GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR
Course: Interpretation of Statutes
Semester-IV (Batch: 2017-22)

End Semester Examination: April-May 2019

Date: 1st May, 2019
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 anything 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 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 in the year 1946 (Junior Scale). In the year 1948, 'C' was appointed as an officer-on-special duty and managing editor of a quarterly journal issued by the education department under the name and 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 of Education Department 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, however, he did not join his post and went on leave on medical grounds. While on leave, he was suspended from service with effect from 2nd August 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 (books) was calculated to bring pecuniary benefit to those relations. Another charge related to his having benefited a certain firm of publisher 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 have 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

Section 18(c) (Drugs and Cosmetics Act, 1940) provides, 'Manufacture for sale, or sell, or stock or exhibit for sale, or distribute any drug or cosmetic, except under, and in accordance with the conditions of, a license issued for such purpose under this Chapter.'

Section 27 (Drugs and Cosmetics Act, 1940) states, 'Whoever himself or by any other person on his behalf manufactures for sale, sells, stocks or exhibits for sale or distributes-(a) any drug-(i) deemed to be misbranded under clause (a), clause (b), clause (e), clause (d), clause(f) or clause (g) of section 17 or adulterated under section 17B; or(ii) without a valid license as required under clause (c) of section 18."shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to ten years and shall also be liable to fine; Provided that the Court may, for any special reasons to be recorded in writing impose a sentence of imprisonment of less than one year.'

On the basis of the above cited provisions of law, describe the following along with your own views:

(a) What was the name of the case in which the above questions of law came before the Court?
(b) What was the issue before the Court?
(c) What were the contentions of the parties?
(d) What were the reasoning and decision of the Court?
(e) What were the different rules of interpretation applied by the Court?

Q.3 Write short note on the following: (2x5= 10)
(a) Ejusdem generis and words of rank.
(b) The rule of desuetude.

Q.4 For interpreting the words 'vegetable' in clauses providing for exemption from tax liability under various Sales Tax Legislations, the Indian courts including the Supreme Court of India, were having various choices in interpreting these terms ranging from botanical, dictionary and ordinary meaning of the said words. (10)
On the foundation of the above stated, clearly bring out which rule of interpretation was adopted by the Supreme Court of India while interpreting these words, meaning given to them and the rationale behind such interpretation.

Q.5 For the purpose of construction or interpretation, the court obviously has to take recourse to various internal and external aids. "Internal aids" mean those materials which are available in the statute itself. These internal aids include, long title, preamble, headings, marginal notes, illustrations, punctuation, proviso, schedule, transitory provisions, etc. When internal aids are not adequate, the court has to take recourse to external aids. What are the 'external' aids to the construction of statutes? Assess the importance of Foreign Judgments and Parliamentary History in the construction of statutes. (10)

Q.6 Discuss the facts, judgement and the reasoning given by the court in the following cases: (2x5= 10)
(a) *State of Bombay* v. *Vibnu Ramachandra* 1961 (2) SCR 26
(b) *State* v. *Gian Singh* (1999) 9 SCC 312

****