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**PRESIDENCY UNIVERSITY  
BENGALURU**

**SCHOOL OF LAW**

**MAKE UP EXAMINATION – JAN 2023**

**Course Code:** LAW301

**Course Name:** Interpretation of Statutes & Principles of  
Legislation (**AY 2019-20 Batch**)

Programme: BA LLB (Hons), BBA LLB(Hons), B.Com LLB (Hons)

**Date:** 25-JAN-2023

**Time:** 9.30AM-12.30PM

**Max Marks:** 100

**Weightage:**50%

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Instructions:

- (i) All questions are compulsory
  - (ii) 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. Write a short note on Repeal and Expiry of Statutes. (CO1 Understanding).
2. What is meant by the Purposive Approach? (CO1) [Knowledge]
3. Explain the maxim, "Contemporanea Expositio Est Optima Et Fortissima In Lege". (CO2 Understanding)
4. Write a short note on guiding principle- Regard to Subject and Object. (CO2 Understanding)
5. Specify the meaning of 'Noscitur a Sociis'. (CO2 Understanding)
6. Explain the rule of Harmonious Construction with example. (CO3 Understanding)
7. Explain the usage of the words 'shall and may'; 'must' and 'should' in interpretation. (CO1 Understanding)
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. (4Qx10M=40M)**

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. 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]

13. 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]

14. Under what circumstances the court can look into the external aids in the interpretation of the statutes ? Assess the importance of the following :

- a. Parliamentary History.
- b. Historical Facts and Surrounding Circumstances.
- c. Dictionaries. (CO3) [Analyze]

### **Part C [Problem Solving Questions]**

**Answer ALL the Questions. Each question carries Fifteen marks. (2Qx20M= 40M)**

15. “The cardinal rule of construction of statutes is to read the statutes literally, that is, by giving to the words their ordinary, natural and grammatical meaning”. Explicate the rule of construction with case laws. (CO2) [Analyze]

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]