

Exam.Code:0660

Sub. Code: 4730

2021

LL.B., Third Semester

Paper – IV & V (d): Interpretation of Statues and Principles of Legislation

Time allowed: 3 Hours

Max. Marks: 80

NOTE: Attempt five questions in all, including Question No. I (Unit-I) which is compulsory and selecting one question each from Unit II-V.

x-x-x

UNIT – I

I. Answer the following:-

- a) Mandatory and directory statutes
- b) Under the Prevention of Food Adulteration Act, 1954 it is an offence to sell adulterated butter. As per the rules framed under the Act "Butter" is defined as "butter prepared exclusively from milk or cream of cow or buffalo or of both".
Ghanshyam is being prosecuted for selling adulterated butter because of non-adherence to milk fat ratio and the moisture ratio as per the prescribed percentage under the rules. He defends his prosecution on the following grounds:
 - i) the butter which he is selling is neither prepared from milk nor cream of cow or buffalo but from curd;
 - ii) the statute being penal must be interpreted strictly in favour of the accused as the word "butter" is capable of more than one meanings.Decide the case in the light of the submissions made by the accused and the judicial interpretation of the term "butter".
- c) Significance of external aid to interpretation.
- d) Section 69 of the Indian Partnership Act, 1932 provides: 'a claim of set-off or other proceeding to enforce a right arising from contract'. Can 'other proceeding' occurring in Section 69 be construed as limiting its generality? Will the rule of *ejusdem generis* be applicable for its construction? Explain. (4x5)

UNIT – II

- II. Define legislation. Write a descriptive note on the principles of legislation. (15)
- III. Explain the general rules regarding the interpretation of statute with retrospective operation. State the limitations referring to decided cases. (15)

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(2)

UNIT – III

- IV. The court will always allow the intention of a statute to override the defects of wording but the court's ability to do so is limited by recognized canons of interpretation. Explain. (15)
- V. "The provisions of one section of a statute cannot be used to defeat those of another "unless it is impossible to effect reconciliation between them". In the light of this statement discuss the application of harmonious rule of construction by the Indian courts in resolving the conflicts. (15)

UNIT – IV

- VI. Write in detail the significance of internal aids to construction. Discuss the following internal aids to construction:
a) Proviso
b) Interpretation Clause
- VII. What do you understand by external aids construction and discuss Parliamentary history and international Convention as external aid of construction? (15)

UNIT – V

- VIII. Explain in detail the rule related to *parimateria* with the help of decided case laws. (15)
- IX. Write notes on the following:-
a) *Salus populi suprema lexesto*
b) *Mens rea*
c) *Pari delicto* (3x5)