



BRAINWARE UNIVERSITY

Term End Examination 2023

Programme – BBA LL.B.-2019

Course Name – Interpretation of Statutes & Principles of Legislation

Course Code - BBALLB805B

(Semester VIII)

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) Choose Causus Omnisus
- | | |
|------------------------|------------------|
| a) Presumption | b) Determination |
| c) Optional provisions | d) Objection |
- (ii) Identify the rule that is followed in case of inconsistency
- | | |
|----------------------------|------------------------|
| a) welfare construction | b) strict construction |
| c) harmonious construction | d) none of these |
- (iii) Select the maxims that takes account of contemporary statutes
- | | |
|----------------------|---|
| a) Ejusdem generis | b) Contemporanea Expositio Est Optima Et Fortissima in Lege |
| c) Noscitur a sociis | d) None of these |
- (iv) Predict the similarity in law and morals
- | | |
|--------------------------------|------------------------------------|
| a) both regulate human conduct | b) both not regulate human conduct |
| c) both use similar language | d) First and third is correct |
- (v) Identify the person that will enjoy the benefit of interpretation of penal statute
- | | |
|--|------------------|
| a) State government | b) Union |
| c) Person who would be liable to penalty | d) None of these |
- (vi) Identify Causus Omnisus
- | | |
|------------------------|-------------------------|
| a) Presumption | b) Mandatory provisions |
| c) Optional provisions | d) None of these |
- (vii) Identify the purpose of interpretation
- | | |
|---------------------------------------|-------------------------------------|
| a) To make the provisions ineffective | b) To make the provisions redundant |
| c) To make the provisions Workable | d) None of these |
- (viii) Locate the parts of a statute that helps in interpretation
- | | |
|--------------|-----------------|
| a) words | b) Phrase |
| c) Sentences | d) All of these |
- (ix) Name the primary rule of interpretation

- a) 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
- (x) Identify the meaning of *Judicium semper pro veritate accipitur*
- a) A judgment always accepted as true
- b) A judgment pronounced by a judge to decide in a matter falling within his jurisdiction is of no effect
- c) In equal delict, the position of the defender is the stronger
- d) The immediate and not the remote cause is to be considered
- (xi) Name the rule of statutory interpretation that are applied by the judges first.
- a) Purposive approach
- b) Mischief rule
- c) Golden rule
- d) Literal rule
- (xii) Predict the rule that needs to consider old statute
- a) *Expression unisest exclusion alteri us*
- b) *Contemporanea Expositio Est Optima Et Fortissima In Lege*
- c) *Futuresmag is valeat Quam Pereat*
- d) *Nosciur a Sociis*
- (xiii) Choose the meaning of interpretation
- a) process to understand the intention of legislature
- b) result of debate
- c) result of public opinion
- d) None of these
- (xiv) Choose the application of purposive approach
- a) To interprete on purpose
- b) To interprete on mischief
- c) To interpre on defect of law
- d) All of these
- (xv) Predict the rule of interpretation of taxing statute
- a) Liberal Construction
- b) Beneficial Construction
- c) Literal Construction
- d) None of thses

Group-B

(Short Answer Type Questions)

3 x 5=15

2. Explain doctrine of eclipse. (3)
3. Differentiate interpretation and construction (3)
4. Explain the rule a Statute to be Construed to make it effective and workable. (3)
5. Examine the situation that does not permit to take a text book as an aid. (3)
6. Evaluate the use of the word "or" and "and" in the provisions of a statute. (3)

OR

Assess the purpose of General Clauses Act, 1897. (3)

Group-C

(Long Answer Type Questions)

5 x 6=30

7. Discuss various internal aids to construction. (5)
8. Discuss the maxim *Ejusdem generis* rule (5)
9. Evaluate the role of Supreme Court in interpreting the Constitution. (5)
10. Judge the use of the word "or" and "and" in the provisions of a statute. (5)
11. Judge the line, "various parts of a statute work as internal aids to construction". (5)
12. Evaluate the use of the word "as he deems fit" in interpreting a statute. (5)

OR

Evaluate literal rule of construction. (5)
