



Name:

Enrolment No:

UPES

End Semester Examination, May 2023

Course: Interpretation of Statutes

Program: BtecLLB/BscLLB

Course Code: CLCC2006

Semester: VIII

Time : 03 hrs.

Max. Marks: 100

Instructions:

SECTION A
(5Qx2M=10Marks)

S. No.	Choose the correct option	Marks	CO
Q1.	Which of the following is an external aid for interpretation of statute? A. Parliamentary history B. Use of foreign decisions C. Historical background D. All of above	2	CO1
Q2.	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 negotiated and concluded by the heads of State and ministers of foreign affairs 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, 4. Treaties are concluded only by members of the diplomatic missions of States	2	CO1
Q3.	Non obstante clause usually starts with the word ___? A. Provided that, B. Notwithstanding anything contained C. Save as provided otherwise, D. Any of the above	2	CO1
Q4.	What does the principle ' <i>pactasuntservanda</i> ' mean? a. Parties to a treaty should be cognizant of its terms and not misinterpret them. b. Parties to a treaty should safeguard the object and purpose of the treaty.	2	CO1

	<p>c. Parties to a treaty should adhere to its terms in good faith.</p> <p>d. Parties to a treaty should not violate the most important provisions of the treaty.</p>		
Q5.	<p>The object of General Clause Act, 1897 is _____</p> <ol style="list-style-type: none"> 1. To shorten the language of the Central Acts and Regulations 2. To resolve any conflict which may arise between 2 or more Central Acts or Regulations 3. To give a uniform meaning to the words in all the Central Acts and Regulations 4. All of these. 	2	CO1
SECTION B (4Qx5M= 20 Marks)			
Q6.	Explain the distinction between proviso and exception	5	CO2
Q7.	Write a short note on Doctrine of Colorable Legislation	5	CO2
Q8.	Define the maxim “Ut Res Magis Valeat Quam Pereat”	5	CO2
Q9.	Write short note on Principles of Noscitur-a-sociis	5	CO2
SECTION-C (2Qx10M=20 Marks)			
Q10.	Analyse the doctrine of repugnancy and the doctrine of colourable legislation with suitable case laws	10	CO3
Q11.	<p>“If the strict grammatical interpretation gives rise to absurdity or inconsistency, the Court could discard such interpretation and adopt an interpretation which will give effect to the purpose of the legislature. This could be done, if necessary, even by modification of the language used.”</p> <p>Analyse the above rule of interpretation of statutes and refer to at least two decided cases in which the courts in order to avoid the absurdity that the literal rule, if applied, would have resulted in the felt justified to modify the language of the statute to arrive at the true intent of the legislature.</p>	10	CO3
SECTION-D (2Qx25M=50 Marks)			
Q 12.	Provision of Delhi Rent Control Act, 1958 says: 14 (1) Notwithstanding anything to the contrary contained in any other law or contract, no order or decree for the recovery of possession of any premises shall be made by any court or Controller in favour of the landlord against a tenant:	25	CO4

	<p>Provided that the Controller may, on an application made to him in the prescribed manner, make an order for the recovery of possession of the premises on one or more of the following grounds only, namely: XX XX XX (d) that the premises were let for use as a residence and neither the tenant nor any member of his family has been residing therein for a period of six months immediately before the date of the filing of the application for the recovery of possession thereof;"</p> <p>Mr. X took the premises on rent on May 12, 1961 at a monthly rental of Rs. 95/-. At the time when the tenancy started, the tenant was living in the tenanted house with his father, mother, two sisters and a brother. The tenant himself was at that time a bachelor but seems to have married subsequently. In 1971 the tenant went to Canada followed by his wife and children. It is alleged that after having gone to Canada, the husband along with his wife took up some employment there and did not return to India after 1971. While leaving for Canada the tenant had left his mother and brother in the house who were regularly paying rent to the landlord.</p> <p>The landlord filed an application for ejectment of the tenant on the ground of s. 14 and pleaded that with the exit of the tenant from the house it became vacant and his mother and brother who were left behind could not be treated as members of the family. Hence, in the eye of law the tenanted premises must be deemed to have fallen vacant.</p> <p>As a Judge, decide on the basis of above-mentioned facts which rule of interpretation you will apply and why?</p>		
Q13.	<p>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 up to two years for anyone found guilty under section 4 of the Act.</p> <p>"G", a prostitute standing in a balcony, projects her solicitations addressed to "B" and his friends who were walking in the street. "G" 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.</p> <p>Apply the relevant rule of interpretation of statutes with help of case laws.</p>	25	CO4