

Roll No.

SAP ID



UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, July 2020
Open Book – Through Blackboard Learning Management System

Course: Interpretation of Statutes Semester: IV
Programme: BBA.LLB. Corp Law
Course Code : CLCC2006

Time: 03 hrs.

Max. Marks: 100

Instructions:

As this examination is in open-book format, the students are expected to demonstrate a very high degree of Academic Integrity and not copy contents from resources referred. Instructors would look for understanding of the concept by the students and any similarity found from resources online/ offline shall be penalized in terms of deduction of marks and even cancellation of paper in requisite cases. The online examination committee of the School would also look for similarity of two answer scripts and if answer scripts of two or more students are found similar, both the answer scripts shall be treated as copied and lead to cancellation of the paper. In view of the aforesaid points, the students are warned that they should desist from using any unfair means.

All Questions are Compulsory
Answer each question in not more than 500 words

S. No.		Marks	CO
1 (a)	“The courts cannot add words to a statute or read words into it which are not there. The courts shall decide what the law is and not what it should be. The court will, of course, adopt a construction which will carry out the obvious intention of the legislature”. Discuss with reference to decided Indian cases.	10	Co2
Ans.			
1 (b)	A preamble is often described as a “Key to open the minds of the makers of the Act.” At the same time it is also said that where enacting words “admit of only one construction, that construction will receive effect even if it is inconsistent with preamble.....” What, in your analysis, is the status and role of a preamble in the process of statutory interpretation?	10	Co2
Ans.			
2	Article 24 of the Constitution of India provides: “No child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment. State which doctrine can be applied to the interpretation of the expression ‘any other hazardous employment’? Answer giving reasons and with reference to decided cases	20	Co4

Ans.			
3 (a)	<p>“Where there are in a statute two provisions, which are in conflict with each other such that both of them cannot stand, they should, if possible, be so interpreted that effect can be given to both and that a construction which renders either of them inoperative and useless should not be adopted except in the last resort.” Explain and illustrate the above dictum.</p>	10	Co3
Ans.			
3 (b)	<p>What is the effect of repeal of a repealing statute?</p>	10	Co2
Ans.			
4	<p>Provision of Delhi Rent Control Act, 1958 says: 14 (1) Notwithstanding anything to the contrary contained in any other law or contract, no order or decree for the recovery of possession of any premises shall be made by any court or Controller in favour of the landlord against a tenant: Provided that the Controller may, on an application made to him in the prescribed manner, make an order for the recovery of possession of the premises on one or more of the following grounds only, namely: XX XX XX (d) that the premises were let for use as a residence and neither the tenant nor any member of his family has been residing therein for a period of six months immediately before the date of the filing of the application for the recovery of possession thereof;"</p> <p>Mr. X took the premises on rent on May 12, 1961 at a monthly rental of Rs. 95/-. At the time when the tenancy started, the tenant was living in the tenanted house with his father, mother, two sisters and a brother. The tenant himself was at that time a bachelor but seems to have married subsequently. In 1971 the tenant went to Canada followed by his wife and children. It is alleged that after having gone to Canada, the husband along with his wife took up some employment there and did not return to India after 1971. While leaving for Canada the tenant had left his mother and brother in the house who were regularly paying rent to the landlord.</p> <p>The landlord filed an application for ejection of the tenant on the ground of s. 14 and pleaded that with the exit of the tenant from the house it became vacant and his mother and brother who were left behind could not be treated as members of the family. Hence, in the eye of law the tenanted premises must be deemed to have fallen vacant</p> <p>Decide on the basis of above facts and which rule of interpretation you will apply and why.</p>	20	Co4
Ans.			

5	<p>Article 245) Extent of laws made by parliament and by the legislatures of states.</p> <p>Subject to the provisions of this constitution, Parliament may make laws for the whole or any part of the territory of India, and the legislature of a State may make laws for the whole or any part of the state.</p> <p>According to clause 2 of Article 245, a law made by Parliament shall not be deemed to be invalid on the ground that it has extra-territorial operation.</p> <p>Legislature of State X enacted the X Hindu Religious Trusts Act,1950, for the protection and preservation of properties appertaining to the Hindu religious trusts. The Act applied to all trusts any part of which was situated in the state of X. Mr. Rohit created a trust deed of his properties of several houses and land in State X and Y. Trust being situated in state X.</p> <p>Can the legislature of State X make a law with respect to such a trust situated in X and other properties appertaining to such trust which is situated outside State X.</p> <p>Decide on the basis of above facts.</p>	20	Co4
Ans.			

I,, understand that submitting work that isn't my own may result in failure in this paper and I may also be subject to Disciplinary Proceedings as per the Academic Integrity policy of the University.