



0504/0904

V Semester 3 Year LL.B./IX Sem. 5 Year B.A., LL.B./B.B.A., LL.B.

Examination, December 2017

Opt. – IV : INTERPRETATION OF STATUTES AND PRINCIPLES OF LEGISLATION

Duration : 3 Hours

Max. Marks : 100

Instructions : 1. Answer Question No. 9 and any five of the remaining.

2. Question No. 9 carries 20 marks and remaining questions carry 16 marks each.
3. Answers must be written either in English or Kannada completely.

Q. No. 1. “Interpretation of statute means finding out the intention of the legislature”. Explain. Marks : 16

“ಶಾಸನಗಳ ಅರ್ಥಸುವಿಕೆ ಎಂದರೆ ಶಾಸಕಾಂಗದ ಶಾಸನೀಯ ಉದ್ದೇಶವನ್ನು ತಿಳಿಯುವುದೇ ಆಗಿರುತ್ತದೆ”. ವಿವರಿಸಿರಿ.

Q. No.2. Discuss the rule of literal construction. Marks : 16

ಅಕ್ಷರಶಃ ಅರ್ಥ ಕಲ್ಪನೆಯ ನಿಯಮವನ್ನು ಚರ್ಚಿಸಿರಿ.

Q. No.3. Explain the principles regarding retrospective operation of statutes. Marks : 16

ಶಾಸನಗಳ ಭೂತಕಾಲಿಕ ಅನ್ವಯಿಕೆಗೆ ಸಂಬಂಧಿಸಿದ ತತ್ವಗಳನ್ನು ವಿವರಿಸಿರಿ.

Q. No.4. Explain the principles of interpretation of statutes affecting jurisdiction of courts. Marks : 16

ನ್ಯಾಯಾಲಯಗಳ ಕಾರ್ಯವ್ಯಾಪ್ತಿಯನ್ನು ಬಾಧಿಸುವ ಶಾಸನಗಳ ನಿರ್ವಚನದ ತತ್ವಗಳನ್ನು ವಿವರಿಸಿರಿ.

Q. No.5. “Penal statutes should be construed strictly and benefit of doubt should go to the subject”. Elucidate. Marks : 16

“ದಂಡನೀಯ ಶಾಸನಗಳನ್ನು ಕಟ್ಟುವಿಟ್ಟಾಗಿ ಅರ್ಥಸ್ವಾಂತರಿಕ ಮತ್ತು ಸಂಶಯದ ಲಾಭವನ್ನು ಆರೋಪಿ ಪರವಾಗಿ ನೀಡತಕ್ಕದ್ದು”. ವಿಶದೇಕರಿಸಿರಿ.

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Q. No. 6. "Power to repeal is consistent with power to enact. Repeal may be express or implied". Explain. Marks : 16

“ಆರ್ಥಿಕ ರೈಕ್ವಿಲ್ಯೂ ಅರ್ಥಾತ್ ಅದರ ನಿರ್ಣಯವನ್ನು ಒಳಗೊಂಡಿರುತ್ತದೆ. ಶಾಸಕರ ನಿರ್ಣಯವು ಏಕೆ ಅಥವಾ ಅಂತರ್ವಿಭಾಗಿ ಇರಬಹುದ್ದು”. ಎಂಬುದು.

Q. No.7. Discuss the principles of utility.

ଲାଜୁମୁକ୍ତେତ୍ୟ ତୃପ୍ତିଗତମ୍ଭୁତ୍ୟ ଚତୁର୍ବୀରି.

Q. No.8. Write short notes on any two : **Marks : 2x8=16**

ಯಾವುದಾದರೂ ಎಡಕ್ಕೆ ಅಥ ಒಷ್ಣ ಬರಯಾರಿ.

a) Preamble.

h) Parliament's history

ପ) ମାତ୍ରାଲାକ୍ଷ୍ୟ ॥ ୨

c) Mens rea in statutory offences.

ଶମ୍ଭବ୍ୟାଦୁ ଅପରାଧଗତିରେ "ଅପରାଧିକେ ମୁହଁମିଳିବୁ".

Q. No.9. Solve any two of the following problems

Marks : $2 \times 10 = 20$

a) Industrial Disputes Act provides that a party cannot be compelled to appear before the Commission.

represented by a legal practitioner before labour court, tribunal or national tribunal where as Advocates Act confers right to practice on every advocate before any authority. How to resolve the clash ? Decide with the help of suitable rule of interpretation.

) Suraj was held liable to be punished for contravening S.7 of Prevention of Food Adulteration Act, 1954 even though he had no guilty mind as he did not know that the food article was adulterated. He challenges his conviction. Decide with the help of appropriate rule of interpretation.

c) Employer has to pay maternity benefit by way of wages for the actual period of a woman's absence for six weeks under Maternity Benefits Act while calculating wages he excludes Sundays. Meena questions it and claims that she should get wages for Sundays also. Advice her with the help of suitable rule.