



Reg. No. :

Name :

**Sixth Semester B.A. LL.B./B.B.A. LL.B./B.Com. LL.B. (5 Year Integrated)
Degree Examination, October 2016
Paper – II : INTERPRETATION OF STATUTES AND PRINCIPLES OF
LEGISLATION**

Time : 3 Hours

Max. Marks : 80

PART – A

Write short notes on **any five** of the following in **not exceeding 50 words each**. Each question carries **2 marks**.

1. Causes of Antipathy.
2. Marginal Notes.
3. *Causus Omissus*.
4. Codifying statute.
5. *Loquitur ut Vulgus*
6. Doctrine of Territorial Nexus.
7. *Construction in Bonam Partem*.
8. Long title.

(5x2=10 Marks)

PART – B

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

1. Discuss the False reasoning's legislation identified by Bentham.
2. Explain Montesquieu's rules of legislative diction.
3. Briefly discuss about the extrinsic aids to interpretation of statutes.

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4. 'Argumentum Inconvenienti' is not easily accepted by Courts. Discuss.
5. Discuss about Repeal of Statutes and its effect.
6. Explain the circumstances which affect sensibility; as evaluated by Bentham.

(4×4=16 Marks)

PART - C

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

1. Offence under section 292 IPC was charged against Gopalan Nair, owner of Nair's Book Stall, for selling a Magazine which contained an obscene center spread. The magazines were supplied in sealed plastic covers; to be opened only after purchase by readers. He contended that the charge will not stand as the shopkeeper was not expected to know the contents of magazines. The relevant portion of section 292 reads "whoever sells, lets on hire, distributes, publicly exhibits, or in any manner puts into circulation ... or has in his possession any obscene book, ... or any other obscene matter ... whatsoever... shall be punished...". Decide.
2. Ismail arranged two live electric wires in his home to keep his wife out of the house. As expected, Mrs. Ismail came in contact with the wires when she tried to enter the house and sustained grievous injuries. Mr. Ismail was charged under section 31 of The Offences Against Persons Act which penalizes when "**whosoever sets or places... any spring gun, man trap, or other engine calculated to destroy human life or inflict grievous bodily harm**". Discuss whether the charge against Mr. Ismail would stand.
3. The Factories Act contained a provision which stated that "**floors, steps, stairs, passages and gangways are to be kept free from obstruction**". The factory inspector charged a factory manager under the said provision for dumping raw materials in a corner on the factory floor marked as 'storage corner'. Decide.



4. A provision of the Sri Lankan Motor Vehicles Act requires the driver of the motor vehicle **'to stop the vehicle after the accident'**. Gunawardane, who was driving his lorry ran over a motor cyclist, stopped the lorry for two minutes, restarted the engine and sped away from the spot thereafter. When he was charged for not stopping (among other charges) he argued that the law required him only to stop, and not to remain there. Decide.

5. The Karnataka Local Bodies Taxation Act imposed a **'tax on houses, buildings, factories, godowns, commercial complexes and land appurtenant thereto'**. The local authority sought to impose tax on a plot of **vacant land** belonging to A using the statute. Advise A as to whether he is liable to pay the tax.

(4x6=24 Marks)

PART - D

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

1. Explain the five stages in legislative drafting, drafting techniques, and the common problems faced by draftsmen.
2. Discuss the various kinds of pleasures and pains as analyzed By Jeremy Bentham and how they are measured.
3. Discuss the general presumptions applied while interpreting statutes.
4. Explain how Statutes are classified in to various classes or categories.

(10x3=30 Marks)

PART - E

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

1. Discuss the False Reasoning's Legislation identified by Bentham.
2. Explain Montesquieu's rules of legislative action.
3. Briefly discuss about the extrinsic aids to interpretation of statutes.