



Roll No

**PRESIDENCY UNIVERSITY
BENGALURU**

SCHOOL OF LAW

END TERM FINAL EXAMINATION

Semester: Odd Semester: 2019 - 20

Course Code: LAW 301

Course Name: INTERPRETATION OF STATUTES & PRINCIPLES OF LEGISLATION

Program & Sem: BA/B.Com/BBA.LL.B, & VII

Date: 24 December 2019

Time: 1:00 PM to 4:00PM

Max Marks: 80

Weightage: 40%

Instructions:

- (i) All questions are compulsory
- (ii) Read the questions carefully and answer accordingly
- (iii) Write legibly

Part A [Memory Recall Questions]

Answer all the Questions. Each Question carries 3 marks.

(6Qx3M=18M)

1. Explain the legal maxim "contemporanea expositio est fortissimo in lege".
(C.O.No.3) [Knowledge]
2. Analyse the statutes are in pari materia with cases.
(C.O.No.2) [Knowledge]
3. Elucidate the consequences of presumption in field of interpretation.
(C.O.No.2) [Knowledge]
4. Explain the construction of Noscitur a sociis and Eiusdem generis.
(C.O.No.3) [Knowledge]
5. Discuss the concept of "Jus Dicere and Jus Dare".
(C.O.No.2) [Knowledge]
6. Brief note on commencement, repeal and revival of legislation.
(C.O.No.4) [Knowledge]

Part B [Thought Provoking Questions]

Answer all the Questions. Each Question carries 8 marks.

(4Qx8M=32M)

7. Discuss the significance of interpretation of statutes in 'Pari Materia' with decided cases.
(C.O.No.2) [Comprehension]
8. Examine the concept of mandatory and directory enactments.
(C.O.No.2) [Comprehension]
9. Discuss the subsidiary rules: "Rule of last antecedent" and "Legal fiction".
(C.O.No.3) [Comprehension]
10. Discuss the usage of "Parliamentary History" as aid of interpretation.
(C.O.No.3) [Comprehension]



SCHOOL OF LAW
END TERM FINAL EXAMINATION

Semester : Odd Semester: 2019 - 20

Course Code: LAW301

Course Name: Interpretation of Statutes & Principles
of Legislation

Program & Sem: All Programs & 7th Semester

Date: 24.12.2019

Time: 1:00PM to 4: 00 PM

Max Marks: 80

Weightage: 40%

Extract of question distribution [outcome wise & level wise]

Q.NO	C.O.NO (% age of CO)	Unit/Module Number/Unit /Module Title	Memory recall type	Thought provoking type	Problem Solving type [Marks allotted]	Total Marks
			[Marks allotted]	[Marks allotted]		
			Bloom's Levels	Bloom's Levels		
			K	C	A	
1	1,2,3,4 ,5	3	3M Knowledge			3
2	1,2,3,4 ,5	3	3M Knowledge			3
3	1,2,3,4 ,5	2	3M Knowledge			3
4	1,2,3,4 ,5	2	3M Knowledge			3
5	1,2,3,4 ,5	2	3M Knowledge			3
6	1,2,3,4 ,5	1	3M Knowledge			3
7	1,2,4	5		8M Comprehensiv e		8
8	1,2,4	4		8M Comprehensiv e		8

Part A

(6Q x 3M = 18Marks)

Q No	Solution	Scheme of Marking	Max. Time required for each Question
1	<p>Contemporaneous exposition is the best and strongest in law. The best exposition of a statute or any other document is that which it has received from contemporary authority. If the authority is an enactment or a judicial decision, it has binding force.</p> <p>State of Nagaland v. Ratan Singh.</p> <p>Raja Ram v. State of Bihar.</p>	3	6
2	<p>Where a statute is repealed and re-enacted in substantially the same form, a presumption exists that the legislature had knowledge of the judicial decisions under the repealed Act, and so, same interpretations may be placed under the new act. While determining the meaning of an expression in a statute, a specific expression in an earlier statute dealing with same subject-matter may be referred to. Where there are different statutes in pari materia though made at different times, or even expired, and not referring to each other, they shall be taken and construed together, as one system, and as explanatory of each other.</p> <p>Lilavathi v. State of Bombay.</p> <p>Union of India v. R.C.Jain.</p>	3	6
3	<p>Presumption against ouster of established jurisdiction, creating new jurisdiction, enlarging of existing jurisdiction.</p> <p>Presumption against of violation of International Law.</p> <p>Presumption against Extra- Territorial Operation of Statute.</p> <p>Presumption whether statutes affect the State.</p>	3	6
4	<p>"Noscitur a sociis" means that a word is determined by the words that surround it, i.e., within the context. This</p>	3	6

	<p>Notification in Gazette of official acts under authority of law- When an act is by law to be done by the President, a Premier, a Minister, or any public officer, the notification of that act may be by notice in the Gazette unless a specified method is prescribed. Certain enactments <u>must be published in the Gazette</u> but there are also other ways stated for the promulgation and commencement of laws and publication of notices when publication in the Gazette is impractical. It has become common in recent legislation to permit publication on an official website.</p> <p>Repeal and substitution of laws</p> <p>When a law repeals any law and substitutes new provisions for that law, the repealed law remains in force until the substituted provisions come into operation. Where a law repeals and re-enacts any provision of a law (with or without modifications), references in any other law to the repealed law are construed as references to the re-enacted provision. Repealing a law will not: revive laws not in force at the time; affect the previous operation of the repealed law; or affect any rights or obligations already accrued under the repealed law.</p>		
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Part B

(4Q x 8M = 32 Marks)

Q No	Solution	Scheme of Marking	Max. Time required for each Question
7	<p>While determining the meaning of an expression in a statute, a specific expression in an earlier statute dealing with same subject-matter may be referred to. Where there are different statutes in pari materia though made at different times, or even expired, and not referring to each other, they shall be taken and</p>	8	15

	<p>– Committee of Judicial Accountability v. Union of India, AIR 1992.</p> <p>But the court still sometimes, like the English Courts, makes a distinction between use of a material for finding the mischief dealt with by the Act and its use for finding the meaning of the Act. As submitted earlier this distinction is unrealistic and has now been abandoned by the House of Lords</p> <p>Indira Sawhney v. Union of India.</p> <p>A.K. Gopalan v. State of Madras.</p> <p>A.V.S. Narasimha Rao V. State of Andhra Pradesh</p>		
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Part C

(3Q x 10M = 30Marks)

Q No	Solution	Scheme of Marking	Max. Time required for each Question
11	<p>POPAT LAL SHAH CASE</p> <p>The Supreme Court held that the definition of the term sale as it then stood laid stress on the element of transfer of property and that the mere fact that the contract of sale was entered into within the province of Madras did not make the transactions, which was completed in another province, a sale taxable within the meaning of the Act. The Supreme court arrived at the decision referring to the title, preamble, definition and other enacting provisions of the statute as also to the subsequent amendments made in the statute. B.K.Mukherjee, J. said that “it is a settled rule of construction that to ascertain the legislature intent, all the constituent parts of a statute are to be taken together and each word, phrase or sentence is to be considered in the light of the general purpose of the Act itself”.</p>	10	20
12	<p>GITHA HARIHARAN CASE</p> <p>The court said “ since same meaning ought to be attributed to the same word used by the statute as</p>	10	20



Roll No

**PRESIDENCY UNIVERSITY
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SCHOOL OF LAW

END TERM FINAL EXAMINATION

Semester: Odd Semester: 2019 - 20

Course Code: LAW 301

Course Name: INTERPRETATION OF STATUTES & PRINCIPLES OF LEGISLATION

Program & Sem: BA/B.Com/BBA.LL.B, & VII

Date: 24 December 2019

Time: 1:00 PM to 4:00PM

Max Marks: 80

Weightage: 40%

Instructions:

- (i) All questions are compulsory
- (ii) Read the questions carefully and answer accordingly
- (iii) Write legibly

Part A [Memory Recall Questions]

Answer all the Questions. Each Question carries 3 marks.

(6Qx3M=18M)

1. Explain the legal maxim "contemporanea expositio est fortissimo in lege".
(C.O.No.3) [Knowledge]
2. Analyse the statutes are in pari materia with cases.
(C.O.No.2) [Knowledge]
3. Elucidate the consequences of presumption in field of interpretation.
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4. Explain the construction of Noscitur a sociis and Ejusdem generis.
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5. Discuss the concept of "Jus Dicere and Jus Dare".
(C.O.No.2) [Knowledge]
6. Brief note on commencement, repeal and revival of legislation.
(C.O.No.4) [Knowledge]

Part B [Thought Provoking Questions]

Answer all the Questions. Each Question carries 8 marks.

(4Qx8M=32M)

7. Discuss the significance of interpretation of statutes in 'Pari Materia' with decided cases.
(C.O.No.2) [Comprehension]
8. Examine the concept of mandatory and directory enactments.
(C.O.No.2) [Comprehension]
9. Discuss the subsidiary rules: "Rule of last antecedent" and "Legal fiction".
(C.O.No.3) [Comprehension]
10. Discuss the usage of "Parliamentary History" as aid of interpretation.
(C.O.No.3) [Comprehension]

Part C [Problem Solving Questions]

Answer all the Questions. Each Question carries 10 marks.

(3Qx10M=30M)

11. The same word may mean one thing in one context and another in different context. How far and to what extent each component part of the statute influences the meaning of the other part would be different in each given state. In construing, the word "sale" in the Madras General Sales Tax Act, 1939 before its amendment 1947. Discuss the relevant case law with cogent reasons. (C.O.No.2) [Analysis]
12. The question of construing the word "after" occurring in section 6(a) of the Hindu Minority and Guardianship Act, 1956, came before the Supreme Court. The court had to decide whether the provision of section 6(a) violated articles 14 & 15 of the Constitution. That the mother of a minor was relegated to an inferior position on ground of sex alone since her right as a natural guardian is made cognizable "after" the father in the said provision. Decide with relevant case law. (C.O.No.4) [Analysis]
13. The word 'or' is normally disjunctive and 'and' is conjunctive but sometimes they are read as vice versa to give effect to the manifest intention of the legislature as disclosed from the context. Section 3 of the Prevention of Corruption Act, 1988 empowers the government to appoint as many special judges as may be necessary for such areas or for such case or group of cases, as may be specified in the notification-Justify. (C.O.No.2) [Analysis]



SCHOOL OF LAW
END TERM FINAL EXAMINATION

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Program & Sem: All Programs & 7th Semester

Date: 24.12.2019

Time: 1:00PM to 4: 00 PM

Max Marks: 80

Weightage: 40%

Extract of question distribution [outcome wise & level wise]

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			[Marks allotted]	[Marks allotted]	[Marks allotted]	
			Bloom's Levels	Bloom's Levels	[Marks allotted]	
			K	C	A	
1	1,2,3,4 ,5	3	3M Knowledge			3
2	1,2,3,4 ,5	3	3M Knowledge			3
3	1,2,3,4 ,5	2	3M Knowledge			3
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5	1,2,3,4 ,5	2	3M Knowledge			3
6	1,2,3,4 ,5	1	3M Knowledge			3
7	1,2,4	5		8M Comprehensiv e		8
8	1,2,4	4		8M Comprehensiv e		8

9	1,2,4	4		8M Comprehensiv e		8
10	1,2,4	6		8M Comprehensiv e		8
11	2,4	6			10M Analysis	10
12	2,4	1			10M Analysis	10
13	2,4	5			10M Analysis	10
Total Marks						80

K = Knowledge Level C = Comprehension Level, A = Application Level

Note: While setting all types of questions the general guideline is that about 60%

Of the questions must be such that even a below average students must be able to attempt, About 20% of the questions must be such that only above average students must be able to attempt and finally 20% of the questions must be such that only the bright students must be able to attempt.

I hereby certify that all the questions are set as per the above guidelines.

Faculty Signature:

Reviewer Comment:

Format of Answer Scheme

SCHOOL OF LAW

SOLUTION



Semester : Odd Semester: 2019 - 20

Course Code: LAW301

Course Name: Interpretation of Statutes & Principles
of Legislation

Program & Sem: All Programs & 7th Semester

Date: 24.12.2019

Time: 1:00PM to 4: 00 PM

Max Marks: 80

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Part A

(6Q x 3M = 18Marks)

Q No	Solution	Scheme of Marking	Max. Time required for each Question
1	<p>Contemporaneous exposition is the best and strongest in law. The best exposition of a statute or any other document is that which it has received from contemporary authority. If the authority is an enactment or a judicial decision, it has binding force.</p> <p>State of Nagaland v. Ratan Singh.</p> <p>Raja Ram v. State of Bihar.</p>	3	6
2	<p>Where a statute is repealed and re-enacted in substantially the same form, a presumption exists that the legislature had knowledge of the judicial decisions under the repealed Act, and so, same interpretations may be placed under the new act. While determining the meaning of an expression in a statute, a specific expression in an earlier statute dealing with same subject-matter may be referred to. Where there are different statutes in pari materia though made at different times, or even expired, and not referring to each other, they shall be taken and construed together, as one system, and as explanatory of each other.</p> <p>Lilavathi v. State of Bombay.</p> <p>Union of India v. R.C.Jain.</p>	3	6
3	<p>Presumption against ouster of established jurisdiction, creating new jurisdiction, enlarging of existing jurisdiction.</p> <p>Presumption against of violation of International Law.</p> <p>Presumption against Extra- Territorial Operation of Statute.</p> <p>Presumption whether statutes affect the State.</p>	3	6
4	<p>"Noscitur a sociis" means that a word is determined by the words that surround it, i.e., within the context. This</p>	3	6

	<p>principle is applied to either enlarge or restrict the meaning of a word within the confines of a document. Hence, when a word is ambiguous the appellate authority or a judge looks at the rest of the document to determine the meaning. Ejusdem Generis is a Latin term which means "of the same kind," it is used to interpret loosely written statutes. Where a law lists specific classes of persons or things and then refers to them in general, the general statements only apply to the same kind of persons or things specifically listed. Example: if a law refers to automobiles, trucks, tractors, motorcycles and other motor-powered vehicles, "vehicles" would not include airplanes, since the list was of land-based transportation. The term Ejusdem Generis in other words means words of a similar class. The rule is that where particular words have a common characteristic (i.e. of a class) any general words that follow should be construed as referring generally to that class; no wider construction should be afforded.</p>		
5	<p>JUS DARE</p> <p>To give or to make the law. Jus dare belongs to the legislature; jus dicere to the judge.</p> <p>JUS DICERE</p> <p>To declare the law. This word is used to explain the power which the court has to expound the law; and not to make it, jus dare.</p>	3	6
6	<p>Commencement of laws</p> <p>If a day is not set for the coming into operation of a law, that day will be the day when the law was first published in the Gazette as a law. If any act provides that it will come into operation on a date fixed by the President or a Premier by proclamation in the Gazette, different dates may be fixed in respect of different provisions of that act. Exercise of conferred powers between passing and commencement of a law. Where a law confers a power to do anything required to bring the law into operation (for example, making appointments, actions of regulators, prescribing forms or making regulations) that power may be exercised at any time after the passing of the law so far as may be necessary for the purpose of bringing the law into operation. However, those acts (for instance the making of regulations) only come into operation when the law comes into operation.</p>	3	6

	<p>Notification in Gazette of official acts under authority of law- When an act is by law to be done by the President, a Premier, a Minister, or any public officer, the notification of that act may be by notice in the Gazette unless a specified method is prescribed. Certain enactments <u>must be published in the Gazette</u> but there are also other ways stated for the promulgation and commencement of laws and publication of notices when publication in the Gazette is impractical. It has become common in recent legislation to permit publication on an official website.</p> <p>Repeal and substitution of laws</p> <p>When a law repeals any law and substitutes new provisions for that law, the repealed law remains in force until the substituted provisions come into operation. Where a law repeals and re-enacts any provision of a law (with or without modifications), references in any other law to the repealed law are construed as references to the re-enacted provision. Repealing a law will not: revive laws not in force at the time; affect the previous operation of the repealed law; or affect any rights or obligations already accrued under the repealed law.</p>		
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Part B

(4Q x 8M = 32 Marks)

Q No	Solution	Scheme of Marking	Max. Time required for each Question
7	<p>While determining the meaning of an expression in a statute, a specific expression in an earlier statute dealing with same subject-matter may be referred to. Where there are different statutes in pari materia though made at different times, or even expired, and not referring to each other, they shall be taken and</p>	8	15

	<p>construed together, as one system, and as explanatory of each other.</p> <p>Lilavathi v. State of Bombay.</p> <p>Union of India v. R.C.Jain.</p> <p>Sonia Bhatia v. State of Uttar Pradesh.</p>		
8	<p>Classification with reference to method</p> <ul style="list-style-type: none"> - Mandatory, imperative or obligatory statute- compels performance of certain things or compels that certain thing must be done in a certain manner or form. - Directory or permissive statute- merely directs or permits a thing to be done without compelling its performance. In some cases, the conditions or forms prescribed by the statute have been regarded as essential to the Act or thing regulated by it, and their omission has been held fatal to its validity. 	8	15
9	<p>A doctrine in the interpretation of statutes: qualifying words or phrases refer only to the last antecedent word or phrase unless the context or entire act clearly requires otherwise called also last antecedent doctrine. Believing or assuming something not true is true. Used in judicial reasoning for avoiding issues where a new situation comes up against the law, changing how the law is applied, but not changing the text of the law.</p>	8	15
10	<p>➤ Indian View:</p> <p>The Supreme Court, speaking generally, to begin with, enunciated the rule of exclusion of Parliamentary History in the way it was traditionally enunciated in English Courts, but on many an occasion, the court used this aid in resolving questions of construction.</p> <p>The court has now veered to the view that legislative history within circumspect limits may be consulted by courts in resolving ambiguities.- Sub</p>	8	15

	<p>– Committee of Judicial Accountability v. Union of India, AIR 1992.</p> <p>But the court still sometimes, like the English Courts, makes a distinction between use of a material for finding the mischief dealt with by the Act and its use for finding the meaning of the Act. As submitted earlier this distinction is unrealistic and has now been abandoned by the House of Lords</p> <p>Indira Sawhney v. Union of India.</p> <p>A.K. Gopalan v. State of Madras.</p> <p>A.V.S. Narasimha Rao V. State of Andhra Pradesh</p>		
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Part C

(3Q x 10M = 30Marks)

Q No	Solution	Scheme of Marking	Max. Time required for each Question
11	<p>POPAT LAL SHAH CASE</p> <p>The Supreme Court held that the definition of the term sale as it then stood laid stress on the element of transfer of property and that the mere fact that the contract of sale was entered into within the province of Madras did not make the transactions, which was completed in another province, a sale taxable within the meaning of the Act. The Supreme court arrived at the decision referring to the title, preamble, definition and other enacting provisions of the statute as also to the subsequent amendments made in the statute. B.K.Mukherjee, J. said that “it is a settled rule of construction that to ascertain the legislature intent, all the constituent parts of a statute are to be taken together and each word, phrase or sentence is to be considered in the light of the general purpose of the Act itself”.</p>	10	20
12	<p>GITHA HARIHARAN CASE</p> <p>The court said “ since same meaning ought to be attributed to the same word used by the statute as</p>	10	20

	<p>per the definition section the meaning of the word “guardian” as defined under section 4(b) which means and implies both the parents should be attributed to that word in section 6(a). So read the mother’s right to act as a guardian does not stand obliterated during the lifetime of the father and to read the same on the statute otherwise would amount to a violent departure from the legislative intent. The word “after” can be construed such to save it from being unconstitutional the presumption being that the legislature acted in accordance with the constitution.</p>		
13	<p>J.Jayalalitha v. Union of India.</p> <p>The government has power to do either or both the things. i.e. the government may, even for an area for which special judge has been appointed, appoint a special judge for a case or group of cases. The case illustrates that the alternatives joined by ‘or’ need not always be mutually exclusive.</p>	10	20