.
- (e) Which are the various 'external aids' of interpretation of statutes? Explain them in detail with your comment about utility of each of them
- (f) Explain in full the "Presumption of constitutionality" of statutes.