



Name:

Enrolment No:

UPES

End Semester Examination, May 2023

Course: Interpretation of Statutes

Semester: IV

Program: LLB

Course Code: CLCC2006

Time : 03 hrs.  
Max. Marks: 100

Instructions:

SECTION A  
(5Qx2M=10Marks)

S. No.	Choose the correct option	Marks	CO
Q 1	Heydon's case, in 1584, was resolved by the? a. Supreme Court of India b. Bombay high court c. Barons of the Exchequer d. House of lords	2	CO1
Q2.	Identify the correct match regarding operation of statutes:- a. Substantive Laws – Retrospective operation of statutes b. Taxing Statutes- Prospective operation of statutes c. Procedural Laws- Retrospective operation of statutes d. Statutes of Limitation- Prospective operation of Statutes  a. All are correct, b. a & d are correct c. b & c are correct d. a & c are correct	2	CO1
Q3.	Who has the authority to conclude a treaty on the part of States? 1. Treaties are concluded by the competent representatives of States. Heads of States, heads of governments, ministers of foreign affairs and heads of diplomatic missions are presumed to have such authority, 2. Treaties may only be negotiated and concluded by the heads of State and ministers of foreign affairs	2	CO1

	<p>3. Treaties are negotiated and signed only by the persons that bear the necessary 'full powers' and no person is presumed to hold such authority,</p> <p>4. Treaties are concluded only by members of the diplomatic missions of States</p>		
Q4.	<p>According to the _____ rule of interpretation, meaning of a word should be known from its Accompany ignore associating words?</p> <p>a. Mischief rule</p> <p>b. Golden rule</p> <p>c. Noscitur a sociis</p> <p>d. Primary rule</p>	2	CO1
Q5.	<p>Interpretation of statute should not be given a meaning which would make other provisions _____?</p> <p>A. In-effective</p> <p>B. Redundant</p> <p>C. Dormant</p> <p>D. None of the above</p>	2	CO1
<p><b>SECTION B</b> (4Qx5M= 20 Marks)</p>			
Q6.	Distinguish between interpretation and construction.	5	CO2
Q7.	How far the Parliamentary History & contemporary social conditions influence the interpretation of any given statute?	5	CO2
Q8.	Write a short note on Doctrine of Pith & Substance.	5	CO2
Q9.	What is the effect of repeal of a repealing statute?	5	CO2
<p><b>SECTION-C</b> (2Qx10M=20 Marks)</p>			
Q10.	Evaluate the relevance of General Clauses Act, 1897 for the purpose of Interpretation of Statutes?	10	CO3
Q11.	“A statute is not passed in vacuum but in framework of circumstances so as to give a remedy for a known state of affairs. To arrive at its true meaning one should know the circumstance with reference to which the words were used and what was the object appearing from those circumstance which parliament had in view.” Make a critical appraisal of	10	CO3

	the above in the light of Heydon’s rule as applied to the interpretation of statutes.		
<b>SECTION-D</b> <b>(2Qx25M=50 Marks)</b>			
Q 12.	<p>Article 245 &amp; 246 of Indian Constitution provides –</p> <p>(1) Subject to the provisions of this Constitution, Parliament may make laws for the whole or any part of the territory of India, and the Legislature of a State may make laws for the whole or any part of the State.</p> <p>(2) No law made by Parliament shall be deemed to be invalid on the ground that it would have extra-territorial operation</p> <p>246. (1) Notwithstanding anything in clauses (2) and (3), Parliament has exclusive power to make laws with respect to any of the matters enumerated in List I in the Seventh Schedule (in this Constitution referred to as the “Union List”).</p> <p>(2) Notwithstanding anything in clause (3), Parliament, and, subject to clause (1), the Legislature of any State 1 *** also, have power to make laws with respect to any of the matters enumerated in List III in the Seventh Schedule (in this Constitution referred to as the “Concurrent List”).</p> <p>(3) Subject to clauses (1) and (2), the Legislature of any State 1 *** has exclusive power to make laws for such State or any part thereof with respect to any of the matters enumerated in List II in the Seventh Schedule (in this Constitution referred to as the “State List”).</p> <p>(4) Parliament has power to make laws with respect to any matter for any part of the territory of India not included 2 [in a State] notwithstanding that such matter is a matter enumerated in the State List</p> <p>Legislature of State Madhya Pradesh enacted the MP Hindu Religious Trusts Act,1950, for the protection and preservation of properties appertaining to the Hindu religious trusts. The Act applied to all trusts any part of which is situated in the state of Madhya Pradesh. Mr. Sudhir created a trust Deed of his properties of several houses and land situated in Bhopal and Lucknow. The Trust was created in the State of MP.</p> <p>Decide as a Judicial Officer on the basis of above facts, can the legislature of State of MP make a law with respect to such a trust situated in MP and</p>	<b>25</b>	<b>CO4</b>

	properties appertaining to such trust which is situated outside State of Bihar.		
Q13.	<p>Section 2(d) of the Prize competition Act, 1955 defines “Prize competition” as meaning – any competition in which prizes are offered for the solution of any puzzle based upon the building up arrangement, combination or permutation of the letters, words, or figures.</p> <p>Rahul Khanna, who challenges the said section; contended that it is also applied to competition which involved substantial skill, and which are not in the nature of gambling.</p> <p>Decide on the basis of the above facts which rule of construction to be applied to construe the term “Prize Competition”.</p>	25	CO4

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