



BRAINWARE UNIVERSITY

Term End Examination 2022

Programme – LL.B.-2020

Course Name – Interpretation of Statutes & Principles of Legislation

Course Code - LLB502B

(Semester V)

Full Marks : 60

Time : 2:30 Hours

[The figure in the margin indicates full marks. Candidates are required to give their answers in their own words as far as practicable.]

Group-A

(Multiple Choice Type Question)

1 x 15=15

1. Choose the correct alternative from the following :

- (i) Define a statute as the _____
- a) Will of the king
b) Will of the society
c) Will of them magistrate
d) Will of the legislature
- (ii) State what is the chief rule?
- a) Select : In interpreting statutes, judges should look at the mischief which the Act was passed to prevent
b) There must be no mischief in court
c) In interpreting statutes, judges should interpret the words literally
d) In interpreting statutes, judges should interpret the words as they see fit
- (iii) Solve : Which of the following is true about the constitution (42nd amendment) Act, 1976 ?
- a) Precedence to directive principles over fundamental rights
b) Fundamental duties are included
c) Constitutional amendment should not be questioned in any court
d) All of these
- (iv) Write : Which of the following amendment was passed during the emergency?
- a) 45th
b) 50th
c) 47th
d) 42nd
- (v) Ask: In the interpretation of the statue, an important role is played by _____
- a) Schedule
b) Preamble
c) Heading
d) All of these
- (vi) Show : A statute has been defined as the _____
- a) Will of the king
b) Will of the society
c) Will of them magistrate
d) Will of the legislature
- (vii) Identify : What is legislation?
- a) Legislation is law made by judges
b) Legislation is law made by Parliament
c) Legislation is law made by custom
d) Legislation is law made by the Law Commission

- (viii) Solve : In which of the following cases free and fair election is recognized as basic structure of Indian Constitution?
- a) Indira Gandhi V- Raj Narayan
b) Minerva Mills V- Union of India
c) Both of these
d) None of these
- (ix) Select : who is the final authority to interpret the constitution
- a) The President
b) The Parliament
c) The Lok Sabha
d) The Supreme Court
- (x) Select : An aid that expresses the scope, object and purpose of the Act
- a) Title of the Act
b) Heading of the Chapter
c) Interpretation clause
d) Preamble
- (xi) Choose the odd one out of the following aids to interpretation
- a) Preamble
b) Marginal Notes
c) Proviso
d) Usage
- (xii) Write : An internal aid that may be added to include something within the section or to exclude something from it, is
- a) Proviso
b) Explanation
c) Schedule
d) Illustrations
- (xiii) Decide : Non obstante clause usually starts with the word ___?
- a) Provided that
b) Notwithstanding anything contained
c) Save as provided otherwise
d) Any of these
- (xiv) Examine : Where in an enactment, there are two provisions which can not be reconciled with each other, there should be so interpreted that, if possible effect should be given to both. This is known as the
- a) Rule of Harmonious Construction
b) Rule of ejusden generis
c) Rule of Reasonable Construction
d) None of these
- (xv) Tell : Interpretation of statute should not be given a meaning which would make other _____ Provisions
- a) Ineffective.
b) Redundant
c) Dormant
d) None of these

Group-B

(Short Answer Type Questions)

3 x 5=15

2. Discuss the rule of harmonious of construction. (3)
3. Develop a note on 'statute to be read as a whole'. (3)
4. Examine the importance of the preamble as an intrinsic aid to the interpretation of statute (3)
5. Illustrate the maxim ejusden generis. (3)
6. Write why the mischief rule is termed as Heyden's rule? (3)

OR

Express the mandatory and directory provision. (3)

Group-C

(Long Answer Type Questions)

5 x 6=30

7. State the object of Interpretation. (5)
8. Examine thecausus omissus (5)
9. Briefly explain 'intention of the legislature' as a principle for interpretation of statutes. (5)
10. Explain the golden rule of interpretation. (5)
11. Examine the rule of Interpretation of taxing statutes. (5)
12. Evaluate the nature of General Clauses Act, 1897. (5)

OR

Criticize the mandatory and directory provision. (5)