

<b>Name:</b>	 <b>UPES</b> UNIVERSITY WITH A PURPOSE
<b>Enrolment No:</b>	

**UNIVERSITY OF PETROLEUM AND ENERGY STUDIES**

**End Semester/Supplementary Examination, Dec 2020**

**Course: Interpretation of Statutes**

**Semester: VII**

**Program: BBALL.B CL/BFIT, B.COM LL.B**

**Time: 03 hrs.**

**Course Code: CLCC 2006**

**Max. Marks: 100**

**SECTION A Attempt all Questions**

		<b>Marks</b>	<b>CO</b>
Q1	Describe the legal maxim “Ut Res Magis Valeat Quam Pereat	5	CO 1
Q2	Distinguish between interpretation and construction	5	CO 1
Q3	What are presumptions, which the judiciary undertakes before interpreting any particular statute?	5	CO 2
Q4	How far the Parliamentary History & contemporary social conditions influence the interpretation of any given statute?	5	CO 1
Q5	What is ‘pari-materia’? Discuss its role in interpretation.	5	CO 3
Q6.	Can a taxing statute be given retrospective operation?	5	CO2

**SECTION B Attempt any five Questions**

Q7	Discuss the principle of territorial nexus and its importance in interpretation	10	CO 3
Q8	Discuss the application of International law, International treaties in India through case Laws?  OR  “The function of the court is to interpret and not to legislate”. Comment upon it with the help of relevant case laws	10	CO 3
Q9	What is the relevance of General Clauses Act, 1897 for the purpose of Interpretation of Statutes?	10	CO 2

Q10.	<p>Where there are in a statute two provisions”, said Justice Ventakatarama Ayyar, “which are in conflict with each other such that both of them cannot stand, they should , if possible be so interpreted that effect can be given to both and that a construction which renders either of them inoperative and useless not be adopted except in the last resort”. Explain and illustrate the above dictum in the light of relevant case laws</p> <p style="text-align: center;">OR</p> <p>A statute is not passed in vacuum but in framework of circumstances so as to give a remedy for a known state of affairs. To arrive at its true meaning one should know the circumstance with reference to which the words were used and what was the object appearing from those circumstance which parliament had in view.”</p> <p>Make a critical appraisal of the above in the light of Heydon’s rule as applied to the interpretation of statutes.</p>	<b>10</b>	<b>CO3</b>
Q11.	<p>Mr. W was in the business of dealing with sugar canes. He was assessed for sales tax for three years for which the amount of sales tax as was assessed. Mr. x challenged the constitutionality of the assessments. He claimed that sugar cane falls under the term ‘green vegetables’ and is therefore exempt from sales tax under the exemption given by the notification issued under section 6 of the Bihar sales Tax (Act 19 of 47). Decide which rule of interpretation would be applied and why.? Discuss other relevant case laws.</p>	<b>10</b>	<b>CO4</b>
<b>SECTION-C Attempt all Questions</b>			
Q 12			
	<p>“Punishment can be meted out to a person only if the plain words of the penal provision are able to bring that person under its purview. No extension of the meaning of the words is permissible.”</p> <p>Selling of adulterated butter is an offence under the Prevention of Food Adulteration Act, 1954. Under the Act, the term ‘butter’ is defined as “butter prepared exclusively from milk or cream of cow or buffalo or both.”</p>	<b>20</b>	<b>CO 4</b>

X, who is being prosecuted for selling adulterated butter argues that the butter which he is selling is neither prepared from milk nor from the curd and therefore not covered with the definition of butter under the act.

In light of the above facts answer the following questions:

- a. What is the approach of judiciary in interpreting the penal statutes? 10 Marks
- b. Which rule of interpretation suits the above case and why? Explain that rule with relevant case laws. 10 Marks