

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/Criminal/Constitutional/Labour Laws Batch 1**

**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	A state statute, long forgotten and unused for over a century, states that “[i]t shall be lawful for the owner of any slave to manumit such slave by last will and testament, or by any such instrument in writing under his hand. . .” The statute was never repealed, and it simply defines a “slave” as “a person owned by another person.” When the owner of a pet chimpanzee sought to emancipate his animal through a formal personal written proclamation of manumission, the state court refused to enforce the instrument. Which doctrine of statutory construction best supports the judge’s ruling? Analyse in detail with the help of case laws.	<b>20</b>	<b>CO 3</b>
Ans.			
2	On April 30, 2015, the State of Texazona passed a new statute to address the growing tide of abuse of home-fabricated drugs. In particular, the Legislature enacted the following statute:	<b>20</b>	<b>CO 4</b>

Section 1001: Short Title. This statute will be called the “Stop Abuse of Home Manufactured Drugs Act.”

Section 1002: Purpose. The Legislature finds that:

- (a) Increasing numbers of individuals within the state manufacture illegal drugs in their own homes or premises after purchasing the precursors or ingredients for those illegal drugs from other sources;
- (b) These precursors or ingredients are otherwise sold frequently by legitimate vendors for legal purposes; and
- (c) The growing practice of illegal personal drug manufacturing has directly contributed to rising illegal drug use, increased crime, and damage and destruction to private property and state resources.

Section 1003: Liability. The following actions shall constitute a Class 1 felony:

- (a) the purchase, exchange, collection, possession, acquisition, or any other action to obtain drugs or precursors listed in Annex 1 with the intent to use them to formulate drugs or chemicals that constitute controlled substances under federal or state law.
- (b) Liability for violations of subsection (a) shall attach without regard to the legality of the underlying purchase, exchange, collection, acquisition, or any other action to obtain the Annex 1 drugs or chemicals.

Annex 1 of the Act then lists hundreds of over-the-counter medications that could be used to manufacture illegal methamphetamines, hallucinogens, and tranquilizers which either require prescriptions for use or are illegal outright under federal and state law. The Act does not provide an explicit effective date.

You are Texazona’s Attorney General. A legislator has asked you for an opinion on whether one of her constituents, Melinda Bontemps, might now be liable under the Act. Bontemps has routinely travelled into Mexico to purchase cheap precursors in bulk that now appear on Annex 1, and she brings them back to Texazona to create home remedies and homemade drugs for alternative therapies and traditional folk medicines. She has consolidated a stockpile of these precursors in a commercial storage unit to support her altruistic health outreach program, and that program serves numerous poor and politically disadvantaged communities along the Texazona and Mexico border. Some of her home remedies arguably qualify as controlled substances under federal law, although the federal government has never prosecuted her. Does the

	Act apply to Bontemps? Analyse with the help of appropriate rule of statutory construction and cases.		
Ans.			
3	Explain with example how international treaties are incorporated into domestic laws in India. Analyse with the help of relevant theories.	20	CO 2
Ans.			
4	Ameesh, on arrival at an airport did not declare that he had bought gold with him. Gold found in his possession during search in violation of govt. notification, was confiscated u/s.167(8) of Sea Customs Act, 1878. A case was subsequently filed against him in the Bombay Presidency court under section 23 of FERA. The accused then pleaded protection under Article 20(2) as he claimed to have been prosecuted twice for the same offence.  Decide the fate of Ameesh applying the suitable rule of interpretation and case laws	20	CO 4
Ans.			
5	Mr. Z was charged with the offence of bigamy under s.57 of the Offences Against the Person Act 1861.  The statute states 'whosoever being married shall marry any other person during the lifetime of the former husband or wife is guilty of an offence'.  He claimed that since second marriage is void ab-initio therefore his act of marrying second time was never valid and hence he cannot be punished.  Decide whether Mr. Z is guilty of the offence of bigamy applying relevant interpretation rules.	20	CO 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.**