

28 DEC 2023

NATIONAL LAW UNIVERSITY JODHPUR

End Term Examination November – 2023

Semester – UG V Semester

Subject: Interpretation of Statutes

Time: 3 hours

Mark: 100 marks

Instructions:

- i. *All the questions carry equal marks.*
- ii. *Answer any five out of the six questions.*
- iii. *Please substantiate your statement(s)/argument(s) with relevant case laws, whenever necessary.*

Q.1 "If the strict grammatical interpretation gives rise to absurdity or inconsistency, the court could discard such interpretation and adopt an interpretation which will give effect to the purpose of the legislature. This could be done, if necessary, even by modification of the language used."

Discuss the above rule of interpretation of statutes and refer to at least two decided cases in which the courts to avoid the absurdity that the literal rule if applied, would have resulted in felt justified to modify the language of the statute to arrive at the true intent of the legislature.
(Marks 20)

Q.2 Section 17(1) of the Industrial Disputes Act, 1947 requires the Government to publish every award of a Labour Tribunal within thirty days of its receipt and by sub-section (2) of Section 17, the award on its publication becomes final. Section 18(1) of the Act provides that a settlement between employer and workmen shall be binding on the parties to the agreement.

In a case where a settlement was arrived at after receipt of the award of a Labour Tribunal by the Government but before its publication, the question was whether the Government was still required by section 17(1) to publish the award. Decide in the light of these two equally mandatory provisions.
(Marks 20)

Q.3 What is the difference between Exception, Explanation and Proviso clauses? Discuss the rules as to their interpretation.
(Marks 20)

Q.4 "The rule which requires that penal statute should be construed strictly has lost much of its force in recent times." How far you agree with the above statement? Selling of adulterated

butter is an offence under the Prevention of Food Adulteration Act. Under the Act, the term butter is defined as „butter prepared exclusively from milk or cream of cow or buffalo or of both?.

X, who is being prosecuted for selling adulterated butter argues that the butter which he is selling is neither prepared from milk nor cream but from the curd and therefore not covered under the Act. Also, it being a penal provision should be construed strictly in his favour. Decide. (Marks 20)

Q.5 "A statute is not passed in a vacuum but in a framework of circumstances to give a remedy for a known state of affairs. To arrive at its true meaning one should know the circumstances with reference to which the words were used and what was the object appearing from those circumstances which Parliament had in view." Make a critical appraisal of the above in the light of Heydon's rule as applied to the interpretation of statutes. (Marks 20)

Q.6 Write short notes on the following:

(a) Marginal Notes (Marks 10)

(b) Retrospective Application of Laws (Marks 10)