

28 OCT 2024

NATIONAL LAW UNIVERSITY JODHPUR

Re- Mid Term Examination October– 2024

Semester – UG V Semester

Subject: Interpretation of Statutes

Time: 90 Minutes

Q.1 Consider the following provision from a hypothetical statute: (15 marks)

*Section 5: Any person who operates a vehicle without a valid driving license shall be fined \$500.*

- **Case 1:** Alex, a 15-year-old, drives a toy car designed for children in his backyard. The toy car, powered by a battery, does not require a driving license under existing vehicle laws. Nonetheless, a police officer fines him under Section 5.
- **Case 2:** Emma, an ambulance driver, is caught operating her ambulance without her driving license while responding to an emergency to save a life.

Based on the above scenarios, answer the following:

1. How should the court interpret the statute in each case? Provide reasoning for your interpretation.
2. Could a strict interpretation of the statute lead to absurd or unjust outcomes? If so, how should the court address them?
3. Which method of statutory interpretation would lead to a fairer outcome in both cases? Justify your answer.

Q.2 Judges are often faced with statutes that, if interpreted literally, may lead to outcomes that appear unreasonable or contrary to the purpose of the law. Discuss how courts should approach statutory interpretation when the plain meaning of the text results in absurd or unjust outcomes. In your answer, consider the role of the *literal rule* and the *golden rule* in such situations, and whether it is ever



appropriate for judges to deviate from the clear language of a statute. Support your discussion with relevant case law. (15 marks)

Q.3 "A statute is enacted not in isolation but within a framework of circumstances, to address a specific issue. To understand its true meaning, it is essential to consider the context in which the words were used and the legislative intent behind them."

Critically evaluate this statement concerning *Heydon's Rule* and its relevance to the interpretation of statutes. (15 marks)

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NATIONAL LAW UNIVERSITY JODHPUR  
End Term Examination November – 2024  
Semester – UG V Semester  
Subject: Interpretation of Statutes

Marks: 100

Time: 3 hours

*Instructions:*

- i. All the questions carry equal marks i.e. 20 marks for each question.
- ii. Answer any five out of the six questions.
- iii. Please substantiate your statement(s)/argument(s) with relevant case laws, wherever necessary.
- iv. **QUESTIONS NUMBER 1 AND 3 ARE COMPULSORY**

Q.1) A and B, a couple residing in India, have been in a committed relationship for several years. Both individuals identify as intersex. with A born with ambiguous genitalia and B assigned female at birth but identifying as non-binary. They wish to legally marry but face obstacles as the current Indian legal framework does not specifically provide for intersex marriages.

The couple filed a petition before the Delhi High Court, seeking recognition of their marriage under the Special Marriage Act, 1954 (SMA). They argue that the definition of "marriage" under the SMA is discriminatory because it does not explicitly recognize intersex individuals as eligible to marry, as it is currently limited to a "man" and "woman."

The petitioners cite the *NALSA v. Union of India* (2014) judgment, where the Supreme Court recognized the rights of transgender and intersex individuals, affirming their right to self-identify and live with dignity. However, they argue that despite this recognition, the legal framework for marriage fails to reflect this inclusive recognition of gender diversity, and as such, they are denied their fundamental right to equality and non-discrimination.

The Union of India, representing the government, maintains that the current legal provisions under the Special Marriage Act do not recognize the right of intersex individuals to marry as the act was drafted with a binary understanding of gender and does not contemplate such evolving conceptions of identity. They argue that any changes to the law would require legislative amendments.

Whether the current provisions under the Special Marriage Act, 1954 (SMA), which do not explicitly recognize intersex marriages, are discriminatory and unconstitutional. Under the light of the same discuss the following: (Marks 8+6+6 = 20)

- i. What role should the judiciary play in interpreting statutes that are silent or restrictive when it comes to emerging issues of gender identity, such as intersex marriages? Should the judiciary step in to correct what may be seen as an oversight or an evolving societal need?
- ii. To what extent can courts apply the rules of interpretation to expand the scope of laws like the Special Marriage Act to ensure inclusion and equality for intersex individuals? How do these interpretative approaches align with the judiciary's role in ensuring justice and equality under the Constitution?
- iii. Should the judiciary make the necessary changes to recognize intersex marriages, or is this a matter that should be addressed solely through legislative amendments? What



are the potential limits of judicial interpretation in matters traditionally considered the domain of the legislature, especially concerning personal laws?

Q.2) **Issue:** The issue in this case revolves around the interpretation of the provisions of the **Consumer Protection Act, 2019**, particularly in the context of the rights of consumers in online transactions. The petitioner claims that the act of misleading advertisement by an online retailer, which resulted in financial harm, should be addressed by the Consumer Protection Act. However, the respondent contends that the provisions of the Act do not apply to online platforms and that the scope of the Act should be limited to traditional market transactions.

**Relevant Facts:**

1. **Petitioner's Claim:** The petitioner, a consumer, purchased an electronic item from an online retailer based on an advertisement that was misleading and deceptive.
2. **Respondent's Argument:** The respondent, an online platform, argues that the Consumer Protection Act, 2019, does not cover online transactions and that the act of misleading advertisement was outside the scope of the Act.
3. **Legal Provisions in Dispute:** Sections 2(1)(c) (definition of "consumer") and 2(1)(o) (definition of "service") of the **Consumer Protection Act, 2019**.

**Relevant Act:**

**Consumer Protection Act, 2019**

**Preamble:** *"An Act to provide for better protection of the interests of consumers, to establish authorities for timely and effective administration and settlement of consumer disputes, to make provisions for the establishment of Consumer Disputes Redressal Commissions, and for matters connected therewith or incidental thereto."*

**Section 2(1)(c) - "Consumer"**

*Definition of "consumer" under the Act:*

A **Consumer** means any person who, (i) buys any goods for a consideration, (ii) hires or avails of any service for a consideration, and includes a beneficiary of such goods or services. However, it does not include a person who obtains goods for resale or a person who avails services for commercial purposes.

**Section 2(1)(o) - "Service"**

*Definition of "service" under the Act:*

"Service" means service of any description made available to potential users, including the provision of facilities in connection with banking, financing, insurance, transport, processing, supply of electrical or other energy, board or lodging, housing construction, entertainment, amusement, or the like, but does not include the rendering of service free of charge or under a contract of personal service.

- i. How should the Preamble of the Consumer Protection Act, 2019 guide the interpretation of whether the Act applies to online transactions and services?
- ii. Should internal aids such as the definitions of "consumer" (Section 2(1)(c)) and "service" (Section 2(1)(o)) be read in light of the Preamble to include online platforms and e-commerce transactions, or should they be interpreted narrowly to cover only traditional market transactions? Explain.

(Marks 10\*2 = 20)

Q.3) The **Mental Health Care Act, 2017** (hereinafter "the Act") was enacted to ensure that all individuals have access to mental health care and treatment. It recognizes the right of persons with mental illness to live with dignity and receive community-based care, as well as protection from inhuman treatment.

In the academic world, mental health challenges among university **academicians** have gained increasing attention. Studies indicate that academic professionals face significant stress due to pressures from research expectations, administrative duties, student evaluations, and career progression concerns. Despite these challenges, many academicians may not fall under the legal definition of "mental illness" as per **Section 2(1)(p)** of the **Mental Health Care Act, 2017**, which defines "mental illness" as a substantial disorder of thinking, mood, perception, or memory that impairs judgment or the ability to meet ordinary life demands.

In response to these issues, the **University Grants Commission (UGC)** has issued guidelines aimed at promoting mental well-being among academicians in higher education institutions. These guidelines include mandatory counselling services, mental health workshops, stress management initiatives, and the creation of mental health cells within institutions. However, the efficacy and enforceability of these guidelines have been questioned, with some academicians advocating for greater legislative protections under the **Mental Health Care Act, 2017**.

The **Report of the Committee on Mental Health and Education (2022)**, established by the Ministry of Education, recommends that academicians be treated as a vulnerable group requiring mental health care. This view is further supported by the **National Commission for Teachers (2018)**, which stresses the need for targeted mental health interventions for those in academia.

#### Facts:

- The petitioner, a group of university academicians, has filed a writ petition before the **High Court of [State]**, challenging the inadequacies of the UGC's guidelines and seeking a declaration that academicians should be entitled to protections under the **Mental Health Care Act, 2017**.
- The petitioner argues that while the **Mental Health Care Act, 2017**, primarily targets individuals with diagnosed mental illnesses, the mental health challenges faced by academicians—such as stress, burnout, and anxiety—should also fall under the scope of the Act.
- The respondent (University Grants Commission) contends that the Act is meant to address those with "**mental illness**" as defined under **Section 2(1)(p)** and that the UGC guidelines sufficiently address the needs of academicians.

#### Issue:

- i. Whether academicians, who may not have a formal diagnosis of mental illness but experience stress, burnout, and other related challenges, can claim protection and mental health care under the **Mental Health Care Act, 2017**?
- ii. Should the protections under the **Mental Health Care Act, 2017** be extended to academicians, based on the rights guaranteed under **Section 7** (Right to live with dignity and access to mental health services) and the principle of the right to mental health as part of **Article 21** of the Constitution?

- iii. Considering the UGC guidelines and the recommendations from the Committee on Mental Health and Education (2022) and the National Commission for Teachers (2018), should academicians be considered a vulnerable group under the Act, thereby entitling them to specific mental health protections and support?

Support answering these three issues using rules of interpretation. (Marks 6+8+6 20)

Q.4) Write short notes on:

(Marks 10\*2)

- i. Interpretation of Penal Statutes
- ii. Ejusdem Generis

Q.5) News Corp UK & Ireland Ltd (hereinafter referred to as "the Appellant") is a multinational media and digital publishing company. The Appellant operates several digital platforms in the United Kingdom, including news websites, blogs, and social media platforms. Through these platforms, the Appellant provides advertising services to businesses, allowing them to advertise their products and services to a large online audience.

The Appellant was under investigation by the UK's tax authority, the Commissioners for His Majesty's Revenue and Customs (hereinafter referred to as "HMRC"). HMRC alleged that the Appellant's digital advertising services fell within the scope of Value Added Tax (VAT) under the VAT Act 1994, which applies to certain services provided by businesses in the UK.

The Appellant, on the other hand, contended that its digital advertising services should not be subject to VAT, arguing that the legislative intent of the VAT Act 1994 was to exempt certain digital advertising services from taxation, and that their services fell outside the definition of "advertising services" as described in the statutory provisions.

Specifically, the Appellant cited provisions under the VAT Act 1994 that exempt services related to traditional print and physical advertisements. The Appellant's legal team also argued that the language used in the VAT Act, drafted decades ago, did not consider the evolving nature of digital services, and therefore, could not be applied to the modern digital advertising industry.

HMRC, however, maintained that the digital services provided by the Appellant were effectively "advertising services" and should be taxed under VAT law, as the statutory language was broad enough to cover both traditional and digital advertising. They also referenced various committee reports that suggested that the law intended to ensure taxation across all forms of advertising, including digital platforms.

The primary legal issue in this case is whether the digital advertising services provided by News Corp UK & Ireland Ltd fall within the scope of the VAT Act 1994 and are subject to VAT. The case requires the court to interpret the statutory language of the VAT Act, especially about the definition of "advertising services," and to determine whether it applies to digital advertising services in a way that aligns with the legislative intent.

Answer whether the existing statutory provisions can be applied to digital services, and if so, whether the law requires a more contemporary interpretation or amendment to reflect the rapid advancements in technology and the growing prominence of digital platforms.

(Marks 20)

**Q.6) Case Summary:**

The petitioner, a religious denomination managing a prominent Hindu temple, challenged a state law enacted under **Article 25(2)(b)** of the **Constitution of India**. This law required the temple to open its doors to all classes and sections of Hindus, including those historically denied entry due to caste-based discrimination. The petitioner contends that this law interferes with its **autonomous right to manage its religious affairs**, guaranteed under **Article 26(b)** of the Constitution.

The state law was introduced as part of a social welfare reform aimed at promoting social justice by ensuring equal access to public Hindu religious institutions. The government asserts that the law is consistent with **Article 25(2)(b)**, which permits the State to regulate or reform religious institutions for social welfare purposes, including prohibiting discrimination based on caste.

**Legal Provisions in Conflict:**

- **Article 25(2)(b):** *"Subject to public order, morality, and health, the State may regulate or restrict any economic, financial, political or other secular activity associated with religious practice. The State may make laws providing for social welfare and reform or throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus."*
- **Article 26(b):** *"Every religious denomination or any section thereof shall have the right to manage its own affairs in matters of religion, including the right to establish and maintain institutions for religious and charitable purposes."*

**Issues:**

(Marks 10\*2 = 20)

- i. The key issue is whether the **right of religious denominations to manage their own affairs in matters of religion (Article 26(b))** can be **limited by a state law enacted for social welfare and reform under Article 25(2)(b)**, particularly when the law pertains to the opening of religious institutions to all Hindus, including those previously excluded based on caste.
- ii. Which rule of construction should the court apply to resolve a conflict between two constitutional provisions, such as **Articles 25(2)(b)** and **26(b)**, which guarantee religious rights but also permit state intervention for social welfare and reform?