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PRESIDENCY UNIVERSITY
BENGALURU
SCHOOL OF LAW

TEST 1

Winter Semester: 2021 - 22

Course Code: LAW 301

Course Name: Interpretation of Statutes & Principles of Legislation

Program & Sem: B.Com.LLB.,Hons & VI Sem

Date: 27.04.2022

Time: 10:00 AM to 11:00 AM

Max Marks: 30

Weightage: 15%

Instructions:

- (i) *All questions are compulsory*
 - (ii) *Read the questions carefully and answer accordingly*
 - (iii) *Write legibly*
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Part A [Memory Recall Questions]

Answer all the Questions. Each question carries TWO marks. (5Qx2M=10M)

1. According to the words, phrases, sentences of a statute are to be understood in their natural, ordinary or popular and grammatical meaning, unless such a construction leads to an absurdity or contents or object of the statute suggests a different meaning?

(CO1) [Knowledge]

- a. Mischief Rule..
- b. Literal Construction
- c. Strict Rule of interpretation.
- d. Liberal Construction.

2. What is meant by the Purposive Approach? (CO1) [Knowledge]

- a. The judge must interpret the statute on purpose.
- b. The judge must interpret the statute in the light of the purpose of its enactment.
- c. The judge must interpret the statute in a purposeful manner.
- d. The judge must interpret the statute in the purpose of deciding the case before him or her.

3. When a statute do not profess to make any alteration in the existing law, but merely declare or explain what it is, then such law is known as _____.

(CO1) [Knowledge]

- a. Codifying statute.
- b. Remedial statute.
- c. Consolidating statute.
- d. Declaratory statute.

4. According to primary rule, the _____ of the statute are to be understood in their natural, ordinary or popular and grammatical meaning unless such a construction leads to an absurdity or contents or object of the statute suggests a different meaning? (CO1) [Knowledge]

- a. Words only
- b. Object only.
- c. Sentences only.
- d. Both (a) & (c).

5. When there is no need for presumptions? [2] (CO1) [Knowledge]

- a. The intention of the legislation is clear.
- b. The intention of the legislation is not clear.
- c. Can be used in any condition.
- d. Both (a) & (c).

Part B [Thought Provoking Questions]

Answer both the Questions. Each question carries SIX marks. (2Qx6M=12M)

6. Elucidate the consequences of presumption in field of interpretation. (CO2) [Analyze]

7. Elucidate the concept of 'litera legis' with decided cases. (CO1) [Understanding]

Part C [Problem Solving Questions]

Answer the Question. The question carries EIGHT marks. (1Qx8M= 8M)

8. 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.

(CO2) [Analyze]



PRESIDENCY UNIVERSITY
BENGALURU
SCHOOL OF LAW

TEST 2

Sem& AY: Odd Sem 2021-2022

Course Code: LAW301

Course Name: Interpretation of Statutes & Principles of Legislation

Program & Sem: BA LLAB., BBA LLB., B.COM LLB. / VI Sem

Date: 2nd June 2022

Time: 10:00 AM to 11:00 AM

Max Marks: 30

Weightage: 15%

Instructions:

- (iv) *All questions are compulsory*
(v) *Read the questions carefully before answering*
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Part A [Memory Recall Questions]

Answer ALL the Questions. Each question carries TWO marks.
(5Qx2M=10M)

1. Explain the Maxim, "Casus Omissus". [2] (CO2 Knowledge)
2. Specify the meaning of 'EXPRESSIO UNIUS EST EXCLUSIO ALTERIUS'. [2] (CO2 Knowledge)
3. In which among the following cases had the court decided, "In a statute where no other meaning is possible, court must give effect to the plain meaning even if there is likelihood of such meaning exposing the provisions to attack on the ground of its constitutionality". [2] (CO2 Knowledge)
 - a. Nelson Motis V. Union of India.
 - b. Jitender Tyagi V. Delhi Administration.
 - c. State of West Bengal V. Union of India.
 - d. Dadi Jagannathan v. Union of India.
4. In which among the following rules had the court decided, "every clause of a statute should be construed with reference to the context and other clauses of the Act, so as, as far as possible, to make a consistent enactment of the whole statute or series of statutes relating to the subject matter". [2] (CO2 Knowledge)

- a. Ut Res Magis Valeat Quam Pereat.
 - b. Ex Visceribus Actus.
 - c. Reddendo Singula Singulis.
 - d. Casus Omissus.
1. Write a note on Defective Language.

Part B [Thought Provoking Questions]

**Answer both the Questions. Each question carries SIX marks.
(2Qx6M=12M)**

6. Elucidate the significance of interpretation of “Statutes in Pari Materia” with case laws

[6] (CO2)

[Analyze]

7. “A statute or any enacting provision there in must be so construed as to make it effective and operative”. Explain this principle with case laws. [6] (CO2) [Analyze]

Part C [Problem Solving Questions]

**Answer the Question. The question carries EIGHT marks.
(1Qx8M=08M)**

8. When there is a natural imperfection in the language used by the legislature it is difficult to express the intention as to place its meaning beyond all doubt. It is the duty of the judge to extract the true intention of the legislature in the language used in the legislation. While construing, Section 42(1) of the Motor Vehicles Act, 1939, which enacts that “no owner of a transport vehicle shall use or permit the use of the vehicle in any public place save in accordance with the conditions of a permit granted or countersigned”. The Supreme court held that the section did not make it necessary that the owner of the vehicle himself should obtain the permit and that there was no justification for reading the words “to him” after the words “permit granted”. Justify the statement with the guiding rule and case law. [8] (CO2) [Analyze]



**PRESIDENCY UNIVERSITY
BENGALURU**

SCHOOL OF LAW

END TERM EXAMINATION

Winter Semester: 2021-2022

Date: 1st July 2022

Course Code: LAW301

Time: 01:00 PM to 04:00 PM

Course Name: Interpretation of Statutes & Principles of Legislation

Max Marks: 100

Program & Sem: BA LLB (Hons), BBA LLB (Hons), B.Com LLB (Hons)

Weightage: 50

Instructions:

- (vi) All questions are compulsory.
(vii) Read the questions carefully before answering.
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Part A [Memory Recall Questions]

**Answer ALL the Questions. Each question carries TWO marks.
(10Qx2M=20M)**

1. Explain the usage of the words 'shall and may'; 'must' and 'should' in interpretation. (CO1)[Understanding]
2. What is meant by the Purposive Approach? (CO2) [Knowledge]
 - a) The judge must interpret the statute on purpose.
 - b) The judge must interpret the statute in the light of the purpose of its enactment.
 - c) The judge must interpret the statute in a purposeful manner.
 - d) The judge must interpret the statute in the purpose of deciding the case before him or her.
3. Which of the following is not a general rule of interpretation. (CO1) [Knowledge]
 - a) a statute must be read as a whole
 - b) same word to have the same meaning
 - c) a construction to avoid absurdity is permissible
 - d) technical words to have the ordinary meaning
4. In which among the following cases had the court decided "When the language of statute is plain, clear and unambiguous indicating only one meaning, the question of ascertaining the legislative intent does not arise". (CO2 Understanding)

- a) Nelson Motis V. Union of India.
 - b) Jitender Tyagi V. Delhi Administration.
 - c) State of West Bengal V. Union of India.
 - d) Dadi Jagannathan v. Union of India.
5. Explain the maxim, "UT RES MAGIS VALEAT QUAM PEREAT".
(CO2 Understanding)
6. Write a short note on basic principle of statute should be read as a whole.
(CO2)[Understanding]
7. Which of the following rules of interpretation are applicable to Taxation Statutes?
(CO4 Understanding)
- a) Liberal and wide interpretation
 - b) Strict and narrow interpretation
 - c) Beneficial interpretation
 - d) Utilitarian interpretation
8. Specify the meaning of 'JUS DICERE & JUS DARE'.
(CO2 Understanding)
9. Explain the rule of Beneficial Construction with example.
(CO3 Understanding)
10. How to find out the Intention of the Legislature?
(CO1 Understanding)

Part B [Thought Provoking Questions]

**Answer ALL the Questions. Each question carries TEN marks.
(5Qx10M=50M)**

11." The Golden Rule is that the words of a statute must prima facie be given their ordinary meaning unless that would lead to absurdity in which case the ordinary meaning may be modified to avoid absurdity". Explain the above rule of interpretation and state that how far this rule is different from Literal Rule of Interpretation?

(CO3) [Analyze]

12. "Courts can declare the law, they can interpret the law, they can remove obvious lacunae and fill the gaps but they cannot entrench upon in the field of legislation properly meant for the legislature". Critically examine the above statement and clearly explain the purpose that various rules of interpretation of statutes are intended to serve.

(CO2)

[Analyze]

13. "While interpreting the court cannot add, omit or substitute words. But sometimes the court are under compulsion to subordinate the plain meaning of the statutory language. Thus, it gives restricted meaning to a provision but where it clearly opposes the object and scheme of the Act or lead to an absurd illogical or unconstitutional result. Thus, the court will add, omit or substitute words but it must follow the conditions". Analyze the statement with relevant guiding rule.

(CO2) [Analyze]

14. Bring out the distinction between penal and remedial statutes and the rules of interpretation applicable to them, Discuss the current judicial trend in the interpretation of penal statutes.

(CO4) [Analyze]

15. Under what circumstances the court can look into the internal in the interpretation of the statutes ? Assess the importance of these aids with relevant case laws.

- a. Preamble and Long Title.
- b. Definition and Interpretation Clause.
- c. Schedules.

(CO3)

[Analyze]

Part C [Problem Solving Questions]

Answer both the Questions. Each question carries FIFTEEN marks. (2Qx15M= 30M)

16. 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. (CO2)

[Application]

17. The Street Offences Act, 1960 was passed to clean up the streets to enable people to walk along the streets without being molested or solicited by common prostitutes. Section 54 of the Act provided that “it shall be an offence for a common prostitute to loiter or solicit in a street or public places for the purposes of prostitution”. Section 5 provided punishment of imprisonment upto two years for anyone found guilty under section 4 of the Act. “ABC”, a prostitute standing in a balcony, projects her solicitations addressed to “DEF” and his friends who were walking in the street. “ABC” is charged under the aforesaid Act. She takes the plea that she was not soliciting “in a street” as she was not physically present in the street and that the statute being penal in nature, the court must adopt the construction that favoured her. Decide with the help of relevant rules of interpretation of statutes. (CO3)

[Application]

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7. There is no need for presumptions if
(C.O.No.1) [Knowledge]

- a. The intention of the legislation is clear b. The intention of the legislation is not clear
c. Can be used in any condition d. All of the above

8. Generally _____ are given strict interpretation?
(C.O.No.2) [Knowledge]

- a. Labour b. Welfare laws c. Criminal laws d. None of the above.

9. While applying the literal rule of interpretation, it is important to keep in mind the:

(C.O.No.2) [Knowledge]

- a. Language b. Theme c. Context d. Applicability

10. According to the _____ rule of interpretation, meaning of a word should be known from its Accompany ignore associating words?

(C.O.No.4) [Knowledge]

- a. Mischief rule b. Golden rule c. Noscitur a sociis d. Primary rule

Part B [Thought Provoking Questions]

Answer all the Questions. Each question carries TEN marks.

(5Qx10M=50M)

11. "Courts can interpret the law, they can remove obvious lacunae but they cannot encroach upon in the field of Law making meant for the legislature". Critically examine the above statement.

(C.O.No.1)

[Comprehension]

12. "Every statute is prima facie prospective in application unless it is expressly or by necessary implication made to have retrospective operation". Comment.

(C.O.No.4) [Comprehension]

13. "The words of an enactment are to be given their ordinary and natural meaning, if such meaning is clear and unambiguous, effect should be given to a provision of a statute". In light of the above statement explain the Literal rule of interpretation with relevant case laws.

(C.O.No.2)

[Comprehension]

14. "When two provisions operate on one field both have to be allowed to have their play, unless such operation would result in patent inconsistency". Discuss the rule of Harmonious construction to be applied in such situations with reference to decided cases.

(C.O.No.2) [Comprehension]

15. Write short note on the following:
[Comprehension]

(C.O.No.5)

- a. "Effect of repeal and effect of expiry of statute" under the general clauses Act, 1897.
- b. Mandatory and Directory provisions..

Part C [Problem Solving Questions]

**Answer the Question. The question carries TWENTY marks.
(1Qx20M=20M)**

16. Write short note on :

(C.O.No.4) [Application]

- a. External aids to Interpretation
- b. Golden Rule
- c. Noscitur a sociis
- d. Subordinate and Delegated legislation.