

Q.P. Code : **26013**

(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 2 sentences. 20
- (a) What do you mean by 'Express Repeal' ?
  - (b) What do you understand by 'Intention of the Legislature' ?
  - (c) What do you mean by 'Headings' in a statute ? What is its significance in statutory interpretation ?
  - (d) What is the meaning of 'internal aids' to construction of statutes ? Name any 3 such internal aids.
  - (e) What is the meaning of 'Remedial' or 'welfare' statutes ?
  - (f) What do you understand by 'delegated legislation' ?
  - (g) What is the meaning of the maxim 'casus Omissus' ?
  - (h) What is the meaning of 'rule of literal construction' ?
  - (i) What is the meaning of 'Affidavit' ?
  - (j) What is the meaning of 'Retrospective operation' of a statute ?
2. Write short Notes on any 4 (four) of the following. 20
- (a) Mimansa Rules of interpretation.
  - (b) Non Obstante Clause
  - (c) Perpetual and Temporary statutes.
  - (d) Text Books as external aid to construction of statutes.
  - (e) Nature of Construction of Beneficial Legislation.
  - (f) Role of International Agreements and conventions in construction of Domestic Acts.
3. Solve any 2 (two) of the following situational problems. 12
- (a) There was a legislation on Value Added Taxes (VAT) which contained the word "Furniture" in one of its provisions. The said word was not defined in the Act and the interpretation of that word was in issue, before a Court of Law.
    - (i) Can the court rely upon a Dictionary to give the meaning of the word 'Furniture' for interpreting the provision contained in that Act ? Why?
    - (ii) What would be the position if the word 'Furniture' had been defined in the said Act?

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- (b) An Act was passed by the parliament of India and it got assent of the President of India. No any provision was made in the said Act about its coming into operation.
- When is such Act deemed to come into operation?
  - Can such Act be rendered as null and void merely because it does not contain the date of commencement? Why?
- (c) Mumbai Tenancy and Agricultural Lands Act was amended and a word 'Plot' had more than two interpretations possible, in the given provision and only one interpretation favoured the rights of Farmers for whose benefit the said amendment in the Act was legislated.
- Which rule of interpretation shall have to be used and which interpretation of the said word will have to be accepted?
  - Give full reasons for your answer to above question.

4. Answer any 4 (four) of the following.

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- What is the meaning of 'Interpretation of statutes'? Briefly explain some of the important basic principles of interpretation.
- What do you understand by 'internal aids' to construction? Explain any 3 of them in detail.
- What do you understand by subsidiary rules of interpretation? Enlist some of them and explain in full any 3 of such subsidiary rules of interpretation.
- What is the meaning of delegated legislation? What is its necessity? Can there be sub-delegation?
- Explain in full the rules about operation of statutes. When can an Act be allowed to be retrospective in operation?
- Explain in full the use of "The General Clauses Act" in the interpretation of statutes. Are there any limitation in its use?

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DB-Con. 436-16.