

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 'Miscellaneous 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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- (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 childrenwelfare 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 :-

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- (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".

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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.

(मराठी रूपांतर)

(३ तास)

[एकूण गुण : १००]

- सूचना : (१) सर्व प्रश्न सोडवायचे आहेत.
 (२) उजवीकडील अंक गुण दर्शवितात.
 (३) आवश्यक तेथे कारणे / केस लॉ द्या.

१. खालील प्रश्नांची उत्तरे दोनच वाक्यांमध्ये लिहा :-

२०

- (अ) कायद्याची रद्दबातलता (रिपील) म्हणजे काय ?
- (ब) कायद्याच्या अर्थबोधनामध्ये 'मिश्चीफ रूल'च्या तत्त्वामधील मुख्य गाभा (क्रक्स) काय आहे ?
- (क) कायद्यामधील 'परिशिष्ट' (शेड्यूल्) याचा अर्थ काय ? कायद्याच्या अर्थबोधनामध्ये त्यांची काय भूमिका आहे ?
- (ड) कायद्याच्या रचनेमध्ये 'अंतर्गत व बाह्य आयुधे' (एड्स) म्हणजे काय ? थोडक्यात व्यक्त करा.
- (इ) मेन्स रिया (दोषी मन) म्हणजे काय ? हे तत्त्व भारतीय दंडविधानामध्ये नमूद गुन्ह्यांना लागू आहे काय ?
- (फ) 'सब-डेलिगेशन' म्हणजे काय ? ते कधी वैध असते ?
- (ग) एज्युसडेम जनरीस नियमाचा अर्थ काय ?
- (ह) कायद्याच्या अर्थबोधनामध्ये 'विधीमंडळातील चर्चा' (लेजिस्लेटीव्ह डिबेट्स) कशी महत्त्वाची ते लिहा.

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Interpretation of Statute
Sem IX
APRIL / MAY 2017

Q.P. Code :04202

[Time: Three Hours]

[Marks:100]

Please check whether you have got the right question paper.

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

- Q 1) Answer in 2-3 Sentences :- (20)**
- 1) Define 'Immovable Property' as defined in The General Clauses Act 1897.
 - 2) What is Doctrine Pith and Substance?
 - 3) Define - Interpretation of Statutes.
 - 4) Define "Son" as Defined in The General Clauses Act 1897
 - 5) What is Causus Omissus
 - 6) Explain the Doctrine of Eclipse
 - 7) Explain the Rule of Noscitur a Sociis
 - 8) Define "**Coming into operation of an Act**" as Defined in The General Clauses Act 1897.
 - 9) Explain the Role of the Short Title as Internal Aid of Statutory Interpretation.
 - 10) What is Sententia Legis
- Q 2) Write Short Notes (Any Four) (20)**
- 1) Doctrine of Repugnancy
 - 2) Strict Construction of Taxing Statutes
 - 3) Directory and Mandatory Provisions
 - 4) Doctrine of Severability
 - 5) Role of Long title and Preamble as Internal Aid
 - 6) Definitions
- Q 3) Attempt the Situation Based Problems (Any Two) (12)**
- 1) In Golaknath v State of Punjab , The Supreme Court held that Amendment to the Constitution is "Law" within the meaning of Art 13 of the constitution ,but the decision would apply for the Future
 - a. State the Famous Principle laid down in the case
 - b. Briefly explain the Principle
 - 2) Section 27 of The General Clauses Act (1897) outlines the meaning of 'Service By Post'
 - a. When will the Service be deemed to have been effected?
 - b. Explain the Expression "Service by Post"
 - 3) In Nanavati v/s State of Bombay, The Honourable Supreme Court held that the Power of the Governor under Article 161 of the Constitution to Grant Pardon or Suspend the sentence is not available during the Period the Matter is Sub judice before the Supreme court.
 - a. Name the Doctrine applied by the S.C in this Case
 - b. Explain the Doctrine applied in this Case

Q 4) Write in detail (Any Four)

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- 1) State and explain the Golden Rule of Construction with relevant cases.
- 2) Explain 'External Aids' of Statutory Interpretation. Mention the various External aids and explain in detail the Role of Dictionaries and text Books and Parliamentary Debates as External aids
- 3) Discuss the Mischief Rule with relevant Cases
- 4) Mention Different types of Repeal of Statutes and Explain the Consequences of Repeal of a Statute
- 5) Discuss the principles of Interpretation of a Remedial statute
- 6) Analyze the Presumption of Constitutionality of a Statute