

HONS. 02/17/01

B. A. LLB. (Hons.) DEGREE SECOND SEMESTER EXAMINATION, AUGUST 2017

HISTORY OF STATUTORY LAW AND PRESUMPTIONS

Time: 3 Hrs

Maximum Marks: 50

Answer ANY FIVE Questions. Each question carries TEN marks.

(5 X 10 = 50)

- I. Trace the historical origins of the doctrine of *respondeat superior* in England. Also explain the evolution of the criminal law concerning vicariously responsibility in England. Examine why Lord Holt's new doctrine evolved at the beginning of eighteenth century did not influence the criminal law concerning vicarious responsibility.
- II. "The accepted classification of the various forms of estoppel indicates the milestones which mark the road by which the law at length reached the broad principle which underlies the modern doctrine of estoppel by conduct". Explain.
- III. Explain how Jeremy Bentham influenced the English law in the nineteenth century particularly in the realm of codification of laws. Why was Bentham's call for complete codification of common law not well received by the English legal fraternity?
- IV. Trace the early development of the privilege against self-incrimination in England. Examine how the epochal change from 'accused speaks trial' to 'testing the prosecution trial' has influenced the development of the privilege in England. What is the status and significance of this privilege in Indian law?
- V. What was the historical context in which steps were initiated for codifying laws in British India? Also explain how the distinguished jurists and judges in India have, basing themselves upon the theories of English common law and statutes, evolved doctrines of their own suited to the peculiar need and environment of India.
- VI. With the help of decided cases explain how the Indian courts have utilized maxims in judicial interpretation.
- VII. Write a note on 'repeal of statutes'. Distinguish between 'express repeal' and 'implied repeal'. Discuss the scope and rationale of the 'presumption against repeal by implication.
- VIII. Elucidate on the various stages in the development of the doctrine of *mens rea* in England with special reference to the interpretations provided by Professor Francis Bowes Sayre and Professor Gardner.
