

LL.B. SEMESTER - V (THREE
YEAR DEGREE COURSE)
AND FIFTH YEAR LL.B
(FIVE YEAR COURSE)
SEMESTER - IX
EXAMINATION, SECOND
HALF, 2015

SEM - V &
SEM - IX

Interpretation of Statutes.

Rs. 15/-

Tuesday, November 24, 2015

11:00 a.m. to
02:00 p.m.

QP Code : 23648

(3 Hours)

[Total Marks : 100

- N. B. :** (1) All questions are compulsory.
(2) Figures to the right indicate full marks.
(3) Give reasons / case-law wherever necessary.

1. Answer the following in not more than two sentences :- 20
- (a) What do you understand by 'Repeal' of a statute?
 - (b) What is the main crux of the principle of 'Mischief Rule' of interpretation of statutes?
 - (c) What is the meaning of 'schedules' in the statutes? What is their role in the statutory interpretation?
 - (d) Briefly express what is the meaning of 'internal and external aids' in constructing the statutes.
 - (e) What is the meaning of 'Mens Rea'? Is it applicable to the offences under the Indian Penal Code?
 - (f) What do you mean by 'sub-delegation'? When is it valid?
 - (g) What is the meaning of the rule of 'Ejusdem Generis'?
 - (h) Explain how 'Legislative Debates' are important in the interpretation of statutes.
 - (i) What do you mean by 'strict construction'?
 - (j) What is the presumption about the territorial operation of a statute?
2. Write short notes on any four (4) of the following :- 20
- (a) Purposive construction.
 - (b) Mandatory and Directory Provisions.
 - (c) Quasi Repeal by Desuetude.
 - (d) Dictionaries as external aid to construction of statutes.
 - (e) Nature of construction of Penal Statutes.
 - (f) Doctrine of Repugnancy.
3. Solve any two (2) of the following situational problems :- 12
- (a) In one act there was a word 'impracticable', which was tried to be interpreted before the court as 'impossible'. The judge was of the view that dictionary could be referred to for ascertaining if 'impracticable' would be same as 'impossible'. The word 'impracticable' was not defined in the act.

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SQ-Con. 8154-15.

- (i) Can the judge make use of a dictionary to ascertain if 'impracticable' meant 'impossible', for interpreting the provision of the act which contained the said word?
- (ii) When can use of dictionary be totally disallowed?
- (b) In one case, a question of interpretation arose about a service rule which provided that 'a Government Servant shall, unless for special reasons otherwise directed by government, retire from service on completing his 55 years of age'. The issue before court was if the Government could retire the civil servant even before attaining the age of 55 years. It was argued on behalf of civil servants that the Government intended to use the provision against civil servants by interpreting that government can retire the civil servants even before their attaining age of 55 and it was against Art. 311 of the constitution. The attorney of Government argued that the provision only intended to enable the Government to extend services of any civil servant beyond 55 years of age, in special situation and it did not therefore violate Art. 311.
- (i) Which of the two interpretations should the Court hold to be legally tenable?
- (ii) Why? Cite case-law.
- (c) An act for giving free primary education to all children was passed. It was looked at as a children welfare legislation. One provision in the said Act about the fees had two meanings possible, in the given context. One favoured the children while the other favoured the school administration, against interests of children.
- (i) Which interpretation shall have to be accepted? Why?
- (ii) Which principle of interpretation is applicable in such cases? Explain it in brief.
4. Answer any four (4) of the following in full :-
- (a) What are the basic principles of interpretation of statutes? Fully explain any two of them.
- (b) Critically examine the position of 'internal aids' to construction of statutes. Explain in full any three of such 'internal aids'.
- (c) "'Subsidiary rules of interpretation' can never be ignored while constructing and interpreting any statute or document".

- Critically comment on this statement and explain in detail any three of such subsidiary rules of interpretation.
- (d) Explain in detail what you mean by 'repeal of a statute'. Write the various principles of interpretation and construction relating to 'repeal' of statutes.
 - (e) Briefly explain the objective and scheme of "The General Clauses Act". When can the provisions of the said act be used and when they cannot be used while interpreting any Indian statute?
 - (f) Explain what you understand by Remedial and Penal statutes. Discuss various principles of interpretation which are connected to them.
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