


Name:			
Enrolment No:			
<b>UPES</b> <b>End Semester Examination, May 2024</b>			
<b>Course:</b> Interpretation of Statute <b>Program:</b> LL.B. (Hons.) <b>Course Code:</b> CLCC2006		<b>Semester:</b> IV <b>Time:</b> 03 hrs. <b>Max. Marks:</b> 100	
<b>Instructions:</b> i.) Read all questions carefully. ii.) There is prescribed response limit for some sections, please adhere to the guidelines for them.			
<b>SECTION A</b> <b>(5Qx2M=10Marks)</b> <i>Maximum response limit is 5 lines</i>			
S. No.		<b>Marks</b>	<b>CO</b>
Q 1	What is a difference between Interpretation and Construction?	2	CO1
Q 2	What are two kinds of interpretation?	2	CO1
Q 3	What do you understand by “essence of laws”?	2	CO1
Q 4	Give one example of marginal note from any provisions of Indian legal framework.	2	CO1
Q 5	Explain the significance of <i>Vishaka v. State of Rajasthan</i> in the context of Interpretation of International law	2	CO1
<b>SECTION B</b> <b>(4Qx5M= 20 Marks)</b> <i>Maximum response limit is 1 page</i>			
Q 6	Explain Sutherland’s four grounds for basis for distinction of liberal and strict interpretation	5	CO2
Q 7	Determine the advantages of “Liberal Rule of Interpretation”	5	CO2
Q 8	Elaborate on the importance of “Judicial Precedents” as an external aid to interpretation using relevant examples from Indian context.	5	CO2
Q 9	Peter M. Tiersma in her book, <i>Legal Language</i> stated – Why is legal language so different from ordinary English? Statutes, judicial opinions, contracts, deeds, and wills profoundly affect our daily lives, but their language tends to be convoluted, antiquated, and often nearly impossible for the public to understand.	5	CO2

	<b>Identify 5 terms</b> which have a different grammatical/ common day English language meaning and legal meaning using relevant examples.																				
<b>SECTION-C</b> <b>(2Qx10M=20 Marks)</b>																					
Q 10	Define and Analyze <b>any three</b> maxims of statutory interpretation using relevant case laws. i.) <i>Ut res magis valeat quam pareat</i> ii.) <i>Salus Populi Est Suprema Lex</i> iii.) <i>Delegatus non potest delegare</i> iv.) <i>Contemporanea Exposito Est Optima Et Fortissimo in Lege</i> v.) <i>Expressio unis est exclusion alterius</i>	<b>10</b>	<b>CO3</b>																		
Q 11	<b>Describe the principles</b> commonly used while <b>interpreting the Preamble</b> of the Statute. <b>Analyze the principles</b> in the context of <b>Preamble of Constitution of India</b>	<b>10</b>	<b>CO3</b>																		
<b>SECTION-D</b> <b>(2Qx25M=50 Marks)</b>																					
Q 12	There are <b>six</b> theories of Constitutional Interpretation. They are mentioned as below: A. Textualism B. Originalism C. Doctrinalism D. Structuralism E. Prudentialism F. Purposive Interpretation Describe any <b>three theories of Constitutional Interpretation</b> . (15 marks)  Out of below <b>5 landmark judgments</b> from last year, analyze <b>any two judgments</b> and apply which theory(ies) was predominantly utilized by the Court for Constitutional interpretation in <b>selected cases</b> . (10 Marks)	<b>25</b>	<b>CO4</b>																		
	<table border="1"> <thead> <tr> <th>S.No</th> <th>Case Name</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td><i>In Re: Article 370 of the Constitution</i></td> <td>Challenge to the abrogation of Article 370</td> </tr> <tr> <td>2.</td> <td><i>Supriyo @ Supriya Chakraborty v Union of India</i></td> <td>Plea for marriage equality</td> </tr> <tr> <td>3</td> <td><i>Government of NCT of Delhi v Union of India</i></td> <td>The Lieutenant Governor and control over the NCT of Delhi</td> </tr> <tr> <td>4</td> <td><i>Animal Welfare Board of India v Union of India</i></td> <td>Jalikattu practice</td> </tr> <tr> <td>5</td> <td><i>Association for Democratic Reforms v Union of India</i></td> <td>Constitutionality of the Electoral Bond Scheme</td> </tr> </tbody> </table>	S.No	Case Name	Description	1.	<i>In Re: Article 370 of the Constitution</i>	Challenge to the abrogation of Article 370	2.	<i>Supriyo @ Supriya Chakraborty v Union of India</i>	Plea for marriage equality	3	<i>Government of NCT of Delhi v Union of India</i>	The Lieutenant Governor and control over the NCT of Delhi	4	<i>Animal Welfare Board of India v Union of India</i>	Jalikattu practice	5	<i>Association for Democratic Reforms v Union of India</i>	Constitutionality of the Electoral Bond Scheme		
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Q 13	<p>Relevant excerpts and sections from The Uttarakhand Freedom of Religion and Prohibition of Unlawful Conversion of Religion Act, 2018 is stated below:</p> <p>“An Act to provide freedom of religion by prohibition of conversion from one religion to another by misrepresentation, force, undue influence, coercion, allurement or by any fraudulent means or by marriage and for the matters incidental thereto.”</p> <p><b>Section 3 Prohibition of conversion from one religion to another religion by misrepresentation, force, fraud, undue influence, coercion, allurement or marriage</b> – (1) No person shall convert or attempt to convert, either directly or otherwise, any other person from one religion to another by use or practice of misrepresentation, force, undue influence, coercion, allurement or by any fraudulent means. No person shall abet, convince or conspire such conversion.</p> <p>Explanation:- For the purposes of this sub-section conversion by solemnization of marriage or relationship in the nature of marriage on account of factors enumerated in this sub-section shall be deemed included.</p> <p>(2) If any person re-converts to his immediate previous religion, the same shall not be deemed to be a conversion under this Act.</p> <p>Explanation:- For the purpose of this sub-section immediate previous religion means the religion in which the person had faith, belief or was practiced by the person voluntarily and freely.]</p> <p>(i) Apply Mischief (Heydon) Rule in the excerpts of <i>The Uttarakhand Freedom of Religion and Prohibition of Unlawful Conversion of Religion Act, 2018</i>. <b>(15 marks)</b></p> <p>(ii) Explain your application of each part of Mischief (Heydon) rule using relevant examples. <b>(10 marks)</b></p>	25	CO4