

**HIGH COURT OF KERALA  
JUDICIAL TEST (HIGHER) 2020  
PART-III, PAPER-V**

**INTERPRETATION OF STATUTES & GENERAL CLAUSES ACT**

Total Marks 100  
Time: 3 hrs

**PART A**

**Answer any SEVEN questions. Each carries 5 marks.**

Write short notes on the following:

1. Amendment of plaint
2. Bailable and non-bailable offences
3. Implied Repeal
4. Doctrine of occupied field
5. Rule in Heydon's case
6. Preliminary and Final decrees
7. Malafides
8. General Power of Attorney
9. *In pari delicto potior est conditio possidentis*
10. Doctrine of Desuetude

[7x5=35]

**PART B**

**Answer any TWO questions. Each carries 10 marks.**

1. Ram lent ₹10,00,000/- to Thomas. Thomas agreed that he would pay 10% interest per annum for the amount. He has not returned the principal amount and the interest so far. Prepare a plaint for Ram to be filed at the court in Ernakulam.
2. On the death of Sankaran, his property (50 cent) devolved on his only successor Ram. He has three children - Kumar, Raju and Geetha. As he is 70 years old, he wishes to give away the property with house to his eldest son Kumar on condition that he will look after him for the rest of his life. Prepare a gift deed.

...2.

3. The Prison Act provides punishment for offences committed by prisoners. Sunil, a life convict, jumped the prison when a fire broke out in the prison. He was caught outside and was charged under the Act. Decide applying the appropriate rules of interpretation.
4. 'K', a Chief Minister was prosecuted under a State Law enacted for preventing corruption among public servants. He has challenged the prosecution on the ground that Ministers are not civil servants. Decide.

[2x10=20]

### **PART C**

**Answer any THREE questions. Each carries 15 marks.**

1. What are the principles for interpreting constitution?
2. What are the different parts of a statute? Explain their importance in the interpretation.
3. What are the principles of the interpretation of taxing statutes.
4. Write a note on the importance of General Clauses Act in the interpretation of statutes.
5. Write note on the following:
  - (a) *Noscitur a sociis*
  - (b) *Generalia specialibus non derogant*
  - (c) Gender and time in statutes

[3x15=45]