

Q.P. Code :04203**[Time: Three Hours]****[Marks:100]**

Please check whether you have got the right question paper.

- N.B:
1. Questions are compulsory.
 2. Figure to the right indicate full marks.
 3. Give case law/reasons wherever necessary.

- Q.1) Answer in 2-3 Sentences 20
1. Define 'Good Faith 'As Defined in The General Clauses Act 1897
 2. Define' Father' as defined in The General Clauses Act 1897
 3. Explain ' Delegatus non potest delegare'
 4. What is Vessel As Defined in The General Clauses Act 1897
 5. State and explain the rule of Literal Construction
 6. What is a Codifying Statute?
 7. Explain the importance of Historical Background as an aid to Interpretation
 8. Name any three Internal Aids to Statutory Interpretation
 9. What is the Purpose of Interpretation of Statutes
 10. What is Sententia Legis.
- Q.2) Write Short Notes (Any Four) 20
1. Ejusdem Generis
 2. Consequences of Repeal of a Statute
 3. Doctrine of Prospective Overruling
 4. Proviso (its Purpose and importance)
 5. Golden Rule
 6. Preamble
- Q.3) Attempt the Situation Based Problems (Any Two) 12
1. Section 27 of The General Clauses Act (1897) outlines the meaning of 'Service By Post'
 - a. When will the Service be deemed to have been effected?
 - b. Explain the Expression "Service by Post"
 2. The question in Seward v. The Vera Cruz was whether Section 7 of the Admiralty Court Act of 1861, which gave jurisdiction to that Court over "any claim for damage done by any ship" also gave jurisdiction over claims for loss of life which would otherwise come under the Fatal Accidents Act(1855)
 - a. Explain the Applicability of the Maxim "Generalis Specialibus Non Derogant' in this case
 - b. What is a General Act and what is a Special Act?

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3. Section 11 of the Family Courts Act 1984 reads as Under -'In every suit or Proceeding to which the act applies, the proceedings may be held 'in Camera' if the Family Court desires and Shall be so if Either Party so Desires'
 - a. State and explain when 'In Camera ' proceedings would be Mandatory
 - b. State and explain when 'In Camera' proceedings would be Directory

Q.4) Write in detail (Any four)

1. Discuss the Mischief Rule with relevant Cases
2. Doctrine of Severability with relevant Cases
3. Name and explain External Aids to Statutory Interpretation
4. 'Statute Must be read as a Whole' Discuss'
5. Discuss the Strict Construction of Penal Statutes
6. Explain the role of Legislative Intention' in Interpretation of a Statute.

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[Time: Three Hours]

[Marks:100]

Please check whether you have got the right question paper.

- N.B:
1. सर्व प्रश्न सोडवा.
 2. उजवीकडील अंक गुण दर्शवितात.
 3. आवश्यक तेथे कारणे/केस-लॉ द्या.

- प्र.१ खालीलपैकी प्रश्नांची उत्तरे दोन वाक्यात लिहा. २०
१. सर्व साधारण परिभाषा अधिनियमन १८९७ अन्वये सदभाव या संज्ञेचा अर्थ लिहा.
 २. सर्वसाधारण परिभाषा अधिनियमन १८९७ अन्वये पिता या संज्ञेचा अर्थ लिहा.
 ३. मुखत्यार मुखत्यारास नेमू शकत नाही-हे तत्व स्पष्ट करा.
 ४. सर्वसाधारण परिभाषा अधिनियमन १८९७ अन्वये नाव/ जहाज या संज्ञेचा अर्थ लिहा.
 ५. शब्दशः अर्थबोधनाची व्याख्या लिहा.
 ६. कोडीफाईंग स्टॅट्युटचा अर्थ लिहा.
 ७. ऐतिहासिक पार्श्वभूमीचे अर्थबोधनातले महत्व लिहा.
 ८. अर्थबोधनातील तीन अंतर्गत सहाय्यकांची नवे लिहा.
 ९. अर्थबोधनाचे उपयोग स्पष्ट करा.
 १०. सेंटॅशिया लेजीसचा अर्थ लिहा.
- प्र.२ कोणत्याही चार टीपा लिहा २०
१. ऐज्युसडम जनरीस
 २. कायद्याच्या रद्दबातलतेचे परिणाम
 ३. प्रॉस्पेक्टिव्ह ओव्हररुलिंगचे तत्व
 ४. अट/शर्त/परंतुका वर टीप लिहा.
 ५. गोल्डन रूल वर टीप लिहा.
 ६. प्रस्ताविका वर टीप लिहा.
- प्र.३. कोणतेही दोन लिहा. १२
१. केंद्रीय अधिनियमाप्रमाणे "दस्तऐवज बजावणी" पौस्टाद्वारे झाली पाहिजे.
 १. दस्तऐवजाची बजावणी झाली असे केव्हा गृहीत धरले जाईल?
 २. "पौस्टाद्वारे बजावणी" स्पष्टीकरण द्या.

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२. अंडमीरॅलिटी कोर्ट अँ१८६१ या कायद्यामधील कलम ७ जीवितहानिबद्दल नुकसान भरपाई मागण्याचा हक्क/न्यायकक्षा देतो का असा प्रश्न आहे, जी न्यायकक्षा या कलमाव्यतिरिक्त दि फॅटल ऑक्सिडेंट अक्ट अन्वये व अंतर्गत प्राप्त झाली असती.
१. या ठिकाणी 'जेनरॅलीस स्पेशिआलीबस नॉन डेरोगॅन्ट' हे न्यायतत्व (मॅक्सिम) लागू पडते काय? स्पष्ट करा .
 २. 'जनरल अॅक्ट' कशास म्हणतात व स्पेशल अॅक्ट कशास म्हणतात?
३. कौंटुबिक न्यायालयाचे कायदा, १९८४ मधील कलम ११ पुढीलप्रमाणे आहे
"हा कायदा लागू असणाऱ्या प्रत्येक दाव्यामध्ये किंवा प्रकरणामध्ये, कामकाज कौंटुबिक न्यायालयास वाटल्यास 'ईन-कॅमेरा' चालविले जाईल आणि उभयपैकी कोणाही पक्षकारास तशी इच्छा असल्यास ईन-कॅमेरा चालविले जाईल
१. 'ईन-कॅमेरा' कामकाज चालविणे केव्हा निर्देशात्मक राहिल? स्पष्ट करा.
 २. 'ईन-कॅमेरा' कामकाज चालविणे केव्हा बंधनकारक (सक्तीचे) राहिल? स्पष्ट करा.

प्र.४ कोणत्याही चार प्रश्नांची सविस्तर उत्तरे लिहा.

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१. अपकारक नियमाचे केस लॉच्या सहाय्याने वर्णन करा.
२. सीव्हीरीबिलिटीच्या तत्वाचे केस लॉच्या सहाय्याने वर्णन करा.
३. कायद्याच्या अर्थबोधनाच्या बाह्यसहाय्यकांचे वर्णन करा.
४. कायद्याच्या तरतुदी संपूर्णपणे वाचल्या पाहिजेत- सविस्तर विवेचन करा.
५. दंडनीय कायद्याचा कठोर/काटेकोर अर्थबोधनाचा नियम स्पष्ट करा.
६. कायद्याचा अर्थ लावण्यासाठी कायदेमंडळाच्या हेतूने महत्व स्पष्ट करा.

[Time: 3 Hrs]

Marks: 100]

I Answer all questions briefly

(20)

- State with authority whether the General Clauses Act, 1897 applies for the interpretation of the Constitution.
- What do you understand by Generalis Specialibus non derogant?
- What is 'travaux preparatoires'?
- What does the expression 'intention of the legislature' mean?
- State the doctrine of prospective overruling with a case law.
- What is financial year according to the General Clauses Act?
- What are internal aids?
- What is secondary rule of interpretation?
- What do you mean by presumption against intending injustice?
- State and explain the strict rule of construction.

II Write short notes on any FOUR

(20)

- General Clauses Act
- Commencement
- Taxing statutes and interpretation
- Doctrine of Pith and Substance
- Interpretation of statutes conferring rights
- Prospective operation of statutes

III Answer any TWO

(12)

- The Lokpal and Lokayuktas Act, 2013 requires that the Chairperson or a Member of Lokpal shall not be a person who has been removed or dismissed from the service of the Union or state (Section 3(4))
 - Will this requirement apply to a person removed from Union Service prior to 2013?
 - When in a statute an explanation or clarification is inserted by amendment, will it have retrospective effect or prospective effect?
- S. 147(1) of the Maharashtra Public Universities Act, 2016 reads as follows: On and from the date of commencement of this Act, the Maharashtra Universities Act, 1994 shall stand repealed.
 - What is repeal? What kind of repeal do you see in Section 147(1) above?
 - What is omission? Is it different from repeal? Explain
- In respect of religious freedom under the Constitution of India, Art.25 (2) enables the state to provide for social welfare and reform by law whereas Art 26 recognizes the right of religious denomination to manage its own affairs in matters of religion.
 - State and explain the rule that will aid in resolution.
 - What are the five principles laid down by the SC in employing this rule of interpretation?

IV Answer any FOUR

(48)

- Explain literal rule of interpretation with case laws.
- What are penal statutes? Bring out the principles governing their interpretation.
- Discuss the presumptions in statutory interpretation.
- What do you understand by welfare legislation? How are the welfare legislations interpreted?
- "Statute must be read as a whole" Explain
- Write a note on (i) Golden Rule (ii) Heydon's rule
