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D – 3690

Reg. No. :

Name :

Sixth Semester B.A.LL.B./B.B.A.LL.B./B.Com.LL.B.

(Five Year Integrated) Degree Examination, January 2018

INTERPRETATION OF STATUTES AND PRINCIPLES OF LEGISLATION

Time : 3 Hours

Max. Marks : 80

PART – A

Answer **any five** of the following not exceeding **50 words each**. Each question carries **2 marks**.

1. Various pleasures to be considered for interpreting statutes.
2. Interpretation of technical terms.
3. Rule in *Heydon's Case*.
4. Consolidating and Codifying Statutes.
5. *Per incuriam* and *sub silentio*.
6. *Expressio unius exclusion alterius*.
7. Saving clauses.
8. 'May' and 'Shall'.

(5×2=10 Marks)

PART – B

Answer **any four** of the following in not exceeding **120 words**. Each question carries **4 marks**.

1. Discuss *noscitur a sociis* with the help of case law.
2. Explain the doctrine of repugnancy in the Indian context.
3. What are the basic principles of retrospective operation of statutes ?
4. What is meant by the presumption of constitutionality ?
5. Explain the false reasoning in legislation.
6. Discuss the principles of sympathy and antipathy.

(4×4=16 Marks)



PART - C

Answer **any four** of the following. **Each** question carries **6** marks.

1. VAT Act of State 'A' provided that 'cosmetics, perfumery and toilet goods' were taxable but excluded 'tooth paste, tooth powder, kumkum and soap' from the purview of the provision. Later, government imposed VAT on 'dhoop and agarbatti' under the provision. Ram, manufacturer of dhoops and incense challenged the decision of the government. Decide.
2. Having possession of narcotic substances has been prohibited and punished by the Narcotic Act. Prakash, who is the driver of a taxi cab was charged and prosecuted under the Act as the narcotic cell seized narcotic drugs from the car. He said he was not in possession of the seized articles. Decide.
3. The State Government intends to make a law empowering the Principal to punish persons including the staff members who consume alcohol or smoking inside the college campus. The law shall be applicable to the college hostels also. Draft a law laying down the procedure for dealing with the same.
4. The Theatre Act prohibited performance of plays in public without license and penalises violators. R, the owner of a drama scope group, invented a new art form in which either the reflection or their shadows are visible to the audience. But, the government charged R for violating the Theatre Act. R wishes to challenge the same. Advise him.
5. The Preamble of the Constitution says that India is a secular state. But, Article 25 gives right to religion as a part of which the Sikhs are entitled to carry kripans and to bear turbans while the non-Sikhs are not entitled for such a right. How will you interpret Article 25 and explain which rules of interpretation will you apply.

(6×4=24 Marks)

PART - D

Answer **any three** of the following. **Each** question carries **10** marks.

1. Discuss the role of the internal aids to interpretation.
2. Discuss the rules of constructing statutes to avoid collision with other provisions.
3. What are the external aids to interpretation ?
4. Explain the presumptions regarding the jurisdiction.

(3×10=30 Marks)