

Name:
Enrolment No:



UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, May 2022

Course: Interpretation of statutes
Program: B.S.C LL.B/BTECH LL.B
Course Code:CLCC2006
Instructions:

Semester: VIII
Time: 03 hrs.
Max. Marks: 100

SECTION-A			
S. No.		Marks	CO
	1. Each Question will carry 2 Marks		
Q1	Can a taxing statute be given retrospective operation?	2	CO1
Q2	Discuss enabling clause of and Statute? Give examples.	2	CO1
Q3	Discuss Pacta Sun Servando	2	CO1
Q4	Discuss Subordinate Legislation	2	CO1
Q5	Discuss Proviso as a tool of Interpretation	2	CO1
SECTION-B			
	1. Each question will carry 5marks 2. Instruction: Write short / brief notes		
Q6	Discuss the principle of pith and substance and its importance in interpretation of Constitution	5	CO2
Q7	Can the members of legislative house be called up to testify and confirm what the law-makers intended by a particular provision	5	CO2
Q8	Examine the commencement date of a Statute	5	CO2
Q.9	Discuss the principle of Jus Cogens	5	CO3

	SECTION-C 1.Each Questions carries 10 Marks 2. Write Long Answers		
Q.10	What is the effect of repeal of a repealing statute? Discuss with a comparative analysis of the relevant provisions of General Clauses Act, 1897 and the British Interpretation Act, 1889	10	CO3
Q.11	Evaluate the role of Supreme court in interpretation of international law	10	CO3
	SECTION-D 1.Each Questions carries 25 Marks 2. Write Long Answers		
Q12	<p>Mrs. Sharma went to a bank for opening an account for her daughter, Mohini, in September 2021. The daughter was a minor; so she applied the account to be opened in the name of Mohini through her. The bank refused to open the account in this way. They said Mrs.Sharma is not a natural guardian because the father was alive and nor was she a court appointed guardian. So she could not be treated as guardian at all. She filed appeals to the different authorities of the bank, but to no avail. Finally, after waiting for a year, she filed a writ petition challenging the rules of the bank and also section 6 of the Hindu Minority and Guardianship Act, 1956 which provided that father is the natural guardian of the child; and after father's death, mother is the natural guardian, as violative of her fundamental rights under articles 14 and 15 because the impugned rules were depriving her from becoming the natural guardian of her own daughter.</p> <p>Decide the case and justify your answer by supporting it with appropriate authorities.</p>	25	CO4
Q13	A law was made prohibiting slaughter of cows and all animals of the cow family. This law was in news and in political discussions and it was challenged in the Supreme Court as being unconstitutional. The petitioner contended that this law	25	CO4

	<p>violates the fundamental right to freedom of practice and propagation of religion as provided by Article 25 of the Constitution of India. And also freedom of trade and profession as given under Art.19(1)g of the Constitution.</p> <p>The state defended the law and contended that it's a law made in furtherance of the Directive contained under Article 48 of the Constitution which is as follows-</p> <p>“Organisation of agriculture and animal husbandry The State shall endeavour to organise agriculture and animal husbandry on modern and scientific lines and shall, in particular, take steps for preserving and improving the breeds, and prohibiting the slaughter, of cows and calves and other milch and draught cattle”</p> <p>Therefore, it cannot be held unconstitutional.</p> <p>Interpret the relevant constitutional provisions and evaluate the impugned law for its constitutionality. Justify your answer by logic and judicial pronouncements.</p>		
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