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Reg. No.....

Name.....

FIVE YEAR B.A./B.Com./B.B.A., LL.B. (HONOURS) DEGREE EXAMINATION, NOVEMBER 2024

Sixth Semester

FL 15—INTERPRETATION OF STATUTES AND PRINCIPLES OF LEGISLATION

(2021 Admissions—Regular/2018 to 2020 Admissions—Supplementary)

Time : Three Hours

Maximum : 75 Marks

Part A

Write short notes on any **five** *of the following.*
Each question carries 3 *marks.*

1. *Non-obstante* clause.
2. Golden rule of interpretation.
3. Doctrine of 'Colourable Legislation'.
4. *Noscitur a sociis.*
5. Flaws in legislative drafting.
6. Ascetic principle.

(5 × 3 = 15 marks)

Part B

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

7. The Government, under the Motor Vehicles Act, issued an order that anybody "using mobile phones while driving vehicles" shall be punished with a fine of Rs. 3,000. Kumar, while driving his car, spoke to his wife using Bluetooth without picking up mobile phone. Kumar was fined under the order. He challenged the same before the High Court. Decide.

8. Selling of adulterated butter is an offence under the Prevention of Food Adulteration Act, 1954. Under the Act, 'Butter' is defined as "butter prepared exclusively from milk or cream of cow or buffalo or of both." Mr. Ram is being prosecuted for selling adulterated butter, but he contends that the butter which he is selling is neither prepared from milk nor cream of cow or buffalo but from curd. He also contends that the statute being penal must be interpreted strictly in his favour as the word 'butter' is capable of more than one meaning. Decide the case in the light of the submission made by the accused and the judicial interpretation of the term 'butter'.

9. To remove the disability imposed by custom or usage on certain classes of Hindu against entry into a Hindu Public Temples, state 'X' enacts a law under Article 25(2)(b) of the Constitution and throws open the entry to any such temple to all sections of Hindus. The trustees of a denominational Hindu temple resist the application of such law on the ground that their temple had been built for the benefit of a particular Hindu sect. They contend that under Article 26(b) of the Constitution, they have a right to manage their affairs in the matters of religion which includes right to entry also. Discuss the rule of interpretation that you will apply to resolve the above dispute.

10. 'P', the petitioner, was facing detention under a temporary statute relating to preventive detention. The statute got expired but some of its provisions were re-enacted. Examine whether detention of 'P' would automatically come to an end on the expiry of the statute. What is the legal effect of repeal and re-enactment of a statute ?

(3 × 10 = 30 marks)

Part C

Answer any **two** *of the following questions.*
Each question carries 15 *marks.*

11. "The rule of strict construction is not meant to strictly or narrowly construe the meaning of statute but to exclude from its operation, any interpretation which does not clearly come within the scope of the language used." Discuss. Examine the need for strict construction of taxing and penal statutes.

12. "The State is bound by a statute unless excluded expressly or by necessary implication." Attempt a critical analysis of the statement referring to the Common Law rule relating to statutes affecting the crown, the corresponding rule in India and English and Indian case law on the topic.

13. "Public good ought to be the object of the legislator and legislative utility must be the principle." In light of this statement, critically examine Bentham's theory of utility and the objections to the theory.

(2 × 15 = 30 marks)