



Name:

Enrolment No:

UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, Dec 2023

Course: B.A./B.B.A./B.COM. LL. B (H). IPR/TL/EL/CNTL/CRM

Program: Interpretation of Statutes

Course Code: CLCC4024

Semester: VII

Time: 03 hrs.

Max. Marks: 100

Instructions:

SECTION A
(5Qx2M=10Marks)

S. No.		Marks	CO
	Attempt all questions.		
Q1	Where in an enactment, there are two provision that cannot be reconciled with each other; they should be so interpreted that, if possible effect may be given to both. This is what known as the _____ A. Rule of harmonious construction B. Rule of reasonable construction C. Rule of ejusdem generis D. All of above	2	CO1
Q2	According to _____ rule of interpretation, the meaning of word should be known from its accompanying or associating words:- A. Mischief rule B. Golden rule C. Noscitur a sociis D. Primary rule	2	CO1
Q3	Internal aid in interpretation of statute includes:- A. Title B. Preamble C. Marginal notes D. All of above	2	CO1

Q4	When statute do not profess to make any alteration in the existing law, but merely declare or explain what it is, then such law is known as _____ . A. Codifying statute B. Remedial statute C. Declaratory statute D. Consolidating statute	2	CO1
Q5	Heydons case, in 1584, was resolved by the _____ . A. Supreme court of India B. Bombay high court C. Barons of the Exchequer D. House of lords	2	CO1
SECTION B (4Qx5M= 20 Marks)			
	Attempt all questions.		
Q6	Discuss the Doctrine of Pith and Substance.	5	CO2
Q7	Explain the prospective effect of statutes.	5	CO2
Q8	Discuss the Doctrine of Territorial Nexus.	5	CO2
Q9	Analyse the concept of 'Jus Cogens' and 'Pacta Sunt Servanda'	5	CO2
SECTION-C (2Qx10M=20 Marks)			
	Attempt all questions.		
Q10	To ascertain the purpose of the statute, one is provided with intrinsic and extrinsic aids to interpretation. Internal aids are furnished by the statute itself and external aids are brought in by widening the concept of the 'context' and also the other statutes in pari materia. Discuss the significance of internal and external aids to interpretation.	10	CO3
Q11	Discuss the maxim " <i>ut res magis valeat quam pareat</i> " as applied to statutory interpretation with the help of case laws.	10	CO3
SECTION-D (2Qx25M=50 Marks)			
	Attempt all questions.		
Q12	II. THE INDIAN PENAL CODE, 1860	25	CO4

	<p style="text-align: center;">Chapter IV General Exceptions</p> <p style="text-align: center;"><i>Of the Right of Private Defence</i></p> <p>Section 96. Things done in private defence.—Nothing is an offence which is done in the exercise of the right of private defence.</p> <ol style="list-style-type: none"> 1. In the light of the above stated Section of the IPC interpret and substantiate with reasons and explanations, the contentions enumerated below:- <ol style="list-style-type: none"> a. In judging whether accused has exceeded his right of private defence or not, the Court has to take into account the weapons used. b. Where the right of private defence is pleaded, the defence must be a reasonable and probable version satisfying the cast that the harm caused by the accused was necessary for either warding off the attack or for forestalling the further reasonable apprehension from the side of the accused. Do you agree or disagree with the statement? Justify with reasons. c. State the rules of interpretation applied by you to solve the given problem. 		
Q13	<p>“Constitutional provisions are required to be understood and interpreted with an object-oriented approach. A Constitution must not be construed in a narrow and pedantic sense. The word used may be general in terms but, their full import and true meaning, has to be appreciated considering the true context in which the same are used and the purpose which they seek to achieve”.</p> <p>Elaborate in the light of relevant case laws.</p>	25	CO4