

Roll No.

SAP ID



UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, July 2020
Open Book – Through Blackboard Learning Management System

Course: Interpretation of Statutes (CLCC2006)

Semester: 4

Programme: BALLB Energy Laws

Time: 03 hrs.

Max. Marks: 100

Instructions:

As this examination is in open-book format, the students are expected to demonstrate a very high degree of Academic Integrity and not copy contents from resources referred. Instructors would look for understanding of the concept by the students and any similarity found from resources online/ offline shall be penalized in terms of deduction of marks and even cancellation of paper in requisite cases. The online examination committee of the School would also look for similarity of two answer scripts and if answer scripts of two or more students are found similar, both the answer scripts shall be treated as copied and lead to cancellation of the paper. In view of the aforesaid points, the students are warned that they should desist from using any unfair means.

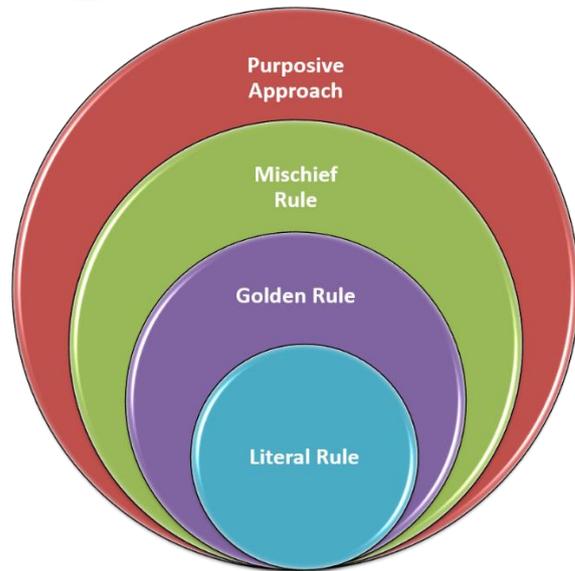
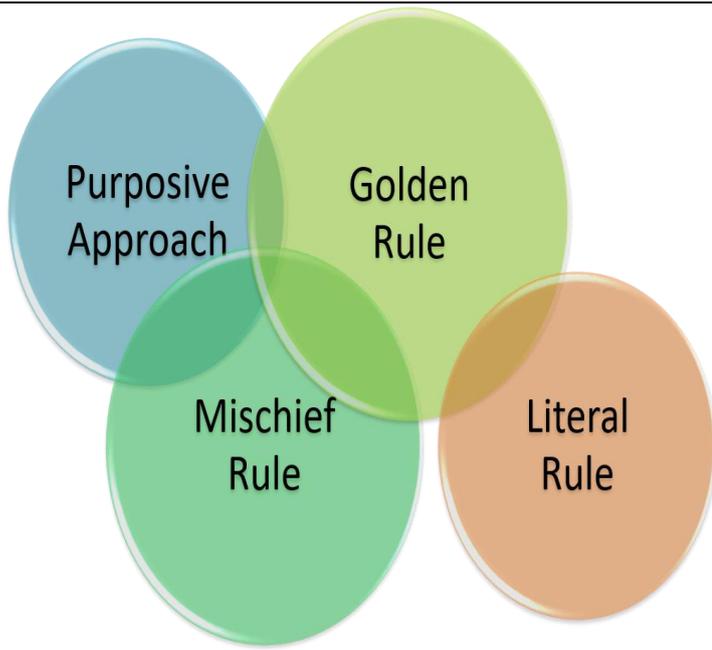
All Questions are Compulsory
Answer each question in not more than 500 words

S. No.		Marks	CO
1	<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> <p>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.</p> <p>In light of the above facts answer the following questions:</p> <ol style="list-style-type: none">What is the approach of judiciary in interpreting the penal statutes? (5)Which rule of interpretation suits the above case and why? Explain that rule with relevant case laws. (10)Now decide the fate of X applying the appropriate rule of interpretation. (5)	20	CO3
Ans.			

2	<p>Jane was a pacifist and very active in promulgating her views. She decided to hold a one-person protest at the RAAF Base at William town. Accordingly, she painted a placard, which had on it the words, “Wars Will Cease When Men Refuse to Fight” and set out on foot from Newcastle for the RAAF Base at William town.</p> <p>Incident 1</p> <p>About 350 metres from the RAAF Base, Jane came across some bunkers, which had been dug by members of the Air Defence Guard (ADGs), a section within the RAAF. These servicemen were staying at the Base for six weeks to make use of the excellent ground for training which surrounded the base. Some ADGs were in these bunkers. Jane picked up some handfuls of sand and threw them at some of the ADGs. The sand went down the barrels, and into the firing mechanism, of, their rifles. In consequence, they had to stop what they were doing to clean their rifles. To avoid a confrontation the officer commanding the ADGs at the time not attempted to stop or arrest Jane.</p> <p>Incident 2</p> <p>Buoyed by her success Jane continued. As she arrived at the Base she saw that the guards at the main gate were about to be relieved. She entered the RAAF Base and made her protest by standing in the path of the relieving guards as they marched up to take up their duty. She refused to budge when ordered and had to be moved out of the way.</p> <p>Charges</p> <p>Subsequently, Jane was charged in relation to both incidents under s 21 of the Prohibited Places Act. It says:</p> <p>21 Protection of perimeter</p> <p>No person near any prohibited place shall obstruct any member of Her Majesty’s forces engaged on guard, sentry, patrol or other similar duty in relation to the prohibited place. Penalty: Six months’ imprisonment or a fine of \$500.</p> <p>(a) In the light of the instant case, apply the appropriate rule of interpretation with the help of case laws. 10 Marks</p> <p>(b) Differentiate between mischief and golden rule of interpretation. 5 Marks</p> <p>(c) Write a short note on parliamentary history and dictionaries as external aids to interpretation. 5 Marks</p>	20	CO4
Ans.			

3	<p>Riots broke out in a certain state of India during Corona Pandemic and subsequently Internet was banned throughout the state to prevent circulation of inflammatory videos and messages as claimed by the State. Mr. Alex who was working from home in such situation faced problem in his work as he could not meet deadlines due to non-availability of internet. He was sacked from his job. He filed a Writ Petition in SC that the imposition of Internet Ban by the state was illegal as the state doesn't have any such powers. The state claimed that such powers are implied after a combined reading of Sec 144 CrPc and Section 7 of Telegraph Act. Alex's lawyer contended that the word "Withdrawn" & "Disconnected" is being constructed wrongly by the state. Applying the proper maxim of interpretation, decide the case.</p>	20	CO2
Ans.			
4		20	4

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Which of the above diagram describes the relationship between the different rules of interpretation? Explain with reasons.

Ans.			
5	Determine the constitutionality of CAA applying rules and maxims of interpretation. If govt wants to withdraw the effect of bill then how the same can be repealed under General Clauses Act, 1897?	20	3
Ans.			

I,, understand that submitting work that isn't my own may result in failure in this paper and I may also be subject to Disciplinary Proceedings as per the Academic Integrity policy of the University.