

**GUJARAT NATIONAL LAW UNIVERSITY  
GANDHINAGAR**

Course: Interpretation of Statutes  
Semester-IV (Batch: 2015-20)

End Semester Examination: April-May 2017

Date: 1<sup>st</sup> May, 2017

Duration: 3 hours

Max. Marks: 50

**Instructions:**

- Read the questions properly and write the answers in the given answer book.
- The respective marks for each question are indicated in-line.
- Do not write any thing on the question paper.
- Indicate correct question numbers in front of the answers.
- No questions or clarifications can be sought during the exam period, answer as it is, giving reason, if any.

Answer any five of the following questions:

Marks

- Q.1 In 1920, "C" was employed in the education department of the State of Uttar Pradesh and in due course, was promoted in the United Provinces Education Service (Junior Scale). This took place in 1946. In the year 1948, "C" was appointed as officer-on-special duty and managing editor of a quarterly journal issued by the education department, under the style "Shiksha". While holding the post of officer-on-special-duty, "C" was also appointed as a member of the Book Selection Committee. He continued to function as such until 1951. His conduct as a member of that Committee was not found to be satisfactory and the board discovered that he had allowed his private interests to come in conflict with his public duties. He was found to have shown favours in the selection of books on approved list, in respect of certain books said to have been written by a nephew of his, aged only 14 years, and by another relation of his, as also to a firm of publishers who had advanced certain sums of money to him on interest. In July, 1952, "C" was transferred as Headmaster of a certain High School, but he did not join his post and went on leave on medical grounds. While on leave, he was suspended from service with effect from August 2, 1952. In September, the same year, the Director of Education issued orders, framing charges against him and calling upon him to submit his written statement of defense and giving him an opportunity to call evidence in support of it. Of the charges being that he did not inform the Committee of his relationship with the alleged authors of the books, the selection of which was calculated to bring pecuniary benefit to those relations. Another charge related to his having benefited a certain firm of publishers whose books, about a dozen in numbers, had been selected by the Committee of which he was a member. "C" submitted a lengthy written statement in his defense and did not insist on oral examination of witnesses, but enclosed with his explanation certain affidavits in support of his case. (10)

The Director of Education, after a thorough inquiry into the charges framed against "C", submitted a report to the effect that the charges framed against him had been substantially proved. He recommended that "C" be demoted to the Subordinate Education service and be compulsorily retired. After considering the report aforesaid, the Government decided on November 7, 1952, to call upon "C", under Art. 311(2) of the Constitution, to show cause why the punishment suggested in the departmental inquiry report should not be imposed upon him. In pursuance of the show cause notice served upon "C" on November 13, 1952, he put in a long written explanation on

November 26, 1952, on the same lines as his written statement of defense submitted earlier as aforesaid, bearing on the merits of the findings as also objecting to the procedure adopted at the inquiry. A Government notification dated January 9, 1953, was published showing the names of the officers of the education department, who would retire in due course on superannuation, that is to say, at the age of 55, and the corresponding dates of superannuation. "C" is shown therein as one of those, and in the last column meant for showing the dates of retirement, September 15, 1953, is mentioned as against his name. On February 2, 1953, "C" filed the first petition (Writ Petition No. 121 of 1953) challenging the validity of the order of the Government suspending him and calling upon him to show cause why he should not be reduced in rank with effect from the date of suspension, and also compulsorily retired. In that petition, he challenged the legality of the entire proceedings and prayed for a writ of mandamus directing the Government to pay his full salary during the period of suspension until he attained the age of superannuation as aforesaid.

The State Public Service Commission (referred to as Commission) was also consulted by the Government as to the punishment proposed to be imposed as a result of the inquiry. Presumably, the Commission was supplied with all the relevant material up to the date of the second show cause notice. The Commission was consulted but it appears from the findings of the High Court that "C's" one of the written explanations submitted, was not before the Commission. The explanation so submitted, was a much more elaborate one dealing not only with the three charges which had been made against him, but also with other irrelevant findings of the inquiry officer who had made several observations against "C's" efficiency and conduct, which were not the subject-matter of the several heads of charge framed against "C" and therefore, not called for. After consideration of the opinion of the Commission, the inquiry report and the several explanations submitted by "C" the State Government passed its final order dated September 12, 1953, reducing "C" in rank from the U.P. Education Service (Junior Scale) to Subordinate Education Service, with effect from August 2, 1952, and compulsorily retiring him. A Division Bench of the High Court, presided over by the Chief Justice, by its judgment and order dated January 8, 1954, disposed of the writ petition holding that the orders impugned were invalid for the reason that the provisions of Art. 320(3) (c) of the Constitution had not been fully complied with because the last written explanation of "C" submitted had not been placed before the Commission. The High Court, therefore, quashed the orders of the Government reducing him in rank and reducing his emoluments with effect from the date of suspension as aforesaid.

The State Government has filed an appeal against this judgment and order of the High Court in the Supreme Court. Discuss the reasoning and interpretation given by the Supreme Court in the above mentioned case.

- Q.2 "Statutes levying taxes or duties upon citizens will not be extended by implication beyond the clear import of the language used, nor will their operation be enlarged so as to embrace matter not specifically pointed out." Do you agree with this statement? Elucidate in the light of decided cases. (10)
- Q.3 Explain the following cases: (2x5=10)
- (a) *Cutter v. Eagle Star Insurance Co Ltd* (1998) 4 All E R 417
- (b) *Mohd. Shabbir v. State of Maharashtra* AIR 1979 SC 564
- Q.4 "Every statute other than a pure consolidating statute is, after all, enacted to make some change, or address some problem or remove some blemish or effect some improvement (10)

in the national life. The courts task within the permissible bounds of interpretation is to give effect to the Parliament's purpose. Therefore, the controversial provisions should be read in the context of the statute as a whole which led to its enactment." Discuss the above mentioned statement in the light of *Standard Chartered Bank and others v. Directorate of Enforcement and others*, AIR 2005 SC 2622.

- Q.5 Write short note on the following: (2x5=10)  
(a) Principles of Interpretation of Contract  
(b) Principles of Interpretation of Wills
- Q.6 A statute is an edict of the Legislature and the conventional way of interpreting or construing a statute is to seek the 'intention' of its maker. A statute is to be construed according "to the intent of them that make it" and the duty of judicature is to act upon the true intention of the Legislature. Discuss the above mentioned proposition in the contemporary context along with your own illustrations. (10)

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